



Appeal Decision

Site visit made on 22 March 2022

by Mark Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 March 2022

Appeal Ref: APP/Z1510/W/21/3283363

The Mazes, Unit 5, East Street, Braintree CM7 3JJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Navin Shah against Braintree District Council.
 - The application Ref 21/01688/FUL is dated 24 May 2021.
 - The development proposed is described as '*Construction of a commercial unit, on the narrow strip, in between the house no 6, and the "The pub" fronting east street, and being part of Unit 5, the Mazes, cm7 3jj*'.
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Decision

1. The appeal is dismissed and planning permission is refused.

Procedural Matter

2. Following the submission of the appeal against non-determination the Council stated the position it would have taken on the application if it had made a decision. The main issue has been informed by the Council's appeal statement.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the site and the surrounding area.

Reasons

4. The site comprises an area of hardstanding near a junction between East Street and Manor Street. It is beside a two storey semi-detached house that has a gabled end with brickwork banding and chimney stack detailing at around eaves height. It is also next to an outbuilding relating to the adjacent public house. In addition, Unit 5 of The Mazes is close to its rear. The Mazes consists of several employment premises, albeit some of the units have permission to be converted into, or are now, residential properties.
5. The area features a mixture of residential, commercial and industrial premises of varying sizes, designs and layouts, with some more utilitarian than others. Notwithstanding this, the house beside the site is characterful and attractive and makes a positive contribution to the area.
6. The proposed commercial unit would sit in line with the front and project beyond the rear of the house. It would also feature a flat roof that would project up to around the house's eaves. Although the development would be modest in scale, it would nonetheless be highly prominent on approach from the junction because of its position. Whilst the proposal's fenestration would be

compatible with the house's fenestration, and there are flat roofs evident in the vicinity, the proposed roof would contrast poorly with the house's gabled end. Additionally, the gabled end's features would be obscured and part of its chimney detailing would jut awkwardly above the roof. Furthermore, the proposal would appear cramped because of its impacts on the house and its proximity to the pub, outbuilding and Unit 5, which would be perceptible from the junction.

7. The appellant contends that the site was unattractive historically and the proposal would infill land that serves no useful purpose. However, the site's condition does not justify the harm that would arise from the proposal. It is put forward that the site is constrained and the proposal is the best outcome that could be achieved; however, compelling evidence indicating that it is the only option for making use of the site has not been provided.
8. The proposal would harm the character and appearance of the area. It conflicts with Policy RLP90 of the Braintree District Local Plan Review, Policy SP7 of the North Essex Authorities' Shared Strategic Section 1 Plan, Policies LPP7 and LPP55 of the Council's emerging Section 2 - Publication Draft Local Plan, and Chapter 12 of the National Planning Policy Framework (Framework). Amongst other things, these seek high standards of design and set out that development should preserve and enhance the quality of existing places and their environs.
9. The Council contends that the proposal also conflicts with Policy SP1 of the North Essex Authorities' Shared Strategic Section 1 Plan. However, it sets out that the Council's approach to considering schemes will reflect the presumption in favour of sustainable development contained in the Framework. I therefore find no direct conflict with it in respect of this specific main issue.

Other Matters

10. There is nothing firm and substantive before me which indicates that the development would be undesirable or unsuitable for commercial uses, or that it would result in adverse amenity impacts. Additionally, having regard to the site's location near the town centre and its proximity to public transport, off-street car parking provision would be unnecessary. Space for cycles and two wheeled vehicles would be available within the site. Furthermore, details of waste and servicing arrangements could be secured by planning conditions.
11. I also acknowledge that the Framework encourages the effective use of previously developed land, and the proposal would put the site to use to generate jobs in an area designated for employment in the development plan. It has also been advanced that the proposal would increase tax receipts. However, the matters raised do not outweigh the harm identified.

Conclusion

12. The proposal conflicts with the development plan as a whole. Material considerations do not outweigh the conflict with the development plan. For the reasons given, the appeal should be dismissed that planning permission should be refused.

Mark Philpott

INSPECTOR