
Appeal Decision

Site visit made on 18 January 2024

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 January 2024

Appeal Ref: APP/Z1510/W/23/3327618

Land South of Parish Hall, Bures Road, White Colne, Essex

- 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 Clockworklime Ltd against the decision of Braintree District Council.
 - The application Ref 23/01250/FUL, dated 7 June 2023, was refused by notice dated 1 August 2023.
 - The development proposed is described as 'Replacement of existing garage/storage building with building suitable for Class E use'.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for an award of costs was made by Clockworklime Ltd against Braintree District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. A revised version of the National Planning Policy Framework (the 'Framework') has recently been published but the alterations are not significant in the context of this appeal and therefore I have not invited further comments.
4. I have taken the site address from the decision notice as it is not stated on the application form. During my site visit I observed that a double garage at the site is at an advanced stage of construction. The information before me does not clearly confirm whether the building under construction is the approved scheme, the proposal the subject of this appeal or a structure with different dimensions altogether. Notwithstanding this, I have considered the proposal based on the drawings submitted and have therefore referred to the effects the appeal scheme would have, rather than those the current building is having.

Main Issues

5. The main issues in this appeal are:
 - the effect of the proposed development on the character and appearance of the area; and
 - the effect of the proposed development on highway safety, with particular reference to parking.

Reasons

The effect on the character and appearance of the area

6. The appeal site occupies a prominent site when travelling south along Bures Road, a narrow lane accessed from Colchester Road. The surrounding area is predominantly residential in character although the village hall is located to the north. The pattern of development is such that housing fronts on to Colchester Road with garages and outbuildings positioned behind, with access to them achieved from Bures Road.
7. Given the forgoing, a low-key garage type structure would not appear out of place at the appeal site. However, the proposal is for a commercial 'Class E' use, most likely a small office. Given the level of floor space proposed, the office would be an intensive use relative to the plot. Vehicles would need to be parked in a compact arrangement to the front of the building as they could not be parked within it. The use of the plot would therefore appear cramped, especially as bins and bicycles would also need to be accommodated. The plans also show that the site would be enclosed by a stark boundary fence with little space for planting to soften the site. This town cramming would be unlike the use of the village hall, which occupies a generously sized plot that is commensurate to the level of activity that takes place there, including parking.
8. Moreover, the provision of a mezzanine floor would result in the building having awkward external proportions due to an uneasy gap between the top of the garage doors and the ridge and eaves of the building. This would not result in the structure competing with the village hall, but it would appear a little bulky nonetheless. In addition, four roof lights would be inserted in the north facing roof slope. On account of this, and when taken with the increased height, the building would have the appearance of being arranged over two floors, with the upper floor being squeezed in. The development would therefore appear cramped in the plot.
9. Due to the combination of features outlined above, the plot would appear overdeveloped and the development incongruous. This impact would be exacerbated by the prominence of the site in views looking down Bures Road towards the Colchester Road junction. In coming to this view, I am mindful that an appeal for a similar structure was recently dismissed (APP/Z1510/W/23/3316655). The Inspector found that the height as proposed, in combination with other factors, would result in harm to the street scene. The principles set out in that decision reinforce my findings.
10. I have also carefully considered the extant approval of a double garage at the appeal site. However, this was for a single storey structure devoid of roof lights that would be used as a garage. The effect of the approved scheme on the character and appearance of the area would not be the same as, or worse than, the appeal scheme. Indeed, the approved scheme would actually have a better impact on the street scene. As a result, this 'fallback' position is not a material consideration which justifies the harm I have identified.
11. The appellant submits that the appeal scheme would be an enhancement of the site given the lack of maintenance. However, this can be remedied without constructing a building. In any event, it is a moot point given that a building has been constructed on site.

12. In conclusion, the proposal would result in localised harm to the character and appearance of the area. It would therefore be contrary to Policies SP7, LPP 47 and LPP 52 of Sections 1 and 2 of the Braintree District Local Plan, which seek to secure development of a high standard of design and architecture, which responds positively to local character.

