
Appeal Decision

Site visit made on 8 October 2020

By H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 November 2020

Appeal Ref: APP/Z1510/W/20/3249289

12 Mortimer Road, Hatfield Peverel, CHELMSFORD, CM3 2ES

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Trevor Meredith (Meredith Building Company Ltd) against the decision of Braintree District Council.
 - The application Ref. 19/02247/FUL, dated 10 December 2019, was refused by notice dated 12 February 2020.
 - The development proposed is new bungalow to rear of site.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the heading above has been taken from the planning application form. Although different wording has been entered on the appeal form, the main parties have not provided written confirmation that a revised description of development was agreed.
3. The Council lists Policies SP6, LPP37 and LPP55 of the Draft Local Plan in its decision. Although invited to provide extracts, none were supplied. However, as they are not adopted policies I am satisfied that they would not materially alter my assessment of the proposal.

Main Issues

4. The main issues are the effect of the proposal on (1) the character and appearance of the site and its surroundings; (2) the living conditions of adjacent residents, with particular reference to outlook; and (3) the living conditions of future occupants of the proposed dwelling, with particular reference to outlook, privacy and access to natural light.

Reasons

Character and Appearance

5. The appeal site is part of the rear garden of a semi-detached two-storey house at the junction of Mortimer Road and the cul-de-sac of Bennett Way. The wider area has a mix of two-storey and single-storey properties, and Bennett Way contains the latter. The development pattern on the eastern side of Bennett Way is that of semi-detached pairs set back behind reasonably spacious front

gardens, whereas those on the western side are on more modest plots, and are sited closer to the road. In this context, the rear gardens of 12 and 14 Mortimer Road, which flank the entrance into Bennett Way, provide a degree of openness in the street scene.

6. The proposal has been designed to take into account the dismissal of a previous appeal¹, and the siting and design of the two properties are materially different. However, whilst I acknowledge that dwellings on the western side of Bennett Way are closer to the road than the prevailing pattern, the appeal building would be sited uncharacteristically close to the road. Although single-storey, it would appear unduly prominent and visually intrusive on approach into Bennett Way. Whilst the design of the building seeks to minimise its presence in the street scene, it would nevertheless be disruptive to the rhythm and sense of spaciousness found elsewhere in the vicinity.
7. The limited area of the appeal site would result in a contrived building design and layout, built close to all boundaries with neighbouring dwellings. The result would appear as a cramped development on the site that would be out of keeping with its surroundings.
8. I therefore conclude that the proposal would detract from the character and appearance of the site and its surroundings, in conflict with the aims of Core Strategy² (CS) Policy S9, which seeks to secure the highest possible standards of design and layout in all new development and to respect and respond to the local context; and with Policy RLP 90 of the Braintree Local Plan 2005 (LP), insofar as the scale, height and massing would fail to reflect or enhance local distinctiveness. The layout and height would not be in harmony with the character and appearance of the surrounding area, in conflict with Policy HO1 of the Hatfield Peverel Neighbourhood Plan (NP)³.

Living Conditions of Adjacent Residents

9. The proposed building would be sited reasonably close to each of the adjacent dwellings. In the previous appeal, the Inspector considered that the scale of that dwelling and its proximity to 10 Bennett Way would make it a dominating feature from the rear garden that would create a harmful sense of enclosure. The proposed siting in this appeal would place the building closer to the shared boundary, and in a position that would result in greater impact on the outlook from rear-facing windows of 10 Bennett Way. The proposal would create an equally unacceptable degree of enclosure.
10. In seeking to address the appeal dismissal, the new siting has introduced an adverse relationship with the dwellings fronting Mortimer Road which did not arise in the previous scheme. Whilst technically a garden of sufficient size to meet the needs of occupants of 12 Mortimer Road may be retained, the outlook from that property would be diminished by a separate dwelling of the size and siting proposed. Although existing outbuildings would be removed, the submitted plans indicate that the proposal would be greater in size and visual impact, having a ridge height of over 4.1m (in part) in close proximity to the shared boundaries.

¹ APP/Z1510/W/16/3158026 – single storey dwelling and adjustment to crossover with parking on the frontage for Number 12 – dismissed 6 January 2017

² Braintree District Council Local Development Framework Core Strategy 2011

³ Hatfield Peverel Neighbourhood Development Plan 2015-2033, made 16 December 2019

11. The impact on occupants of 10 Mortimer Road would be less, but the proposal would nevertheless appear as an unduly dominant feature in the outlook from that property due to the proposed height and limited separation, and with greater impact on the amenities currently enjoyed than the outbuildings to be removed. I accept that the ground floor windows would not cause overlooking of neighbouring properties but this would not mitigate the overall harm.
12. I therefore conclude that the proposal would diminish the outlook for, and create an undue sense of enclosure for, adjacent residents to a degree that their living conditions would be harmed, in conflict with LP Policy RLP 90 (iii).

Living Conditions of Future Residents

13. The proposed dwelling has been designed to maximise access to light and outlook for future residents, albeit the position of openings and the internal layout has been dictated by the proximity to boundaries and other properties. However, all habitable rooms would have access to some outlook and natural light, and in this regard the proposed dwelling would provide for acceptable living conditions for future residents.
14. The proposed amenity areas would be quite restricted. A courtyard off the bedroom would have little practical use as it would be both limited in size but also overlooked from first-floor windows of Nos. 10 and 12 Mortimer Road. However, overall the dwelling would have access to a private garden sufficiently close to the 50m² required by NP Policy HO3 to meet the needs of occupants of a one-bedroom dwelling. Although the Council's officer report advises that NP Policy HO1 states that houses when built will have a minimum private garden area of 100m², the Council subsequently confirmed that the relevant policy in respect of garden sizes is NP HO3.
15. Given the proximity of the dwelling to neighbouring properties, there could be some loss of privacy to the proposed bedroom from first-floor rear-facing windows of Nos. 10 and 12 Mortimer Road. However, I conclude that this would not cause such harm to living conditions to warrant dismissal of the appeal, and on this matter the proposal would accord with the aims of LP Policy RLP 90 (iii). However, this is nevertheless indicative of the contrived arrangement of buildings that would result from this proposal, and supports my conclusions on the first main issue.

Planning Balance and Conclusion

16. The appeal site is in a residential area where the principle of new housing is accepted in the Local and Neighbourhood Plans. The Council has confirmed that it can only demonstrate 4.52 years of housing land supply, and this is a material consideration which weighs in favour of the proposal. The presumption in favour of sustainable development set out in paragraph 11 of the National Planning Policy Framework is engaged, but I consider that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefit of the contribution that one additional dwelling would make to housing supply.
17. I do not doubt the appellant's view that there is great demand in the area for 'starter homes', and the addition of this dwelling would create some economic benefits. However, this would not outweigh the conflict with the design aims of adopted development plan policies, and the environmental and social objectives set out in the Framework, which include fostering a well-designed

built environment that supports communities' health and social well-being, and a requirement to contribute to protecting and enhancing the built environment. For the above reasons, I conclude that this appeal should be dismissed.

H Lock

INSPECTOR