



Appeal Decision

Site visit made on 19 February 2021

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 09 March 2021

Appeal Ref: APP/Z1510/D/20/3263619 68 River Mead, Braintree CM7 9AX

- 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 Fenton Rudkin against the decision of Braintree District Council.
 - The application Ref 20/01034/HH, dated 30 June 2020, was refused by notice dated 2 September 2020.
 - The development proposed is a loft conversion incorporating new dormers to front and rear roof slopes.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form refers to a 'loft conversion' which does not require planning consent in this particular circumstance. That said, this decision letter will only deal with elements requiring planning consent which consist of the proposed dormer windows.
3. The Council's Reasons for Refusal make reference to policies LPP1, LPP38, LPP50, LPP55 and LPP56 from the Braintree Section 2 Draft Local Plan which once adopted would replace the remaining saved policies of the Braintree Local Plan Review 2005 (RLP) and the Braintree Core Strategy 2011 (CS). According to the Council these policies are at an advanced stage in the adoption process. In accordance with Paragraph 48 of the National Planning Policy Framework (the Framework) I afford these policies moderate weight within this appeal decision.

Main Issue

4. The main issue is the effect of the proposed dormer windows upon the existing building and the character and appearance of the locality, with special regard to the Braintree Conservation Area (CA).

Reasons

5. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCA), in respect of development affecting CAs, states that special attention shall be paid to the desirability of preserving or enhancing the character and/or appearance of the area.
6. The Braintree CA covers the historic core of the settlement of Braintree, along with historic main thoroughfares such as Bocking End and Bradford Road which

extend out from the north of the town centre. Whilst the development along the main spine roads are aligned with historic buildings; towards the rear of the of the dwellings appears to have once been backland leading to the River Blackwater and its banks which presents a semi-rural green edge. During the late twentieth century a number of dwellings along with the road called 'River Mead' have been constructed along the river edge overlooking the river and surrounding parkland. The dwellings as part of this linear development along River Mead take on what is termed the 'Essex Vernacular' which is detailed in the Essex Design Guide 2018 (EDG).

7. The Essex Vernacular consists of materials and designs historically found within Essex such as modest sized properties, simple and functional forms with pitched and gabled roofs, timber cladding, decorative render, chimneys, and brick and red clay tiled roofs, amongst others. Buildings at part of the River Mead development are positioned to follow the curvature of River Mead and with elements to their design, materials and proportions. These elements reflect a symmetry to the River Mead development that represents a sympathetic later stage of development of the CA. Along with their design, massing and materials these values, amongst others contribute to the local character, appearance and distinctiveness of the locality and of this particular component of the CA.
8. Given the boundary of the CA, its designation would appear to pre-date the construction of the appeal dwelling as the CA boundary passes through the appeal property. Despite this, in this location the River Mead development is experienced as a single entity where dwellings (or part of dwellings) not within the current CA boundary make a positive contribution to and are inherent to the setting and significance of the CA. The appeal site is located along River Mead at one of the characteristic curves of the carriageway and is relatively prominent as one travels along River Mead. Dwellings, whilst orientated differently have a functional design with the absence of dormer windows which historically were utilised to elevate the status of a property. Public access to the rear of the appeal site is also possible via walking paths which connects the cul-de-sac of Phillips Chase to River Mead.
9. The proposed dormer windows to the front of the appeal dwelling would be an alien feature in this location which introduces clutter to the roof of dwellings which have a very functional design that has an absence of roof alterations which is part of the character and appearance of the area. None of the properties in the immediate locality which overlook River Mead contain such elements which over-complicate and dominate the simple and functional forms of the roofs found within this street scene. The resulting dormer windows would give an elevated status to this particular dwelling which would result in a cluttered and discordant feature that has a material impact with the inherent character and identity found within this particular street scene.
10. I appreciate comments that there are dormer windows along River Mead at No's 90 and 92 which were approved in 2002 and 2012 respectively. Unlike the appeal property, both these properties lie outside the CA boundary and do not have the same locational characteristics as the appeal site which overlooks the parkland and River Blackwater. This section of River Mead where Nos. 90 and 92 are located is also more enclosed with dwellings on both sides of the road which presents a materially different context to the appeal site. I also note that the policy position with regards to the consideration of the historic environment

in 2002 and 2012 is also materially different to a determination made today with the consideration of the National Planning Practice Guidance and associated guidance from Historic England regarding setting and significance.

11. I also note photographs of other dormers found within the surrounding area, whilst I do not have details supplied for each of these dormer windows and the reasons for their approvals; it is clear to me at the location of the appeal site, that dormer windows are uncharacteristic to this particular street scene and would conflict with the experience of the appeal site within the surrounding context. That said, I am not persuaded that these approvals of dormer windows would provide sufficient justification for the proposed development of the appeal site.
12. Turning to the proposed rear dormer, this dormer window is large, being positioned to the centre of the roof plane with its apex the same height as the ridge of the main dwelling and the bottom of the dormer situated at the eaves of the dwelling. The size of the dormer window has a domineering impact upon the rear roof plane which would be a discordant addition. I disagree that the dormer is not highly visible to the public realm as it is very prominent in side elevations as well as from the path to the rear of the dwelling. It is also noted that the consideration around harm to historic assets under the duty of S72 of the PLBCA is not limited to what is tangible or from what can be seen within the public realm; but needs to take a wholistic approach which considers the experience of the site within this particular context which also takes into account the private realm and intangible values.
13. Consequently, the scheme would not reinforce the qualities of local character and distinctiveness and would be harmful to the character and appearance of the CA. This would be contrary to LPR Saved Policy RLP17 (which seeks that alterations should be compatible with the existing dwelling and have no material impact upon the street scene); Policy RLP90 (which sets a number of design principles in order for development to reflect local character and distinctiveness) Policy RLP90 which seeks that development not detract from the character and appearance of CAs, including their setting). The proposal would also be contrary to CS CS9 which seeks that development respects and responds to the local context and the historic environment. The development would also be contrary to the draft policies LPP1, LPP38, LPP50, LPP55 and LPP56 from the Braintree Section 2 Draft Local Plan.
14. Although serious, the harm to the CA in this case would be 'less than substantial,' within the meaning of the term in paragraph 196 of the National Planning Policy Framework (The Framework). Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraph 196 requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal.
15. The benefits of the scheme are listed in the appeal documents as improving the living accommodation, however these benefits are not public benefits and I afford them limited weight. I also note that there would be short term employment opportunities offered by the construction of this scheme. However, these public benefits would not outweigh the harm to the CA. The scheme therefore conflicts with the Framework, which directs, at paragraph 193, 'that great weight should be given to the asset's conservation ... irrespective of

whether any potential harm amounts to substantial harm, total loss or less than substantial harm to their significance.'

16. In conclusion on this matter, I consider the proposed development would cause unacceptable harm to the significance of the CA. It has not been shown that public benefits would outweigh this harm and so the proposal would conflict with the development plan.

Other Matters

17. I have given consideration to comments within the appeal documents from neighbouring residents who do not object to the scheme. Whilst I afford these comments limited weight, these comments would not outweigh the conflict with the development plan in this instance.

Conclusion

18. The scheme would not reinforce the qualities of local character and distinctiveness and would be harmful to the character and appearance of the existing building and the significance of the Braintree CA. For the reasons given above, I conclude that the appeal be dismissed.

J Somers

INSPECTOR