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# Appeal Decision

Site visit made on 12 March 2024

**by E Grierson BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 22 March 2024**

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**Appeal Ref: APP/Z1510/W/23/3327766**

**212 Coggeshall Road, Braintree, Essex CM7 9EL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr Robert Cable against the decision of Braintree District Council.
  - The application Ref is 23/00856/FUL.
  - The development proposed is a new one bedroom dwelling on garden to the side of 212 Coggeshall Road.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. A revised National Planning Policy Framework was published on 19 December 2023 and updated on 20 December 2023. Whilst I have had regard to the revised national policy as a material consideration in my decision-making, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework.

## Main Issues

3. The main issues are:
  - the effect of the proposed development on the character and appearance of the surrounding area;
  - whether the proposed development would provide satisfactory living conditions for the future occupiers, with regard to outlook, light and outdoor amenity space; and
  - the effect of the proposed development on the living conditions of the occupiers of the neighbouring dwellings, with regard to privacy and outdoor amenity space.

## Reasons

### *Character and Appearance*

4. The appeal site is an area of land adjacent to the end of terrace dwelling at 212 Coggeshall Road, in a suburban location close to the main town centre. It

currently forms part of the front and rear garden of No.212 with a brick wall separating the two. The proposed development would result in the continuation of the terrace, with the addition of a two-storey, one bedroom dwelling.

5. The front elevation of the proposed dwelling would resemble the other properties within the terrace with matching materials and a similar design, albeit slightly lower in height and set further forward. However, the rear of the dwelling would have a single storey projection with a first floor balcony above that follows the irregular shape of the site. This would not be in keeping with the traditional form of the surrounding properties, where the dwellings are largely conventional in shape and style with moderate sized rear gardens. The presence of a balcony and roof terrace, to compensate for a limited rear garden, would also relate poorly to the surrounding area and would be more akin to a flat or maisonette in an urban location.
6. Whilst the development to the rear would have limited visibility within the streetscene, it would be partially visible from the side due to the gap between the proposed dwelling and the dwelling at 214 Coggeshall Road. It would also be visible to the occupiers of neighbouring dwellings from the rear. As such, the contrived and incongruous appearance of the proposed dwelling would be detrimental to the wider locality.
7. Therefore, for the reasons above, the proposed development would harm the character and appearance of the surrounding area and would conflict with Policies LPP35 and LPP52 of the Braintree District Local Plan 2013-2033 (the LP). These policies seek to ensure that the scale, layout, height and massing of buildings and overall elevation design should reflect or enhance the area's local distinctiveness and shall be in harmony with the character and appearance of the surrounding area, with residential development related to the character of the site and its immediate surroundings as well as the wider locality. It would also conflict with the general design objectives of the National Planning Policy Framework.

#### *Living Conditions – Future Occupiers*

8. The ground floor living space would be dual aspect extending from the front elevation to the rear elevation. The proposed patio door and window on the rear elevation would be extremely close to the rear boundary and proposed bike store. Due to the proximity to this boundary, the outlook from the ground floor rear window would be severely restricted and would result in a sense of enclosure for the future occupiers of the dwelling when in the rear part of the dwelling. Furthermore, due to the proximity of the boundary, the daylight within the rear of the property would be restricted and would not be sufficiently served by the window on the front elevation due to the long narrow shape of the proposed dwelling.
9. The proposal provides three outdoor amenity spaces, a rear garden, a first floor rear balcony and a roof terrace. The appellant states that these three spaces provide, in total, 27m<sup>2</sup> of outdoor space. This is below the recommended amount of outdoor amenity space for one and two bedroom dwellings within the Essex Design Guide. The appellant considers the proposal should be considered in a similar fashion to a one-bed flat, where only 25m<sup>2</sup> of external space is recommended. However, although small and unlikely to be extended in the future, the proposed two-storey dwelling should still be considered as that, and I find no reason to suggest it should be treated as a flat.

