



Appeal Decision

Site Visit made on 16 November 2021

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 November 2021

Appeal Ref: APP/Z1510/W/21/3271001

Rear of 45 High Street, Halstead, Essex CO9 2AA

- 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 Mrs Anne Sears against the decision of Braintree District Council.
 - The application Ref 20/01211/FUL, received by the Council on 26 July 2020, was refused by notice dated 4 December 2020.
 - The development proposed is demolition of warehouse building and erection of two semi-detached cottages with parking.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have been referred to policies within the draft Section 2 Local Plan, but the Council indicates that the examination of this plan is ongoing. I cannot therefore be certain that policies will be adopted in their current form, and consequently the draft plan carries limited weight in my decision.

Main Issues

3. The main issues are:
 - i) the effect of the proposal on the character and appearance of the Halstead Conservation Area and the setting of nearby listed buildings on High Street; and
 - ii) whether or not living conditions for future occupiers of the proposed dwellings would be acceptable with particular regard to light, outlook and the provision of internal space and external amenity space.

Reasons

Character and Appearance

4. The Halstead Conservation Area (CA) centres broadly around the High Street, where attractively detailed buildings of varied but typically traditional styles tightly line either side of the street and remain the commercial core of the town. In some cases, narrow accesses from the High Street serve a mix of buildings within rear courtyards, albeit that these are of generally modest scale and more utilitarian appearance in comparison to the larger frontage buildings, giving them an impression of subservience. In my view, this pattern of development together with the varied architecture of the many historic buildings add much to the character and appearance, and thus significance of the CA. Many of the buildings along the High Street are also listed buildings in

their own right, including Nos 37-57 closest to the appeal site. Based on my observations at my visit and the evidence before me, the significance of these listed buildings derives in large part from their aesthetic, historic and evidential value as buildings making up part of the historic commercial core of the town.

5. The appeal site is within the CA and is part of 'Gatehouse Yard' which is accessed through an archway adjacent to 45 High Street. The site includes a detached building described by the main parties as warehouse/storage to the rear of No 45 and 47 High Street which the appeal proposes to replace with a pair of semi-detached dwellings. The yard also provides access to servicing and flats at the rear of buildings fronting the High Street and areas used for parking, and includes a detached two-storey dwelling opposite the site.
6. Given that courtyards accommodating a mix of buildings including dwellings to the rear of frontage development are already a feature of the CA, the backland position of the dwellings would not be incongruous or inappropriate. Moreover, the development would be of smaller footprint than the existing building, and while the dwellings would fill much of their plots, I saw that the boundaries to some other buildings nearby, including the dwelling opposite the site are similarly tightly drawn, and a close urban grain is part of the character of this part of the CA. In this context, I do not find that the relationship of the dwellings with their boundaries would be discordant or uncharacteristically cramped.
7. Be that as it may, I consider that the very close arrangement of windows to the front and rear elevations of the development and the further inclusion of canopies would give the dwellings a contrived and somewhat busy appearance that would stand out against the more discreet buildings usually present within the rear courtyards. Despite being of smaller scale, I find as a result that the development would erode the impression of development to the rear of High Street buildings as generally subservient, and that it would compete visually with the adjacent listed buildings. In distorting this relationship, the development would diminish the status of these listed buildings and consequently their significance.
8. Further exacerbating the prominence of the development, the relatively shallow angle of the pitch to the roof and the suggested materials of cement fibre boarding, concrete roof tiles and uPVC windows would be at odds with the traditional materials and more steeply sloping roof forms that are typical to buildings within the CA nearby. I appreciate that there are some examples of flat roofs and relatively modern extensions to the rear of High Street buildings, but I find that these are generally subordinate to the frontage buildings, and in my view are not a compelling reason to allow development that would further detract from the character and appearance of its surroundings.
9. Surrounding buildings would restrict views of the development. Nevertheless, there would be some glimpsed views of it together with frontage properties from the High Street along the Gatehouse Yard access, and given its close proximity to the rear of High Street buildings, I consider that it would be experienced and appreciated as sitting firmly within their setting including in views from the surrounding buildings and yard.
10. Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest,

and special attention to the desirability of preserving or enhancing the character or appearance of the CA.

