
Appeal Decision

Site visit made on 12 January 2021

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 16th February 2021

Appeal Ref: APP/Z1510/W/20/3261180

Land Adjacent To Oakleigh Lodge, Crabb's Hill, Hatfield Peverel CM3 2NZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mrs Lynn Lodge against Braintree District Council.
 - The application Ref 19/02233/FUL, is dated 9 December 2019.
 - The development proposed is described as, 'new four-bedroom dwelling on former garden site'.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mrs Lynn Lodge against Braintree District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. While I note the revised description of development in the evidence, I have used the description stated in the Application Form in the interests of certainty.
4. I have consulted the main parties regarding the Housing Delivery Test that was published in January 2021 and taken the comments into consideration in my assessment.
5. I note the Publication Draft Local Plan June 2017. However, since there is no certainty that the policies within will be adopted in their current form, I attribute them limited weight.

Main Issues

6. The main issues are:
 - the effect of the proposal on the character and appearance of the area, with particular reference to the relationship with protected trees on the site; and
 - whether the proposed development would provide a suitable location for housing with particular regard for the accessibility of services and facilities.

Reasons

Character and appearance

7. The site is an undeveloped plot that has become overgrown with trees and vegetation such that it has a green character and appearance. The area surrounding the site has a limited amount of sporadic housing with open countryside beyond. As such while the site lies near the settlement of Hatfield Peverel, it is more in keeping with the surrounding rural countryside.
8. The proposal would not only introduce a dwelling, but also hardscaping, parking area and domestic garden that would urbanise the site and alter the landscape character of the area. It would therefore encroach into the countryside, harmfully altering the rural character and appearance of the area.
9. I note that the dwelling would be set back from the highway, and that the trees along the front boundary of the site would partially screen the development from views from the road. However, since the proposal would introduce a dwelling with private amenity area and vehicular access, a substantial amount of vegetation would need to be cleared, thereby reducing the amount of vegetation and urbanising the site.
10. There are a number of trees on the site which are the subject of a Tree Preservation Order (TPO) which covers the western extent of the site and extends towards the centre of the site. However, the Arboricultural Report dated March 2020, does not set out the location of the trees subject to TPOs.
11. While I acknowledge that many of the trees may be low quality young trees, given their quantity and coverage of the site, I find the trees along the western side and towards the centre of the site to provide a significant positive contribution to the green aspect of the site. They are therefore of significant amenity value and their removal would harmfully diminish the green aspect and individuality of the site, thereby adversely affecting the character and appearance of the area.
12. As such, there has not been a demonstration that the proposed removal of the trees identified within the report as 'G1' would not adversely affect the character and appearance of the area. In addition, the report is unclear as to, other than a native hedge along one boundary, whether new planting is proposed which would replace the removal of the trees in the centre of the site. While a landscaping scheme could be required as part of a suitably worded condition, since a detailed scheme is not before me, there is no certainty that new planting could overcome the harm to the character and appearance of the area that would arise from the proposal. In any event, since the proposed dwelling would urbanise the site, for the foregoing reasons, the scheme would adversely affect the character and appearance of the area.
13. Consequently, the proposal would harm the character and appearance of the area, with particular reference to the relationship with protected trees on the site. Therefore, the scheme would conflict with Policies CS8 and CS9 of the Braintree District Council Local Development Framework Core Strategy Adopted September 2011 (CS) which seek, among other things, development that has regard to the character of the landscape and respect and respond to the local context. It would also conflict with Policies RLP80 and RLP90 of the Braintree District Local Plan Review Adopted July 2005 (LPR), which require that

developments should not be detrimental to the distinctive landscape features and habitats of the area such as trees and a high standard of layout and design. The scheme would also conflict with Policy HO1 of the Hatfield Peverel Neighbourhood Development Plan 2015-2033 Adopted December 2019 which seeks that, among other things, development should be in harmony with the character and appearance of the surrounding area. In addition, it would conflict with the National Planning Policy Framework (Framework) in this particular regard.

Location

14. The site is located outside of the settlement boundary for Hatfield Peverel which has a moderate range of services and facilities. The site is also within walking distance of the settlement and bus stops with services to Chelmsford, which has a large range of services and facilities. While Crabb's Hill lacks footpaths and street lights, given the location of the site, future occupiers would be required to walk only a short distance along this path to a road with pavements and street lights that lead to various methods of public transport such as bus stops and a train station. Furthermore, large settlements such as Witham and Chelmsford, with a full range of services and facilities, would be a short distance away such that car journeys would be likely to be short. As such, refusal of planning permission for this reason alone would not be justified.
15. I note the evidence relating to a development for housing opposite the site and the comments of the Inspector for that case. However, since that proposal was for a significantly greater number of dwellings than the appeal scheme, it is not directly comparable to this proposal. In any event, each case must be determined on its individual merits.
16. Consequently, the proposed would provide a suitable location for the location of housing with particular regard for the accessibility of services and facilities. Therefore, it would not conflict with CS Policy CS7 which seeks development in accessible locations to reduce the need to travel.

Planning Balance

17. The proposed development would provide a limited contribution of one dwelling to the local housing supply. There may be some temporary economic benefit during the construction phase and the future occupiers may also provide social benefit by contributing to the local community. Since the proposal is for a single dwelling, this benefit would be limited.
18. The Council cannot demonstrate a five-year housing supply, as such, the tilted balance in terms of the National Planning Policy Framework (Framework) is engaged. Given the significant harm that would result from the adverse effects on the character and appearance of the area, the adverse effects would significantly and demonstrably outweigh the benefits.

Conclusion

19. For the reasons given above, the appeal is dismissed.

R Sabu INSPECTOR