

Appeal Decision

Site visit made on 19 December 2023

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 January 2024

Appeal Ref: APP/Z1510/D/23/3332319

8A Abels Road, Halstead, Essex CO9 1EN

- 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 and Mrs Gary Redmen against the decision of Braintree District Council.
 - The application Ref 23/01839/HH, dated 17 July 2023, was refused by notice dated 20 September 2023.
 - The development proposed is erection of detached annexe.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of detached annexe at 8A Abels Road, Halstead, Essex CO9 1EN. The permission is granted in accordance with the terms of the application Ref 23/01839/HH, dated 17 July 2023, subject to the conditions included in the Schedule at Annexe A.

Preliminary Matters

2. The description of development in the heading above reflects the one used on appeal form, which states the form of development proposed; as opposed to the description on the application form, which states that the proposal is a resubmission of a previous application.

Main Issue

3. The main issue is the effect of the proposed annexe building on the character and appearance of the appeal site and the street scene.

Reasons

4. No 8A is a chalet bungalow located on a corner plot next to the junction of Abels Road with Link Road. The surrounding area is residential in character, comprising largely chalet bungalows and two storey semi-detached dwellings. No 8A is a more recent addition to the pair of adjoining properties, resulting in a short terrace of three dwellings. The site of the proposed annexe building is open land to the rear between No 8A and No 3 Link Road.
 5. Policies LPP47 and LPP52 of the Braintree District Local Plan 2013-2033 Section 2 (2022) require a high standard of layout and design in all new development.
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Policy LPP36 concerning residential alterations, extensions and outbuildings requires that their design, siting, bulk, form and materials should be compatible with the original dwelling and character of the area; and that there should be no unacceptable impact on the identity of the street scene.

6. It appears that prior to the construction of No 8A the appeal site formed part of the planned layout of the street scene, to provide an open aspect to the side of the road junction and separation between the properties on Abels and Link Roads. The construction of No 8A has changed the original character and appearance of the site in this regard. Consequently, the open area is now read in views from the public realm on Link Road and close to the road junction as the rear garden of No 8A.
7. While the area is larger than most of the gardens of surrounding properties, it is not unusual for the back gardens of corner properties to provide an open aspect within the street scene. It is also not unusual for such areas to include outbuildings, which typically will be subordinate in scale and appearance to the host dwelling. In this case, the prominence of the open area to the rear of No 8A is heightened by the vehicular access on Link Road, which allows public views into the site. There is a relatively large open area to the rear of the property on the opposite side of the road junction. However, there is no obvious visual uniformity in the street scene as the area opposite is screened by a thick hedge to the side and rear boundaries.
8. The proposed single storey annexe building would be of limited height with a flat roof and set back from the Link Road frontage, thereby reducing its visual presence in this location. Moreover, the existing access is to be closed by extending the boundary fence, which will reduce views into the rear area. As such, the building would appear subordinate to the host dwelling and neighbouring properties and would not be a significant feature that would materially harm the open setting between the established built forms on Abels and Link Roads. I note also the appellants' contention that an outbuilding could readily be built as permitted development and that this could have similar or greater visual effects than the appeal proposal.
9. The Council draws attention to an appeal decision involving a proposal for a pair of semi-detached dwellings on the appeal site¹. The Inspector in that case noted the contribution that the wider site made to the character and appearance of the area. However, the decision appears to pre-date the construction of No 8A, which, as found above, has altered the character and appearance of the street scene. Moreover, a pair of two storey dwellings would inevitably have a greater impact in this location than the current proposal for a single storey building. For these reasons, this earlier decision does not alter the above findings.
10. I acknowledge the Council's concern that allowing this proposal could set a precedent for further development in this location. However, I am mindful of the principle that development proposals must be considered on their individual merits and I have found above that no unacceptable harm would result from the current proposal. Any future development proposals would need to be similarly considered on their merits against policies and circumstances

¹ APP/Z1510/A/06/2013845.

pertaining at the time. However, current concerns about such proposals coming forward are not of sufficient weight to lead to a finding of harm in this case.

11. Accordingly, for the above reasons, I conclude that the proposed annexe building would not have a materially harmful effect on the character and appearance of the appeal site and the street scene. Consequently, there is no conflict with Policies LPP36, LPP47 and LPP52 of the Braintree District Local Plan 2013-2033 Section 2, described above. There is also no conflict with the National Planning Policy Framework, which promotes well-designed places.

Other Matters

12. I have had regard to the representation made by Halstead Town Council, but this does not raise any matters in addition to the main issue that would lead me to reach a different overall conclusion.

Conclusion and Conditions

13. For the reasons given above it is concluded that the appeal should succeed.
14. Of the Council's suggested conditions I have imposed the standard time condition and, to ensure the proper implementation of development, one requiring development to be carried out in accordance with the approved plans. A condition requiring materials to match those of the host dwelling is not necessary as the external materials for the annexe are shown on the approved plans.
15. I understand that the proposed annexe is for occupation by the appellants' elderly relative and the Council does not raise any concerns about its acceptability in terms of this proposed use. However, to ensure that it would be tied to use of the main dwelling as proposed, with regard to both the current proposal and in the long term, it is necessary to control occupation by an appropriately worded condition. This would need to limit occupancy to a dependant relative or other member of the household in accordance with what is proposed. This would ensure a more direct relationship between the occupation and use of the main house and annexe than would be the case with a more general occupancy condition. With such a condition in place, the proposed annexe could not be utilised as a separate unit of accommodation with no ties to the main house. It would also provide clarity about appropriate occupation of the annexe and so would address monitoring compliance.
16. Finally, I note that the officer report refers to the closure of the existing access being controlled by condition, although specific wording for such a condition has not been suggested. While I agree it is necessary to ensure that this occurs for the reasons already given, the approved plans explicitly state that the existing access will be closed up with fencing to match the existing. Consequently, due to the second condition below, a separate condition requiring this is not necessary.

J Bell-Williamson

INSPECTOR

Annexe A

Schedule – conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 543-01-02B (location and site plans) and 543-01-03B (plans and elevations).
- 3) The detached annexe building hereby permitted shall not be occupied as living accommodation except by a dependant relative (or other member of the household) of the occupants of the dwelling known as 8A Abels Road, Halstead, Essex CO9 1EN. Except insofar as the building is so used as living accommodation, the building shall not be used other than for purposes incidental to the use of 8A Abels Road as a dwellinghouse.

[End of Schedule]