



Appeal Decision

Site visit made on 13 December 2023

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th January 2024

Appeal Ref: APP/Z1510/W/23/3319539

1 Marks Gardens, Braintree, Essex CM7 3NU

- 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 M Ellis against the decision of Braintree District Council.
 - The application Ref 23/00053/FUL, dated 9 January 2023, was refused by notice dated 8 March 2023.
 - The development proposed is erection of 1No. two storey 2-bedroom dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised version of the National Planning Policy Framework (the Framework) was published in December 2023. Both main parties have had the opportunity to comment on any relevant implications for the appeal. I have had regard to the Framework in reaching my decision.

Main Issue

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

Reasons

4. The appeal site is located adjacent to an entrance road leading to a group of dwellings set around an area of open space. Although there are a variety of designs in this group of dwellings, the appeal site is part of a terrace of a relatively consistent design and spacing. The host dwelling is set back from the edge of the highway to the side, which in conjunction with the dwelling on the opposite side of the road gives the entrance to the group of dwellings an open and spacious character.
5. The projection of the proposed dwelling to the side of the host terrace would lead to an unacceptable enclosing effect in views of the area. The proposal would also contrast uncomfortably with the set-back of the building on the opposite side of the road. This harm would be exacerbated due to the prominent location of the site adjacent to the entrance leading to this enclave of dwellings. The limited set-back of the proposal from the side boundary would do little to mitigate for the obtrusive appearance of the proposal within the streetscape.

6. The proposed dwelling would also not reflect the design and rhythm of the host terrace. Even allowing for minor variations in the design of the main elevations of individual dwellings within the terrace as well as variations in design in the wider streetscape, the proposal would appear as a cramped and incongruous addition to the host terrace. The otherwise spacious nature of the area, including gardens and open space, would not mitigate for the contrived appearance of the development within the constraints of the site or the context of the host terrace.
7. The appellant has referred to examples of development in the wider area, including an extension to a dwelling at the other end of the entrance road adjacent to the junction with Warren Road. However, these served to confirm the enclosing and prominent appearance of such developments within the streetscape. The appellant does not present these developments as a direct comparison to the appeal proposal, but I consider that they are not of such similarity as to undermine the Council's concerns in respect of the appeal proposal or my own observations. In any event, I have determined this appeal on its own merits.
8. I conclude that due to its location, layout and design, the proposal would lead to significant harm to the character and appearance of the area. The proposal would therefore conflict with the character, layout and design requirements of Policies LPP35 and LPP52 of the Braintree District Local Plan 2013-2033. The proposal would also be contrary to the Framework in respect of achieving well-designed and beautiful places.

Planning Balance and Conclusion

9. The Council accepts that it cannot demonstrate a 5-year housing land supply and that the 'tilted balance' of paragraph 11(d) of the Framework is engaged with regards to the presumption in favour of sustainable development. However, even having regard to the Council's housing land supply, the provision of a single further dwelling would be no more than a limited benefit in relation to the supply and mix of housing in the area.
10. The adverse impacts I have identified would significantly and demonstrably outweigh the benefits, including in respect of housing land supply, when assessed against the policies of the Framework taken as a whole including achieving well-designed and beautiful places.
11. For the reasons given I conclude that the appeal should be dismissed.

David Cross

INSPECTOR