



Appeal Decision

Site visit made on 8 February 2022

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 March 2022

Appeal Ref: APP/Z1510/D/21/3284897

14 London Road, Braintree CM7 2LG

- 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 C Denton against the decision of Braintree District Council.
 - The application Ref 21/00948/HH, dated 22 March 2021, was refused by notice dated 17 September 2021.
 - The development proposed is described on the application form as 'proposed oak framed garden room'.
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Decision

1. The appeal is allowed and planning permission is granted for an oak framed garden room at 14 London Road, Braintree CM7 2LG in accordance with the terms of the application, Ref 21/00948/HH, dated 22 March 2021, subject to the conditions attached to this decision.

Preliminary Matters

2. It is apparent from the evidence before me that a Section 2 of the Local Plan is emerging and has reached examination stage. On the basis that it has yet to be found sound, this plan is currently at a stage that attracts only limited weight. I have determined the appeal on this basis.

Main Issue

3. The main issues 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 occupants of neighbouring residential properties, with regard to outlook.

Reasons

Character and Appearance

4. The appeal site is formed of a semi-detached property, located within a predominantly residential area. The rear part of the site consists of a narrow and fairly deep private garden, within which is an existing single-storey extension that projects out from the historic outrigger.
5. The proposed development would retain the existing extension, extend it further into the garden and project into part of the existing side return, creating an L-shaped structure. It would be unconventional in its design and

how it relates to the existing single-storey structure as it would not follow either the established roof slope or overall width of this. The overall length of the extension would, as far as I could identify on site, project further into the rear garden than neighbouring extensions do.

6. However, the proposal would not form the only unconventional extension in the immediate vicinity. During my site visit I was able to identify a range of rear single-storey extensions, including at the adjoining 10 and 12 London Road. These existing extensions vary significantly in their appearance and layout, as well as the way in which they relate to the host property and its original features. As a result, there is little uniformity to the rear of properties in this part of London Road.
7. The proposed development would not be visible from London Road itself. From that perspective, the proposed extension would have a limited impact upon the street scene. Glimpsed views of the extension would be visible from Clare Road, although these would be fleeting and would be viewed in the context of several other rear extensions and outbuildings within rear gardens, which together form a typical residential character. The main two storey rear elevation of the property would remain the predominant feature, with the proposed extension subservient to it.
8. For the above reasons, the proposal would have an acceptable effect on the character and appearance of the surrounding area, in accordance with the relevant provisions of saved policies RLP17 and RLP90 of the Braintree District Local Plan Review (LPR) (2005) and emerging policies LPP38, LPP50 and LPP55 of the Braintree District Draft Section 2 Local Plan (2017), which in summary seek a high standard of design in development, which respects and responds to the character of the surrounding area. This is consistent with the design objectives of the National Planning Policy Framework. Emerging Policy LPP45 relates to parking provision and due to the nature of the development proposal is not relevant.

Living Conditions

9. Although the reason for refusal does not relate to the impact of the proposals on the amenity of neighbouring occupiers, the Council contends in its officer report that it would create an unacceptable, overbearing depth of built form along the boundary with the neighbouring dwelling.
10. Due to its height and position relative to the rear elevation and extension of the neighbouring property, the position of the existing extension at the appeal site relative to the proposed and the intervening boundary fence, I do not find that there would be an overbearing impact on the occupants of neighbouring properties as a result of the proposed development.
11. Based on the above, I conclude that the proposal would not harm the living conditions of the occupants of neighbouring residential properties, with regard to outlook. As such, it would accord with saved Policy RLP17 of the LPR, which in summary seeks to ensure that development has no unacceptable adverse impact on the amenities of neighbouring occupants.

Other Matters

12. Statute places a duty on me to pay special attention to the desirability of preserving or enhancing the character and appearance of Braintree

Conservation Area. Given the nature of the proposed development and its interaction with its surroundings as set out above, I am of the view that the proposal would have a neutral effect on, and thereby preserve, the character and appearance of the Braintree Conservation Area.

Conditions

13. I have imposed conditions on time limits and requiring compliance with the relevant plans in the interests of certainty. A condition requiring the external surfaces of the development match the existing building is imposed in the interests of protecting the character and appearance of the area.
14. In imposing conditions, I have had regard to the tests within the National Planning Policy Framework, the Planning Practice Guidance, and relevant statute, and have accordingly amended the wording of certain conditions proposed by the Council without altering their aim.

Conclusion

15. For the above reasons, having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.

A Price

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 9194/21/3; and 9194/21/2.
- 3) The external surfaces of the development hereby permitted shall match those used in the existing building.