
Appeal Decision

Site visit made on 1 December 2020 by Emma Worby BSc (Hons) MSc

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 February 2021

Appeal Ref: APP/Z1510/W/20/3251551

282 Cressing Road, Braintree CM7 3PQ

- 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 Edward Stutter against the decision of Braintree District Council.
 - The application Ref 20/00066/FUL, dated 13 January 2020, was refused by notice dated 13 March 2020.
 - The development proposed is a bungalow, with single garage and parking.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeals Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issues in the appeal are:
 - the effect of the proposed development on the character and appearance of the surrounding area; and
 - the effect of the proposed development on the living conditions of the occupiers of 282 and 284 Cressing Road.

Reasons for the Recommendation

Character and Appearance

4. The appeal site is an area of land to the rear of the properties at 282, 284 and 286 Cressing Road with access along the side of the dwelling at No.282. It is currently used as part of the domestic garden for the occupiers of No.282 and is laid with grass with no existing development on the site. The surrounding area is residential in nature with a variety of types of dwellings along Cressing Road which are consistently set out in a linear fashion, set back from the road and have long rear gardens. This consistency is a strong, positive characteristic of the vicinity. To the rear of the site are bungalows in cul-de-sacs. The proposal would introduce a single storey dwelling to the site with a detached garage and access via a long driveway between 282 and 284 Cressing Road.

5. Due to the location of the proposed dwelling, to the rear of other dwellings on Cressing Road, it would have limited visibility from the public realm. However, there would still be some views of the proposal through the wide gaps between the properties on Cressing Road and down the proposed driveway, with the addition of a separate driveway itself being an indication of the presence of another property. It would also be clearly visible from a large number of other houses.
6. The proposal's isolated positioning would wholly contrast with the current linear nature of the houses on Cressing Road and the cul-de-sac groups of dwellings to the rear of the appeal site, to the extent that it would be to the detriment of the grain and pattern of development in this particular location.
7. For the reasons above I consider that the proposed development would substantially harm the character and appearance of the surrounding area and would therefore significantly conflict with the applicable sections of Policies RLP3, RLP10 and RLP90 of the Braintree District Council Adopted Plan (2005) and Policy CS9 of the Braintree District Council Adopted Core Strategy (2011). These policies collectively ensure new development is in harmony with and related to the layout, scale, intensity and density of existing surrounding development with a high standard of design and layout which reflects or enhances local distinctiveness and that inappropriate backland development is prevented. It would also be contrary to the general design principles within the National Planning Policy Framework (NPPF) 2019.
8. Although unadopted policies cannot be afforded full weight, the proposal would also conflict with the relevant sections of Policies LPP37, LPP50 and LPP5 of the Braintree District Council Draft Local Plan (2017) which require residential development to relate to the character of the site and its immediate surroundings with a high standard of design and layout.

Living Conditions

9. The Council have stated that the proposal would not result in an impact on the privacy of neighbouring properties due to its single storey nature. They also confirm that the additional dwelling would not significantly impact neighbouring dwellings in terms of noise as the appeal site is already used as a domestic garden. I have no reason to disagree with these findings and also find that the proposal would not impact on the outlook of the occupiers of any neighbouring dwellings, also due to its single storey nature and modest size.
10. However the Council do state that the proposed driveway between the two neighbouring properties, No.282 and No.284, alongside their garden would be an un-neighbourly addition. It is noted that No.284 has a detached garage located on the side boundary which would be adjacent to this driveway and would largely block any views of cars using the access, as would the boundary fence. Moreover, it is not considered that a single two-bedroom property with space for only two vehicles would generate an amount of vehicle or pedestrian movements per day which could be considered un-neighbourly. As such, the proposed driveway would not unacceptably impact upon the living conditions of the occupiers of either neighbouring dwelling when using their garden.
11. Therefore, the proposed development would not be contrary to the relevant sections of Policies RLP3 and RLP90 which seek to ensure that new development respects neighbouring amenities with no undue or unacceptable

impact on any nearby residential properties. It would also accord with Policy LPP55 which similarly states that there shall be no unacceptable impact on the amenity of any nearby properties. The lack of harm in this regard is a neutral factor in the planning balance.

12. The Council has included Policy CS7 of the Core Strategy, relating to accessibility, and Policy LPP45 of the Draft Local Plan, relating to parking provision, within their reason for refusal. However, it is not considered that these policies are relevant to the main issues within this appeal.

Other Matters

13. A similar development between 47 and 49 Cressing Road has been brought to my attention where two dwelling have been constructed behind the dwellings on Cressing Road with access between these two properties. Although it is also located on Cressing Road with a smaller access road than the one proposed, this site is some distance from the appeal property and in closer proximity to the town centre where dwellings are located much closer together. It is also located near to the junction with Coggeshall Road and therefore the pattern of development in this area is different from that of the appeal site.

Planning Balance

14. Both the Council and the appellant have agreed that the Council cannot demonstrate a five-year supply of deliverable housing sites, with the most recent figures provided indicating a provision of around 4.5 years which is a modest shortfall. Therefore, because of the provisions of footnote 7, paragraph 11 (d)(ii) of the National Planning Policy Framework (the 'Framework') should be applied. This means planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
15. The provision of one unit would be a minor benefit to the local economy and would make a small contribution to the supply of housing. In that respect, the Framework aims to significantly boosting the supply of homes, and seeks to support economic growth. However, it also states that the creation of high-quality places is fundamental to what the planning and development process should achieve. It adds that development should be sympathetic to local character including the surrounding built environment.
16. Overall, the substantial adverse impacts on the character and appearance of the area would significantly and demonstrably outweigh the limited benefits when assessed against the policies in the Framework as a whole. As a result, the presumption in favour of sustainable development does not apply.
17. Furthermore, Paragraph 213 of the Framework makes it clear that due weight should be given to existing development plan policies according to their degree of consistency with the Framework. The development plan policies referred to above, which seek to protect the character and appearance of the area, are consistent with the Framework. Therefore, the proposal's significant conflict with them can be given considerable weight.
18. In view of the above, the proposal would be contrary to the aims of the development plan as a whole, and there are no other considerations, including the provisions of the Framework and the Council's modest shortfall in the supply of housing land, which outweigh this finding.

Recommendation

19. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal is dismissed.

Emma Worby

APPEALS PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR