



Appeal Decision

Site visit made on 30 April 2024

by Nick Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 May 2024

Appeal Ref: APP/Z1510/W/23/3328264

43 Hawkwood Road, Sible Hedingham, Halsted, Essex CO9 3JR

- 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 Trevor Lawrence against the decision of Braintree District Council.
 - The application Ref is 23/01048/FUL.
 - The development proposed is the erection of one new detached dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of one new detached dwelling at 43 Hawkwood Road, Sible Hedingham, Halsted, Essex CO9 3JR in accordance with the terms of the application, Ref 23/01048/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments.

Main Issue

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

Reasons

4. The appeal site is set within a mid-twentieth century estate which is formed of a mix of detached and semi-detached houses in a similar vernacular. This having been noted, the majority of homes within the estate, and certainly within proximity of the appeal site, are semi-detached. Many of the homes within the estate have been altered and extended in various manners, most commonly in the form of side extensions in varying styles. The spacing between houses, although originally quite generous, has been eroded in many instances. Even so, this has not been to the detriment of the areas character or appearance.
5. The site itself is on the outside corner of a sweeping curve in the road. As a consequence, the space between number 43 and the neighbour at 45 is quite generous. This provides an open gap and allows for views to a small cluster of mature trees and the countryside beyond. It is within this space that the proposed detached dwelling is to be located.

6. As a detached dwelling, in an area which is otherwise characterised by semi-detached homes, the proposed dwelling would be different, but this difference does not amount to harm. Equally I recognise the loss of the open aspect, but the street is not characterised by consistent or spacious gaps, especially when taking into account the variety of extensions that have been added to many homes in the vicinity.
7. The proposed dwelling would be aligned with the property boundary to number 45. This is a compromise between the angles that the houses at numbers 43 and 45 present to the road. The orientation of the proposed dwelling allows one side of the front elevation to align with the garage at 43, and, the forward projecting gable to align with number 45. This provides a visual link and evolution between the two along the curve in the road, consistent with the linear arrangement. The closeness of the proposed dwelling to the houses on either side is a little narrower than average for the area. This is ameliorated by the presence of the single storey garage at 43 and the space to number 45. This allows a semblance of spaciousness to be retained such that the dwelling would not appear crammed.
8. I conclude that the proposed dwelling would provide an evolution in the built form, would not appear crammed and would not be detrimental to the character and appearance of the area. The proposed development therefore complies with policies SP7, LPP35 and LPP53 of the Braintree Local Plan 2021 and provisions of the Framework. These policies, read together, require development to respond positively to local character and context to preserve and enhance the quality of existing places.

Other Matters

9. The Council notes in the Officers Report that it cannot demonstrate a five year supply of housing land and therefore the provisions of paragraph 11(d)ii of the Framework are engaged. I have, however, found the proposed dwelling to be acceptable on its own merits and the proposed development to be in accordance with the development plan, when read as a whole. Therefore, this matter does not require further consideration in this instance.
10. I have noted the comments of neighbouring residents and the Parish and most of the matters raised are addressed above. Nevertheless, I do note parking issues in the locality. The proposal provides sufficient off-street parking to cater for the new dwelling and would therefore not exacerbate any on-street parking issues. The development is contained to garden land which is predominantly laid to grass and would have no effect on the trees or countryside to the rear of the site.

Conditions

11. I have applied the Council's suggested conditions with alterations, amendments, additions, and deletions having regard to the Planning Practice Guidance (PPG) in relation to the use of conditions.
12. Condition 1 is a general time limit condition and is imposed here to comply with the provisions of the Town and Country Planning Act 1990 (the Act). Condition 2 is to secure adherence with the approved plans for certainty. The appellant has confirmed the plan references in this condition to be accurate.

13. Conditions 3 and 4 are to ensure the height of the dwelling accords with the height of neighbouring homes and is built of satisfactory materials in the interests of the character of the area. These conditions are pre-commencement conditions and the appellant has been consulted on these having regard to S100ZA of the Act.
14. Conditions 6 and 7 are to prevent overlooking to neighbours for the privacy and living conditions of neighbours. They restrict the insertion of additional windows in the side elevations of the proposed dwelling above first floor level, and, those windows that are authorised by this permission are to be obscure glazed.
15. The Council's proposed condition relating to fencing is not necessary. This is a matter that can be resolved between neighbours insofar as it relates to boundary treatment to the rear gardens. Fencing to the front, particularly adjacent to the highway, is restricted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) and I have been given no reason why additional controls would be required.
16. A condition on hours of working during the construction phase of the development is not necessary as this is governed by other legislation. Applying this condition would overlap other regulatory functions and it is therefore not necessary or reasonable having regard to the PPG.
17. I have not removed 'permitted development rights' for subsequent extensions and alterations to the proposed dwelling. These rights are granted by the GPDO and removal of these would be unreasonable.
18. The request by the Highway Authority for a condition requiring a residential travel information pack that includes travel vouchers, whilst well intentioned, is not enforceable and therefore fails the tests of the PPG. As such, this condition is not added to my decision.

Conclusion

19. The proposed development would comply with the policies of the development plan, read as a whole, and the material considerations do not indicate that a decision should be made other than in accordance with it. Therefore, for the reasons given above, the appeal should be allowed.

Nick Bowden

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development shall be carried out in accordance with the approved plans refs: Location Plan, P22-14 - Block Plan, P22-14 - Proposed Elevations and Floor Plans.
3. No development shall take place until full details of the finished levels, above ordnance datum, of the ground floors of the proposed building, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved levels.
4. No development shall take place until an illustrated schedule of the types and colour of the materials to be used in the external finishes has been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows, other than those expressly authorised by this permission, shall be constructed on the east or west side elevations at first floor level or above.
6. The first floor windows in the east and west side elevations shall not be glazed, other than with obscure glass.

End of Schedule