



Appeal Decision

Site visit made on 21 September 2022

by C Harding BA(Hons) PGDipTRP PGCert MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 December 2022

Appeal Ref: APP/Z1510/W/22/3290499

53 Halstead Road, Gosfield CO9 1PG

- 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 Mr Frank Ladkin against Braintree District Council.
 - The application Ref 21/02900/FUL, is dated 18 September 2021.
 - The development proposed is demolition of existing dwelling and erection of two new dwellings with detached double garages.
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Decision

1. The appeal is dismissed and planning permission for demolition of existing dwelling and erection of two new dwellings with detached double garages is refused.

Preliminary Matters

2. The appeal is made against the failure of the Council to give notice of its decision within the prescribed period, however, the Council has provided a statement of case. This indicates that it would have refused planning permission and sets out its areas of concern with regard to the proposed development. These have framed my main issues.
3. On 25th July 2022, the Council adopted the Braintree District Plan 2013 – 2033 – Section 2 (BDP2). As a result, policies in the Braintree District Local Plan Review 2005 and Braintree District Local Development Framework Core Strategy 2011 referred to by the parties have been superseded. Accordingly, I have not afforded these policies weight in reaching my decision and will not refer to them further.
4. Some policies within the adopted BDP2 have been renumbered from those in the Submission Draft Braintree District Plan referred to by the parties, and I have used the adopted BDP2 policy numbers within my decision. Both parties have been given opportunity to comment on any potential implications of the adoption of the BDP2, so have not been prejudiced by this approach.

Main Issues

5. The main issues are;
 - The effect of the proposed development upon the character and appearance of the area, and;
 - The effect of the proposed development upon the living conditions of occupiers of 51 Halstead Road.

Reasons

Character and Appearance

6. The appeal site comprises an existing residential dwelling and garden, situated towards the crest of a steady rise in the road. The property is, at present, a bungalow with accommodation within the roofspace. Properties on the same side of Halstead Road as the appeal site are generally larger in scale towards the base of the hill, becoming smaller as the hill is climbed. Properties neighbouring the appeal site are similar in scale to the existing dwelling at the site, and a clear but staggered building line is evident.
7. The proposed development would comprise a pair of two-storey detached dwellings, each situated at opposite edges of the site with an access road between. Detached double garages would be located to the rear of the properties, beyond rear gardens.
8. These properties, being of two-storey design and scale, and despite amendment, would be larger than neighbouring properties. At present development clearly has a stepped pattern as the slope of Halstead Road is climbed, with the rhythm being created as a result of the general scale of properties decreasing as the slope is climbed.
9. The proposed development would interrupt this rhythm as the site is located towards the crest of the slope, and the proposed properties are of a larger scale than those that would neighbour them on either side. This is particularly evident with regards to proposed Plot 2, which would be located immediately adjacent to the boundary with the neighbouring property, No 51 Halstead Road (No 51), and as indicated on the plans, would have a maximum roof height of around 7m higher than the neighbouring dormer bungalow. This would be a significant and noticeable difference in height. This difference in height would then be further highlighted by the relative lack of height difference between Plot 1 and the bungalow at No 55 Halstead Road (No 55).
10. As a result, the proposed development and Plot 2 particularly, would appear as a prominent form of development to the detriment of the streetscene. It would be located towards the crest of the rise of the road when approached from the south-west, and of an overall height and scale that would be significantly larger than its neighbours.
11. Accordingly, the proposed development would result in harm to the character and appearance of the area, and would therefore conflict with BDP2 Policies LPP35, LPP47 and LPP52 which, together and amongst other criteria, require new development to be of a scale that reflects the distinctiveness, be in harmony with the character of the area in which it is located, relate well to the character of the site and its immediate surroundings, and reflect local context.

Living Conditions

12. Proposed Plot 2 would be situated in close proximity to the shared boundary with the No 51. This dwelling includes an existing window which looks over a detached garage towards the appeal site. Plot 2 would be set forward of No 51, meaning any views from this window would be over the rear garden of the proposed property, and accordingly, I consider that adequate outlook from this window would remain.

13. The location of Plot 2, being set forward, would result in it being visible in views from windows within the front elevation, and being close to the boundary, it would appear as a large structure from within the garden. However, the level of separation of the neighbouring property from the shared boundary means that the new dwelling at Plot 2 would not unreasonably affect the level of outlook available to occupiers of the neighbouring property, nor would the proposed dwelling appear as overbearing. Furthermore, although the proposed Plot 2 would lead to some loss of light, due to the orientation of properties with a broadly south-eastern aspect, it is likely that this would not be to a significant, or an unacceptable extent.
14. Therefore, the proposed development would not result in harm to the living conditions of occupiers of 51 Halstead Road. Accordingly, there would be no conflict with BDP2 Policy LPP52 which, amongst other criteria, requires new development to have no unacceptable impact on the amenity of any nearby properties with regard to privacy, overshadowing, loss of light and overbearing impact.

Other Matters

15. The quality of the proposed accommodation, and the range of materials that are proposed have not been raised by the Council as matters of concern. These are, however, only neutral factors and would not weigh in favour the scheme.
16. Whilst I note that the appellant proactively engaged and sought to amend the scheme during consideration of the application, the amendments do not overcome the concerns I have identified above.

Planning Balance and Conclusion

17. The Council confirms that it has only a 4.86 supply of housing land. Since it is unable to demonstrate the supply of housing sites as required by the National Planning Policy Framework, I consider the most important policies to be out-of-date and I am taken, in regard to the specific circumstances of the case, to the mechanism of Paragraph 11 d) ii) of the Framework.
18. Although I have found that the proposed development would be acceptable with regards to its effect upon the living conditions of the occupiers of neighbouring properties, I have found that it would have an unacceptable effect on the character and appearance of the area. It would be contrary to BDP2 LPP Policy 52, and I ascribe this harm substantial weight.
19. The proposed development would lead to a net gain of a single dwelling. This would represent a positive, albeit modest, contribution towards boosting housing supply. As the shortfall is not significant, it is a benefit to which I afford moderate weight. The proposed development would, in turn, provide employment during construction, although this would be time limited. There would also be other social and economic benefits to Gosfield and the wider area in terms of supporting local facilities and services. However, these would also be limited by the scale of the proposed development. I ascribe these benefits only modest weight in reaching my decision.
20. With this in mind, I conclude that the adverse impacts of granting a planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole.

Therefore, the proposal would not represent sustainable development for which the presumption in favour applies.

21. For the reasons given above, having regards to the development plan as a whole, and all other material considerations, including the Framework, the appeal is dismissed.

C Harding

INSPECTOR