



Appeal Decision

Site visit made on 30 November 2021

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 January 2022

Appeal Ref: APP/Z1510/W/21/3275280

45 Shalford Road, Rayne CM77 6BY

- 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 Adam Crosby against the decision of Braintree District Council.
 - The application Ref 20/00761/FUL, dated 11 May 2020, was refused by notice dated 14 May 2021.
 - The development is described on the application form as 'proposed new dwelling'.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the appeal was lodged, a revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. This does not materially change the planning policy context in respect of the main issues.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the surrounding area;
 - whether the proposed development would provide acceptable living conditions for future occupants, with particular regard to outlook and daylight; and
 - the effect of the proposed development on highway safety, with particular regard to the adequacy of parking provision.

Reasons

Character and appearance

4. The appeal site is located in a predominantly residential area with a somewhat varied and sporadic layout and character. The 'organic' settlement structure of this part of Rayne appears to be the outcome of the continuing development of the village over time. Despite this variety, there are nonetheless consistent features in this location. Properties generally sit within large garden plots and are arranged traditionally relative to streets, fronting onto them with more significant gardens to the rear. Where developments of more than one property

have come about over time, these generally remain consistent with one another through their detailed design and use of matching materials.

5. The site consists of a parcel of land that has historically been associated with No 45 Shalford Road. This land is separated from the main garden area of No 45 by fencing and mature landscaping. Some outbuildings exist on the site, together with a small area of hardstanding, allowing direct access from the site to Barn Field End.
6. Barn Field End lies to the immediate rear of No 45 Shalford Road and consists of a private roadway providing access to several contemporary dwellings, each of a similar design and finish. These generally face towards the backs of the deep garden plots of the Shalford Road properties and their rear boundary treatments.
7. Some partial and oblique views of the proposed property would be possible from Capel Close and private vantage points of properties along Shalford Road. However, from those perspectives the scheme would have little appreciable effect on the street scene of Shalford Road or Capel Close.
8. The proposal would, however, be highly visible from Barn Field End (including from multiple private vantage points) and would significantly change its character, introducing an incongruous feature.
9. Notwithstanding the varied character and appearance of properties within the surrounding area, the group of properties within Barn Field End read as a cohesive group, with pitched roofs and finishes of matching materials. The design of the proposed dwelling, with flat roof and timber cladding is out of keeping with these properties and would be out of keeping with the wider area in terms of materials. Similarly, in terms of siting, the proposal would not reflect the prevailing layout, in which properties generally sit within large garden plots arranged in a traditional manner relative to streets, with more substantial rear gardens.
10. The property would appear cramped and awkward in its setting, tight up against the site boundaries. Although sheds and single-storey outbuildings do exist along the rear of these properties, these are of a typical domestic character that you would expect in any suburban residential area and the proposal is of a much greater scale than these.
11. I noted on my site visit that the proposed development would appear to form the first of its kind in this location, i.e. set within a subdivided rear plot of properties fronting Shalford Road. There are many opportunities within the adjacent plots to develop in a similar manner. Although the proposal is harmful in itself, if similar schemes were to come forward in this location, they would potentially collectively erode the character of the area still further.
12. For the above reasons, the proposal would harm the character and appearance of the street scene and surrounding area, conflicting with the relevant provisions of policies RLP3, RLP10 and RLP90 of the Braintree District Local Plan Review (adopted 2005) which in summary seek a high standard of design in development, which respects and responds to the character of the surrounding area.

13. Similarly, the proposal would conflict with the approach in policies LPP37, LPP50 and LPP55 of the emerging Section 2 Local Plan, which seek to achieve similar aims as the relevant provisions of the development plan set out above.

Living conditions for future occupiers

14. The footprint of the proposed development is large and is set close to the boundaries on either side of the site, particularly the west. The dwelling would be served by multiple windows, including rooflights, as well as a reasonably sized private garden.
15. However, given the proximity of the west facing bedroom window to the adjoining boundary treatment (a separation distance of 0.5m is quoted within the officer's report), no meaningful outlook would be provided to this room. Outlook from the front facing bedroom would also be compromised by the proposed parking area. Although a parked car in this location would not entirely block outlook from this room, it would nonetheless create an unpleasant, cramped environment for occupiers.
16. Whilst there is no technical evidence before me to confirm the levels of daylight and sunlight each room would obtain, it is clear to me that due to the position of the window in the west-facing bedroom, that levels of daylight and sunlight here would likely be poor.
17. For the above reasons, the proposal conflicts with the relevant provisions of policies RLP3 and RLP90 of the Braintree District Local Plan Review (adopted 2005), which in summary seek to provide a high quality of accommodation and amenity for future occupants.
18. Similarly, the proposal would conflict with policies LPP37 and LPP55 of the emerging Section 2 Local Plan, which seek to achieve similar aims as the relevant provisions of the development plan set out above.

Highway safety

19. The scheme proposes that two parking spaces would be provided off-road within the property. Barn Field End appears to be a quiet, small residential street. During my visit, I witnessed a single car movement here. Whilst I acknowledge that this is only a snapshot in time, I am of the view that this road would typically experience very little in the way of traffic movements by reason of its cul-de-sac arrangement and access to only a handful of properties.
20. The plans before me illustrate a single car in the designated parking area to the front of the property. This appears cramped but it is off the road with space for a further vehicle apparent on the plans. The highway authority has reviewed the proposal and raises no comments or objections. There is no clear evidence before me of particular parking pressures or safety concerns here.
21. For these reasons, I consider the development would provide a satisfactory arrangement for the new dwelling, in compliance with the relevant provisions of policies RLP56 of the Braintree District Local Plan Review (adopted 2005), which in summary seeks to provide adequate vehicular parking. Similarly, the proposal would be in compliance with policy LPP45 of the emerging Section 2 Local Plan, which seeks to achieve similar aims as the relevant provision of the

development plan set out above. However, that is an essentially neutral finding rather than one that weighs in favour of allowing the appeal.

Other Matters

22. I acknowledge that the provision of one additional dwelling would go some way in contributing to housing supply in Braintree (noting that the Council has, in its Statement of Case, provided an update that the Council can now demonstrate a five-year housing supply). I also acknowledge the economic benefits an additional home could bring to the area.
23. Nevertheless, and irrespective of the status of the Council's five-year housing supply, these contributions would be limited, set against the clear harm that would result. As such, no other matters outweigh my overall finding, above, that the proposal would be unacceptable. Furthermore, I note that neither the support for new housing in the development plan, nor in the Framework, is unconditional.

Conclusion

24. For the reasons above, having had regard to the development plan as a whole and to all other relevant material considerations, I conclude that the appeal should be dismissed.

A Price

INSPECTOR