The effect on highway safety

13. The appeal site is located in close proximity to the entrance to the village hall, the junction with Colchester Road and the driveways serving other nearby properties. Given this, and the narrowness of Bures Road, on street parking is likely to present a hazard as it will block sight lines and be an obstacle. As a result, the appeal scheme needs to provide adequate off-road parking.
14. The Council's adopted parking standard requires 1 space per 30sqm. The standards also confirm that where the calculation results in a fraction of a space, the number should be rounded up to the nearest whole number. The proposed building would be 73sqm and therefore the parking requirement is for three parking spaces.
15. In arriving at this figure, I have carefully considered the appellant's suggestion that not all of the internal floor space would be 'useable'. That may be, but it has not been demonstrated that the parking standards are referring to net internal space (as opposed to gross). Notwithstanding this, the drawings show an office that could easily accommodate two members of staff and visitors, who could all travel to the site independently by car. A condition requiring access by sustainable transport would be unenforceable. Thus, a requirement for three spaces is reasonable in the circumstances.
16. The drawings show an area for two parking spaces in front of the building, although the dimensions have not been given. As a result, the scheme is short by one space. The implication being that there is a real risk that the appeal scheme would result in on street parking or parking around the entrance to the village hall. This would be to the detriment of highway safety for the reasons already given. I note the presence of the village hall car park, but there is nothing of substance before me to demonstrate that staff and visitors using the appeal premises would have unfettered use of this area to park their vehicles.
17. Interested parties have raised concerns about vehicles reversing out of the site and the presence of gates less than 6m from the site entrance, necessitating the need for vehicles to be left in the road when the gates are opened. Both could increase the risk of collisions occurring. These are reasonable concerns due to a lack of visibility and because motorists entering Bures Road from Colchester Road are likely to accelerate up the hill. However, the Council has already approved a garage in this location with gated access. The impact from the appeal scheme would be no worse.
18. Nevertheless, for the reasons set out above the lack of off-site parking would present a highway safety hazard. This would be contrary to Policy LPP 43 of Section 2 of the Braintree Local Plan, which seeks to secure development that provides parking in accordance with the relevant parking standard.

Other Matters

19. As a material consideration the appellant has referred to the Framework. Paragraph 85 explains that significant weight should be placed on the need to

support economic growth. The proposal would support this aim in a modest way, being commercial development on previously developed land within a settlement. This would adhere to Policy SP3 of the Braintree Local Plan. However, interested parties have suggested there is no residual need for small business premises, and this has not been challenged by the appellant with substantive evidence.

20. In any event, the Framework also states that development which is not well designed should be refused. It says the same about development which would have an unacceptable impact on highway safety. Accordingly, the development plan policies referred to above are consistent with the Framework. On balance, the cumulative harm would outweigh the benefits in this instance.
21. In respect of highway safety, the appellant submits that the Framework only permits a scheme to be refused if there would be a severe impact. However, the reference to 'severe' in Paragraph 115 relates to the residual cumulative impact on the road network – this being congestion and capacity.
22. The appellant also suggests that there is an inconsistency in the Council's case in finding harm to the street scene but none to the character or appearance of the Conservation Area or its setting. I have some sympathy with this argument. Nevertheless, I share the view of interested parties that there would be harm to the character and appearance of the conservation area, or its setting, because it would be an incongruous addition to this designated heritage asset for the reasons already set out. Especially the liberal use of roof lights, which would jar with the historic roof scape, and the cramped parking arrangements. In this respect I disagree with the Council's Conservation Officer. At the very least, the proposal would not enhance the character or appearance of the conservation area.
23. The appellant's appeal statement (p5) demonstrates that there was previously a view across the appeal site towards the listed building fronting Colchester Road. That view would be significantly impacted by the appeal scheme. However, as the appeal has failed on the main issues, I need not reach a conclusion on whether the setting of the listed building would be preserved.
24. Various other concerns have been raised by interested parties including reservations over the impact on living conditions and drainage, which I have noted. However, given my findings above it is unnecessary to address these matters further as the outcome of the appeal would be unaffected.

Conclusion

25. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Graham Chamberlain
INSPECTOR