



Appeal Decision

Site Visit made on 16 November 2021

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

an Inspector appointed by the Secretary of State

Decision date: 30th November 2021

Appeal Ref: APP/Z1510/W/21/3273159

Storage building, 3 Coggeshall Road, Braintree CM7 9DB

- 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 Brand Builders & Developers Ltd against the decision of Braintree District Council.
 - The application Ref 20/00785/FUL, dated 13 May 2020, was refused by notice dated 16 October 2020.
 - The development proposed is described as, 'conversion of building used for storage and distribution Class B8 use to 8 2 storey 1 bed cottages use Class C3'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I note the Section 2 - 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

3. From the evidence, the main issues are:
 - whether the proposed development would provide a satisfactory living environment for future occupiers with regard to outlook, light and noise; and
 - whether the proposal would provide adequate parking provision.

Reasons

Living environment

4. A scheme for the conversion of the appeal building was dismissed at appeal in 2020. The primary changes to that proposal that have been made to address the Inspector's concerns include the relocation of the kitchen and living areas to the first floor, and the bedrooms to the ground floor. In addition, private amenity areas have been made larger, and the parking relocated to the south of the site.
5. The proposal would result in single aspect dwellings with windows only at the front of the ground and first floors. The windows would look out onto a high wall and the adjacent building at close proximity resulting in an oppressive internal environment. This effect would be particularly acute from the ground floor where the bedrooms would be located. While I acknowledge that this

space would be likely to be used more at night than during the day, since the majority of the usable space of the bedrooms would be furthest from the window, the outlook would be unacceptably limited.

6. The outlook from the first-floor windows would be dominated by the adjacent building which is significantly taller than the appeal building. In addition, the tall trees along the boundary would further reduce outlook from the first-floor windows.
7. Given the proximity to the wall and adjacent building and their height, there would be very limited natural light reaching the usable bedroom spaces at the rear of the buildings. As such, while I acknowledge that future occupiers may install curtains for privacy purposes, there would nevertheless be an unacceptable reliance on artificial lighting in the bedrooms of the development.
8. Furthermore, the scheme includes private amenity areas to the front of the building that would be likely to be bound by tall fences to provide privacy. This would further exacerbate the oppressive environment in the ground floor spaces.
9. The living and kitchen areas would benefit from a roof light in addition to the window that would be likely to provide sufficient natural lighting to the first floor.
10. The scheme would provide four off-street parking spaces. Parking space 4 would be sited opposite the two southern most dwellings, albeit separated by private amenity spaces. Given the limited depth of these private amenity spaces, the noise generated by a car using this space would be likely to result in daily noise disturbance particularly to the occupiers of the closest dwellings. In addition, the three parking spaces sited to the south of the building would be in close proximity to the dwelling furthest to the south. The coming and going of vehicles, starting of engines and slamming of car doors would be likely to result in noise disturbance to future occupiers of this dwelling particularly given that the bedroom would be on the ground floor. Therefore, in the absence of any evidence, such as noise assessments, to demonstrate otherwise, it is likely that the proposed siting of the parking spaces would result in unacceptable noise and disturbance to future occupiers.
11. While I acknowledge the changes made to the proposal following the previous appeal decision, for the foregoing reasons, the concerns of the previous Inspector have not been entirely overcome.
12. Consequently, the proposed development would not provide a satisfactory living environment for future occupiers with regard to outlook, light and noise. Therefore, it would conflict with Policy RLP90 of the Braintree District Local Plan Review, Adopted Plan July 2005 (LPR) which seeks a high standard of design. The proposal would also conflict with the National Planning Policy Framework (Framework) which seeks, among other things, a high standard of amenity for future occupiers.

Parking provision

13. The scheme would provide four off-street parking spaces. Parking Standards Design and Good Practice September 2009 indicate that 10 parking spaces would be required. However, the site lies within the town centre and in close proximity to a range of services and facilities such that it is unlikely that all of

the future occupiers would require a private vehicle for daily needs. As such, it is unlikely that the proposal would result in on-street parking.

14. From the evidence and my observations during the site visit, given the space available at the front of the site, there appears to be sufficient space for vehicles to manoeuvre to exit the site in forward gear. In addition, while I acknowledge the evidence regarding parking space sizes, there appears to be satisfactory space to accommodate parking spaces of the required size. Furthermore, the Highway Authority has not objected to the scheme, and for the foregoing reasons I see no reason to disagree.
15. I note the evidence regarding an application for the conversion for the building to the front of the site which include the use of the parking spaces within the appeal site. However, since that application has not been determined, it has not altered my finding on this main issue.
16. Consequently, the proposal would provide adequate parking provision. Therefore, it would not conflict with LPR Policies 56 and 90 in this particular respect, which relate to vehicle parking and seek a high standard of design.

Other Matters

17. I acknowledge the case law cited by the Appellant as well as other permissions granted by the Council including at Rayne Road, Manor Street, High Street and Bank Street. While I also note the comments of the Inspectors for the cases at Nags Head and Brook Street, limited further details about these cases are before me to enable a direct comparison to be made with this appeal. In any event, each case must be determined on its own merits.
18. I note the evidence regarding the re-use of the existing building and concerns regarding antisocial behaviour and vandalism. I also acknowledge the Framework's support for the effective use of land and the sustainability of the location. However, given the harm identified above, these matters have not altered my overall decision.
19. While I acknowledge local support for the scheme, I have assessed the appeal on its planning merits and this has not altered my overall decision. Any lack of harm with respect to the living conditions of neighbouring occupiers carries neutral weight in the planning balance.

Planning Balance

20. There is a dispute between the parties as to whether the Council is able to demonstrate a five-year housing land supply.
21. The proposal would contribute eight dwellings to the local housing supply. Future occupiers would be likely to contribute to the local economy and there may be temporary economic benefits during the construction phase. As such, the benefits of the proposal carry moderate weight given the number of dwellings.
22. Therefore, given the significant harm to the living environment of future occupiers with regard to outlook, light and noise, even if the Council were unable to demonstrate a five-year supply of housing, the adverse effects would significantly and demonstrably outweigh the benefits.

Conclusion

23. For the reasons given above, the proposed development would conflict with the development plan as a whole and in the absence of material considerations to indicate otherwise, the appeal is dismissed.

R. Sabu

INSPECTOR