10. Whilst close to the town centre and in close proximity to a number of public parks and open spaces, this does not negate the requirement to provide a sufficient amount of useable and private outdoor amenity space for the future occupiers. Whilst being below the requirement in the Essex Design Guide, it is also less than other dwellings in the host terrace and less than what is reasonably expected to be provided to ensure satisfactory living conditions within a property of this size.
11. As such, the proposed development would not provide satisfactory living conditions for the future occupiers and would be contrary to Policy LPP35 of the LP which requires an appropriate standard of residential accommodation to be provided for the occupants.

#### *Living Conditions – Neighbouring Occupiers*

12. The proposed balcony and roof terrace would provide two raised amenity areas to the rear of the property which would provide views of the surrounding area. Due to the position of the proposed dwelling, set back from the rear elevation of 212 Coggeshall Road, views into this neighbouring garden would largely be blocked by the side elevation of this property. However, due to its irregular shape, the garden of 214 Coggeshall Road is located to the side and rear of the proposed dwelling and therefore direct views into this private amenity space would be possible from both the proposed balcony and the roof terrace. These spaces would also provide views into the flank windows at 214 Coggeshall Road.
13. An obscure glazed screen around these outdoors amenity spaces has been proposed by the appellant, with a maximum height of 1.8 metres. However, no details have been provided of the exact position of the screen and it is unreasonable to expect a screen around the entire balcony and roof terrace due to its impact upon the future occupier's outlook from these outdoor spaces. Therefore, this would not fully prevent the overlooking into the garden and side windows of 214 Coggeshall Road from the proposed balcony and roof terrace.
14. The proposal would reduce the size of the rear garden serving 212 Coggeshall Road to below the 100m<sup>2</sup> recommended within the Essex Design Guide for three or more bedroom houses. However, the resultant garden would still be 56m<sup>2</sup> and provide a sufficient and useable space which would be similar in size and shape to the neighbouring gardens within the terrace.
15. Nevertheless, for the reasons above, the proposed development would harm the living conditions of the occupiers of the neighbouring dwelling, 214 Coggeshall Road. As such, it would conflict with Policy LPP52 of the LP which seeks to ensure that there is no unacceptable impact on the amenity of any nearby properties including on privacy.

#### **Other Matters**

16. The proposed development would add a new self-build dwelling to the housing stock which, as a one bed property, may be suitable for a first time buyer. Although the Council can now demonstrate 5.8 year supply of housing, it has been contended that the Council are failing to meet an obligation within its Local Plan to provide 4% of one bedroom units, have failed to hold a register of self-build sites and have failed to allocate specific targets for self-build. However, no evidence has been provided to demonstrate this. Therefore, the

provision of a self-build one bedroom dwelling would be afforded limited weight and would not outweigh the harm found.

17. The dwelling would make efficient use of a site in a sustainable location, would use sustainable construction processes, be energy efficient and would contribute to the local economy through additional council tax, additional shop footfall and employment during construction, amongst other things. However, due to the scale of the proposed development as a single dwelling, these benefits would be limited and would also not be sufficient to outweigh the harm identified.
18. The Council has stated that as the appeal site is located within the Zone of Influence for the Blackwater Estuary SPA/Ramsar site, and that new development of this type is likely to have a direct effect on areas of the Essex Coastline through increased visitor pressure on these sites. The Conservation of Habitats and Species Regulations 2017 (as amended) requires the decision maker to undertake an Appropriate Assessment (AA) where there are likely significant effects from the proposal, either alone or in combination with other plans or projects. However, regulation 63(1) indicates the requirement for an AA is only necessary where the competent authority is minded to give consent for the proposal. Therefore, in view of my overall conclusions resulting in my decision to dismiss the appeal, it has not been necessary to address this in any further detail.

### **Conclusion**

19. Therefore, for the reasons given above and having had regard to all other matters raised, the proposal would conflict with the development plan taken as a whole and I conclude that the appeal should be dismissed.

*E Grierson*

INSPECTOR