



Appeal Decision

Site visit made on 11 November 2024

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th December 2024

Appeal Ref: APP/Z1510/W/24/3342615

Longfield, Station Road, Rayne, Braintree, Essex CM77 6RX

- 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 Mrs L Pilgrim against the decision of Braintree District Council.
 - The application Ref is 24/00125/FUL.
 - The development proposed is described as proposed erection of 2no. semi detached two storey private dwellings and 1no. detached single storey dwelling together with creation of vehicular crossovers.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development cited in the planning application form differs to that contained within the decision notice and appeal form. There is no evidence that this change was formally agreed. In the interests of clarity, I rely upon the description as included in the application form for the purposes of the heading above.

Main Issues

3. There is no dispute between the main parties that the appeal site is located outside the Rayne Village settlement boundary, contrary to Policy LPP 1 of the Braintree District Local Plan (LP).
4. In view of the above, the main issues are:
 - the effect of the proposed development on the character and appearance of the site and surrounding landscape;
 - the effect on the living conditions of future occupiers of plot 3 with particular regard to overlooking, overshadowing, privacy and noise; and
 - parking provision and highway safety.

Reasons

Character and appearance

5. The appeal site is formed of a detached property known as Longfield, set in a generous plot on the south side of The Street and the western side of Station Road. The appeal site occupies a prominent position close to the junction with verdant hedging and planting to the boundaries. To the south of the appeal site is

a section of open field with fields beyond to the west. The verdant largely undeveloped appeal site contributes positively to the immediate character on this side of the road, which assists with the transition into open countryside as one travels away from Rayne.

6. In contrast to the appeal site, The Street to the north is characterised by a tighter pattern and grain of development, which forms part of the village. This characteristic is also seen with the tighter more densely packed dwellings, which form the more defined edge of the village on the eastern side of Station Road.
7. The appeal site and adjoining village settlement are located within the Rayne Farmland Plateau character area (character area). This character area is characterised by, among other things, long-distance wide views over fields with the field boundaries generally delineated by hedges, which are often gappy and fragmented. The hedgerows vary in height from low well-trimmed to tall, with many hedgerow trees across the whole area. Small, often linear settlements are also scattered across the landscape. Overall, the character area has moderate to high sensitivity to change.
8. In considering the landscape susceptibility and sensitivity of the site, the appellant accepts a notable difference in character exists between the east and west sides of Station Road. I find no reason to disagree, as I observed that the appeal site is broadly representative of this character area, as the boundaries of the site are formed of varying verdant boundaries with views of the fields beyond.
9. While the introduction of the bungalow would infill part of the garden closest to the junction, it would still result in a greater quantum of development, further urbanising the site. The appellant goes on to suggest that the character changes near Longfield and provides a number of images to support this claim. I accept the site is located close to other dwellings and nearby services. However, it is set against the backdrop of open fields with verdant boundaries, which sets the appeal site, both physically and visually, from the more defined village edge. Should the existing green and leafy boundary be removed, or die or become diseased, the bungalow would be a highly visible feature that harms the landscape character area.
10. There are semi-detached properties on the opposite side of the road, and the proposed dwellings would be seen close to these dwellings from a number of viewpoints. However, the dwellings would still be visible when looking outward to the west, mainly as it would introduce development at first-floor level above the existing boundaries. While sited within the existing garden, the scale and density of the development overall, including the increase in domestic paraphernalia, form an expansive domestic and urbanising development that would cause adverse visual harm to this locally valued rural setting.
11. A condition is suggested in regard to future boundary treatments and how these would enhance the existing boundaries. However, there are no substantive details to demonstrate how boundary treatment improvements could be achieved that would not harm the existing planting, living conditions of future occupiers or visual harm. A condition would, therefore, not be acceptable in this instance.
12. For the above reasons, the proposal would harm the rural character of the area and the intrinsic character and beauty of the countryside contrary to LP Policies SP7, LPP 35, LPP 52 and LPP 67. Together, amongst other things, these seek

development that responds positively to the local and wider character of the area, including the intrinsic character and beauty of the countryside.

Living conditions

13. The Council have only raised concerns in relation to the living conditions of future occupiers of plot 3. The Essex design guide notes residents have a higher expectation of privacy from the private or garden side of the dwelling. It also states the effects of external noise can be limited by locating new housing away from major noise sources, such as heavily trafficked roads.
14. During my visit, I observed gaps to the boundary treatment of the appeal site closest to The Street. The gaps are small, and the footway did not appear to be particularly well used. However, users on the footpath could clearly see into this area of the garden such that existing boundary treatments would not provide adequate privacy.
15. Moreover, given the location of upper floor windows on Longfield, future occupiers when using the garden would be overlooked from upper floor windows. While these windows are recessed, the catslide area of the roof would unlikely limit views out of these upper windows over the garden to plot 3. No detailed evidence has been presented to show that a boundary fence would prevent overlooking. As such, the proposal would fail to provide adequate levels of privacy.
16. No sunlight or daylight assessment has been submitted as part of the appeal. In the absence of such details and given the proximity of Longfield to plot 3, I am unable to conclude that the relationship between these buildings would not result in unacceptable levels of overshadowing of plot 3 throughout the day. Similarly, no details are before me to demonstrate the positioning of plot 3 will allow sufficient levels of light to be achieved to the main usable private areas of the garden.
17. As noted above, the property is situated close to a busy junction, with plot 3 being even closer. During my visit, I observed a steady flow of traffic along both nearby streets. The passing of vehicles was noticeable from within the garden but not at a level that would be detrimental to the usability of this space and would be comparable to the noise experienced in nearby gardens.
18. As a result, the proposal would unacceptably harm the living conditions of future occupiers with regard to privacy and overshadowing. The proposal therefore conflicts with LP Policies SP7, LPP 35 and LPP 52 in so far as they seek to protect the amenity of future residents by avoiding unacceptable impacts.

Highways safety

19. Policy LPP43 of the LP requires development to provide vehicular and cycle parking in accordance with the Essex Vehicle Parking Standards (PS). The PS states parking areas that have end bays adjacent to solid structures (e.g. fence or wall) should increase the width of these bays by 1m to allow for improved manoeuvrability and entry/exit of people to/from the vehicle.
20. The appellant states that parking to Plot 1 would not have to be adjacent to a fence or wall to both sides, and occupiers could park to the front. Nonetheless, the plans submitted with the scheme show dedicated parking bays. As such, the required standards should be achieved for these spaces. Based on the submitted plans, the spaces for plots 1 and 2 would not achieve the additional 1m width

increase required by the PS. The limited space size would therefore restrict manoeuvrability and entry/exit of people to/from parked vehicles.

21. Turning to the parking relationship between Longfield and plot 3, the parking spaces would be provided via a shared driveway area off Station Road. As identified on the accompanying plan¹, the proposal would see two parking spaces provided for each dwelling. Even if I were to accept the spaces meet the required parking bay sizes, no tracking information or details of how the spaces are to be delineated between each other and footways areas to the dwellings have been provided.
22. Moreover, the location of the spaces close to the driveway entrance off Station Road would increase the opportunity for conflict between users/vehicles on the driveway close to the entrance as there may be times when different occupiers are entering or exiting the driveway. This would, in turn, likely lead to vehicles waiting in the highway or reversing onto the highway. These waiting and reversing vehicles would cause an obstruction, restricting the movement of vehicles within the site and on Station Road and therefore causing a conflict between vehicles, which would be harmful to highway safety. Given the lack of dedicated footway on this section of the road, the proposal also raises the prospect of conflict with pedestrians using this section of the road.
23. Accordingly, the proposed development would fail to achieve adequate parking provision and have an unacceptable harmful effect on highway safety. Therefore, the proposal would fail to comply with LP Policies LPP 43 and LPP 52, which, amongst other things, seek a high standard of layout, including parking spaces and avoiding detrimental impact on the safety of highways.

Other Matters

24. The appeal site lies within the zone of influence of the Blackwater Estuary Special Protection Areas/Ramsar site and the Essex Estuaries Special Area of Conservation. However, as the appeal is being dismissed for other reasons, an Appropriate Assessment under Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 is not required. A financial contribution was submitted in this regard, but this would have mitigated harm and would not have amounted to a benefit. For these reasons, I have not considered this matter further.
25. I acknowledge that a letter of support has been received in relation to the proposed scheme, which includes a bungalow. However, this does not lead me to a different conclusion about the harm likely to result for the reasons set out above.
26. The proposal would support development close to an existing settlement. Future occupiers would have access to some services and facilities with onward sustainable travel options. The proposal would also enable the delivery of an additional three dwellings to the Council's housing stock.
27. There would also be social and economic benefits associated with employment during construction and from the replacement commercial element of the scheme, as well as future occupants buoying up the local economy. There would also be some environmental benefits through habitat creation and environmentally friendly

¹ Ref: 23/140-01

homes. However, in the form proposed, this development would result in the significant harm identified above, and the benefits of the scheme do not justify development that would be contrary to the development plan.

Conclusion

28. The proposal conflicts with the development plan when taken as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
29. Therefore, the appeal is dismissed.

A Hickey

INSPECTOR