



Appeal Decision

Site visit made on 14 October 2020

by D Peppitt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th November 2020

Appeal Ref: APP/Z1510/W/20/3251383

Georgianne House, School Green, Blackmore End, Braintree CM7 4DS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs D Robson against the decision of Braintree District Council.
 - The application Ref 19/02240/OUT, dated 4 December 2019, was refused by notice dated 3 February 2020.
 - The development proposed is described as 'outline application for a replacement dwelling using an existing access.'
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Decision

1. The appeal is allowed and planning permission granted for the outline application for a replacement dwelling using an existing access at Georgianne House, School Green, Blackmore End, Braintree, CM7 4DS in accordance with the terms of the application Ref 19/02240/OUT, dated 4 December 2019, and the plans submitted with it, subject to the following conditions:
 - 1) Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
 - 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
 - 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
 - 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Block and Location Plans C (3366.04 Rev E) (but only in respect of those matters not reserved for later approval).

Procedural Matters

2. The application was submitted in outline, with all matters except access being reserved for later consideration at the reserved matters stage. Therefore, I have determined the appeal on this basis.

3. The Council has referred to Policies in its Draft Local Plan. However, it is not clear when this will be adopted, or if there are any unresolved objections. Therefore, I have only afforded the policies within it limited weight.

Application for costs

4. An application for costs was made by Mr and Mrs D Robson against Braintree District Council. This application is the subject of a separate Decision.

Main Issue

5. The main issue in this appeal is the effect of the proposal on the character and appearance of the site and surrounding area.

Reasons

6. The appeal site forms part of the land lying between Georgeanne House and the adjoining neighbour. The site is set back from the road frontage, with access via a long driveway. The existing dwelling on the site is a timber framed structure over a concrete base and has a lawful development certificate, which was granted for the occupation of the building¹. The outbuilding situated to the south east of the dwelling is also a timber structure, and is proposed to be demolished, along with the existing dwelling in order to accommodate the replacement dwelling.
7. The Council has suggested that the existing dwelling is not of conventional construction and that it would not meet the criterion set out in Saved Policy RLP15 of the Braintree Local Plan (LP) (2005). However, I note that a definition of what constitutes conventional construction is not provided by the policy, nor are timber framed dwellings specifically excluded.
8. The structure appears relatively permanent and habitable and the appellants have highlighted that there is insulation to the floors, and that the doors and windows are double glazed. As well as it having power and water connections, and a private foul drainage system installed, with surface water disposal via soakaways. It does not appear incongruous or out of place given the residential setting.
9. The proposed dwelling would appear as a redevelopment of an infill site and would be set back from the road frontage within an established and mature garden. Given that the principle of a dwelling on the site is already established, and that the proposal is in outline, there is no substantive evidence before me to suggest that the appearance, scale or overall design of a replacement dwelling would be harmful. These matters would be assessed and determined at a later stage.
10. I have been referred to an appeal² by the Council which involved a replacement dwelling and was dismissed by the Inspector. However, it is not directly comparable to this proposal, as it was a full planning application, where the scale and design of the proposed replacement dwelling was known. Furthermore, the construction materials of the existing dwelling was not an issue in the appeal and it was in a location some distance from the existing

¹ 18/01914/ELD

² APP/Z1510/A/11/2143235

dwelling, such that the Inspector found it to be tantamount to the creation of a new dwelling in the countryside, which is in contrast to the setting of this site.

11. The Council has also suggested that the proposal would need to be considerably larger than the existing dwelling in order to meet the National Described Space Standards. However, the supporting text for Saved Policy RLP15 of the LP states that up to 70 cubic metres of additional floorspace could be allowed over and above an existing dwelling. In any case, the final design and scale of the proposal, and its effect on the character and appearance of the site and surrounding area, will be determined at the reserved matters stage.
12. Accordingly, the proposal would not have a harmful effect on the character and appearance on the site and surrounding area. Therefore, it would accord with Saved Policy RLP15 of the LP and policies CS5 and CS8 of the Braintree Core Strategy (CS) (2011). These policies, amongst other things, allow for replacement dwellings and require development to be high quality and respond to the local context.
13. The Council has also referred to Saved Policy RLP90 of the LP and Policy CS9 of the CS. However, these are not relevant at the outline stage of this proposal. As I have identified that the proposal would accord with Saved Policy RLP15 of the LP, Saved Policy RLP2 is not relevant as it relates to Development Boundaries and Village Envelopes, and is only relevant if the development is found to be in conflict with the policy relating to replacement dwellings.

Other Matters

14. I note there have been a number of concerns raised by interested parties, including that the approval of this proposal could set a precedent in a village with no amenities or transport links. Reference has also been made to a planning application that was refused³. However, the principle of a dwelling has already been established on the site, and a replacement dwelling is permissible under Policy RLP15, subject to meeting the listed criterion. In any case, each proposal must be assessed on its own planning merits and within its own context.
15. It has also been suggested that the proposal would impact on the living conditions of the occupiers of the neighbouring properties, with respect to noise and disturbance and privacy. However, the driveway area is already in use and there are no restrictions in place for the existing dwellings. The proposal would replace an existing dwelling, therefore, I do not consider that this proposal would significantly increase the noise and disturbance. In terms of privacy, as the final design of the proposal is yet to be determined, there is nothing before me to suggest that it would cause harm in this respect, or that it could not be mitigated against.
16. It has also been highlighted that there are no mains sewage in this area. However, there is already an existing dwelling on the site which the appellant states has a private foul drainage system installed. There is no evidence before me to suggest that the issue of sewage connections should prevent approval of the development. The issue of highway safety was also raised in relation to the junction of School Road and School Green. However, there is substantive

³ 19/01456/FUL, Land adjacent to the Bull PH

evidence before me to suggest that this proposal should be refused on highway safety grounds. I also note there was no objection from Essex County Council Highways department. As such, I do not consider the proposal would be harmful in this respect.

Conditions

17. I have imposed standard conditions relating to the submission and timing of reserved matter applications and the commencement of development. It is necessary to require compliance with the submitted plan, but only in relation to access.

Conclusion

18. For the reasons set out above, I conclude that the appeal is allowed.

D Peppitt

INSPECTOR