11. Taking all of the above factors into consideration, I find that the proposal would result in significant harm to the character and the appearance of the CA and thus its significance. Given the scale of the development and that visual impacts would be relatively localised, harm to the CA would in my judgement be less than substantial in the terms of the National Planning Policy Framework (the Framework). There would also be further harm to the setting of the closest listed buildings on High Street, albeit that the buildings themselves would not be directly impacted and I consider that the harm to their significance would again be less than substantial. The Framework therefore advises that this harm should be weighed against the public benefits of the proposal.
12. I acknowledge the condition and appearance of the existing building on the site and agree with the appellant that its replacement could offer an opportunity for visual enhancement. However, for the reasons set out above, I consider that the proposal would fail to assimilate sympathetically with its surroundings. In addition, while the appellant suggests that the existing building was constructed in the 1950s, I have not been provided with any substantive evidence considering its relationship and any contribution to the significance of nearby heritage assets, nor how this would be altered by the proposal. I am not therefore persuaded that removal of the existing building would, in this case, represent a benefit in favour of the development.
13. The proposal would make effective use of the site to deliver 2 additional dwellings which would add to the supply of housing locally. In light of objectives within the Framework to significantly boost the supply of housing, I give great weight to this benefit. There would be social and economic benefits relating to jobs and spend during the construction phase as well as on occupation of the dwellings, including through support for local services. The availability of a good range of nearby services, employment and public transport links would also be a benefit to occupiers and would help to reduce reliance on private vehicles. Even so, and leaving aside that the Council suggests at appeal stage that it is now able to demonstrate a 5 year supply of housing, the small scale of the development for 2 dwellings means that these benefits would be very limited.
14. Conversely, the harm that the development would cause to the CA and listed buildings would be less than substantial, but I nevertheless give this harm considerable importance and weight in accordance with the Framework. In this context, I find that the public benefits of the proposal would not outweigh the harm that it would cause.
15. I therefore conclude on this main issue that the development would cause unacceptable harm to the setting of listed buildings and to the character and appearance of the Halstead CA. Accordingly, the proposal would conflict with Policies RLP3, RLP9, RLP90, RLP95 and RLP100 of the Local Plan Review 2005 (LPR) and Policy CS9 of the Core Strategy 2011 (CS). Together, these policies broadly seek the conservation and enhancement of heritage assets and require a high standard of design and development that respects and responds to local context and distinctiveness.

Living Conditions

16. The Council indicates that the dwellings would each have an internal area of around 57sqm. This would be significantly below the minimum standard of 70sqm for a two-storey two-bedroom dwelling with 3 bedspaces sought by the Nationally Described Space Standards (NDSS). At around 10.7sqm, the larger of the bedrooms in each dwelling would also be smaller than the 11.5sqm minimum specified by the NDSS for a double or twin room. That said, I have not been directed to a requirement within the adopted development plan for compliance with the NDSS, and in itself, I do not therefore find a failure to comply with these standards to be determinative.
17. However, the Council highlights that the size of the rear gardens to the dwellings would also be significantly below the 50sqm sought by the Essex Design Guide 2005 (EDG), with areas of around only 15sqm and 17.6sqm. Moreover, there are trees of fairly substantial height on neighbouring land to the rear of the site, and at the time of my visit their foliage provided a relatively dense screen along the boundary. Given the shallow depth of the gardens, I consider that these trees would be likely to result in a significant degree of shading to both the gardens and windows to the rear of the dwellings, as well as a pronounced impression of enclosure. Outlook from the ground-floor window to the front of the southernmost dwelling would also be restricted at times when a vehicle was parked in the space immediately adjacent. As a result of these factors, I consider that overall standards of light and outlook would fall far short of what could reasonably be expected by occupiers of the dwellings, and that the attractiveness and usability of the intended gardens would be limited.
18. I note the appellant's suggestion that the adjoining owner has provided informal approval to pollard or remove a tree, but no further details have been provided to identify the tree referred to, and I saw that there are a number of trees present to the rear of the site currently which would together affect light and outlook. The Council further indicates that the location of trees within the CA means that consent would be required to carry out works, and I have no firm assurance that approval would be forthcoming. As a consequence, I can have little confidence that adverse impacts on the quality of life of future occupiers of the development through inadequate standards of light and outlook could be effectively addressed. Taken together with the shortfalls against suggested minimum standards of the gardens and internal space to the dwellings, I find that the proposal would not therefore offer a good quality environment to future occupiers.
19. The appellant contends that the area of the dwellings would 'align favourably' with semi-detached dwellings being constructed on nearby developments such as at Oakwood Hill. However, I am required to consider the appeal proposal on its own, specific merits. Furthermore, no further details have been provided to enable any meaningful or direct comparison with the circumstances in this appeal. Accordingly, the weight that I can give to the approval of planning permission for other forms of development elsewhere is very limited.
20. For these reasons, I conclude on this main issue that the proposal would fail to provide acceptable living conditions for future occupiers of the development with particular regard to light, outlook and the provision of internal space and external amenity space. Accordingly, the proposal would conflict with Policies

RLP90 of the LPR and Policy CS9 of the CS which require, amongst other things, a high standard of layout and design and good quality environments which contribute towards the quality of life in all towns and villages. There would also be conflict with the Framework which requires a high standard of amenity for future users.

Other Matters

21. In its appeal statement, the Council suggests that it has a 5 year supply of housing. However, even if this was not the case as was the position when the Council determined the application, I have found that policies within the Framework relating to heritage assets indicate clearly that development should be restricted in this case. The presumption in favour of sustainable development at paragraph 11(d) of the Framework would not apply.
22. The Council indicates that the appeal site is within the Zone of Influence of a European Site of Nature Conservation Importance. Had I found the proposal to be otherwise acceptable, I would need to consider any effect of development on the integrity of the European site and potential for mitigation in accordance with the requirements of the Conservation of Habitats and Species Regulations 2017. However, given the harm that I identified above and that I am dismissing the appeal for other reasons, it is not necessary for me to consider this matter any further as it could not alter my decision.
23. The appellant engaged in pre application discussions with the Council, and I note advice that residential development may be acceptable in this location. Nevertheless, it is clear that this was subject to consideration of the detailed form and design of development coming forward. I do not therefore find there has been any fundamental inconsistency in the Council's decision to refuse the appeal scheme. In any event, I must come to my own view on the basis of the evidence before me, and this is not a matter which leads me to alter my findings on the main issues.

Conclusion

24. For the reasons given above, I find that the proposal would conflict with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached. I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR