



Appeal Decision

Site visit made on 6th February 2025

by Jonathan Price BA(Hons) DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 February 2025

Appeal Ref: APP/Z1510/W/24/3354158

Sydney Villa, 124 Swan Street, Sible Hedingham, Essex CO9 3HP

- 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 J Beuvink and Mrs C Dickens against the decision of Braintree District Council.
 - The application Ref is 24/00441/FUL.
 - The development proposed is conversion of existing 2 bedroom residential annex into 1 bed single storey dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. An amended plan accompanied the appeal. This shows a 900m high timber fence set back behind the low brick wall that fronts onto the highway, with hedging to be planted immediately behind. The fence is shown positioned to preserve visibility from the shared site access onto Swan Street. I noted at my visit that there was currently a lower timber fence in much the same position. Having applied the tests in the 'Holborn Studios' judgement¹, I consider that this amended plan does not involve a substantial difference nor makes a fundamental change to the scheme determined by the Council. My decision is therefore based on these further details. Conditional upon planting being maintained so as not to impede visibility onto Swan Street, the amended plan removes any highway safety concerns.

Main Issue

3. The main issue is whether the dwelling proposed would provide acceptable living conditions, particularly in respect of the quality of private garden space, outlook and privacy.

Reasons

4. The conversion relates to a former outbuilding at Sydney Villa; a quite substantial property fronting the main A1017 in the centre of Sible Hedingham. The outbuilding is built up to a garden wall, on the opposite side of the site access to Sydney Villa. This access serves the original dwelling, currently in use as a House in Multiple

¹ Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

Occupation (HMO), as well as parking and garaging for three newly built houses² within its grounds.

5. Part of the outbuilding was approved as a residential annex to Sydney Villa, in an appeal decision made on 15 December 2022³. In this proposal, the two small bedrooms in the roof space are to be closed off and an independent one-bedroom dwelling formed over the full ground floor. This would contain a kitchen/living and dining area, double bedroom, bathroom, small study and storeroom. Amounting to some 71 square metres, this exceeds the requirements of the Nationally Described Space Standards for a one bedroom, two person dwelling. The room layouts would be legible, sufficiently sized and avoid any irregular or impractical spaces, providing acceptable living conditions for future occupiers in regard to internal space.
6. The dwelling would have a small garden fronting the road. In respect of such private amenity space, Policy LPP 52 of the Braintree District Local Plan 2013-2033 (LP) refers to the standards set out in the Essex Design Guide (EDG) for this to be accessible, usable and well-related to the development. Although below the minimum 50 square metres recommended for a one-bedroom dwelling, at 29 square metres the garden would be slightly larger than the EDG expects for a flat.
7. Providing similar accommodation to a flat, the dwelling would have an adequately sized garden. However, adjacent to a busy main road, users would be exposed to heavy traffic and passing pedestrian footfall. Once established, the landscaping would offer some screening. However, I do not consider this would be sufficient to create a feeling of privacy or avoid the high degree of noise and disturbance from the volume of traffic using Swan Street. The location would compromise the usability of this small front garden, and it would fail to offer a peaceful and private outdoor refuge for future occupiers.
8. According to the context, the EDG recommends flexibility over the level of private amenity space provision. Public open space is available in the wider area. However, this is not on the doorstep and would provide inadequate compensation for the poor-quality private garden space offered by this proposal. The lack of a good quality, usable garden for the proposed dwelling conflicts with the high standard of layout and design sought by LP Policy LPP 52.
9. In respect of outlook, the front window would look onto the private front garden and be of fairly reasonable quality. There would be no outlook to the side backing onto a wall. With the lack of a private back garden, the rear bedroom window would look directly onto adjoining parking spaces allocated to other dwellings. This bedroom would offer unsatisfactory living conditions, due to its poor outlook and exposure to the disturbance and overlooking incidental to the use of this car parking.
10. Outlook is further hemmed in by the four windows to the side looking directly onto an access shared by three existing dwellings and an HMO. There would be no intervening private space to offer any relief to a rather oppressive outlook onto the two-storey side elevation to Sydney Villa. With the shared driveway running directly along one side, future occupiers would be exposed to disturbance and overlooking from passing cars, residents and visitors. The automated gates dividing this

² 16/01133/FUL Permission granted on 28 June 2016 for refurbishment of Sydney Villa and erection of 1 no. detached dwelling and 2 no. attached dwellings with associated gardens, garaging and parking and improved access at 124 Swan Street, Sible Hedingham.

³ APP/Z1510/D/22/3303068

elevation would add further harm to the overall poor quality of residential living conditions offered in terms of limited outlook, disturbance and lack of privacy.

11. Although the proposed conversion would appear sympathetic to local character, by not providing a high standard of amenity for future users it fails to meet the requirements in paragraph 135 of the National Planning Policy Framework (the Framework). Paragraph 139 advocates the refusal of development that is not well-designed.
12. This proposal would not provide occupants the high standard of accommodation and private outdoor amenity space sought by LP policies LPP 35 and 52. The poor quality internal and external living conditions, in respect of outlook, privacy and noise, conflict with the relevant parts of LP policies SP 7 and LPP 70. The dwelling proposed would fail to provide acceptable living conditions for future occupiers in conflict with both the LP and Framework.

Balance and Conclusion

13. Sible Hedingham is categorised as a Key Service Village in the LP. A further dwelling would be acceptable in principle and offer occupiers access to services and facilities without undue private car dependence. These sustainability credentials amount mainly to an absence of harm, rather than providing any more than a very small public benefit.
14. Replacing annex accommodation with a single, independent dwelling would provide only a slight benefit towards Government objectives for boosting housing supply. There would be a small benefit through making efficient use of land as advocated in paragraph 129 of the Framework. There is no doubt a need for such one bedroom, two-person accommodation, benefitting here from available infrastructure and access to sustainable travel modes. Some of the deficiencies identified in respect of good living conditions might be reflected in the purchase price or rental cost, which would be favourable in the context of local market conditions. However, such benefits are tempered by the contrary weight given to securing well-designed, attractive and healthy places.
15. Assuming the 4.79-year district housing land supply established by an appeal decision on 15 August 2024⁴ remained, paragraph 11 d) ii of the Framework would be engaged. However, the adverse impacts of approval would significantly and demonstrably outweigh the small amount of benefit identified. This is when assessed against the Framework policies taken as a whole, having particular regard to those key for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes.
16. In the previous appeal, the Inspector was clear over the outbuilding being suitable for and approved as a residential annex to Sydney Villa. However, a separate dwelling would in this case conflict with the Framework and the LP, when both are considered as a whole. As a consequence, I conclude that the appeal should be dismissed.

Jonathan Price INSPECTOR

⁴ Appeal Ref: APP/Z1510/W/23/3331319 Towerlands, Panfield Road, Braintree, Essex, CM7 5BJ