



Appeal Decision

Site visit made on 16 April 2025

by **J Bell-Williamson MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 01 May 2025

Appeal Ref: APP/Z1510/D/25/3360664

The Old Rectory, Rectory Meadow, Bradwell, Essex CM77 8EX

- 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 Daniel Biggs against the decision of Braintree District Council.
 - The application Ref is 24/02460/HH.
 - The development proposed is to demolish the existing detached two car garage and construct a new three car garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the living conditions of the occupiers of No 2 Rectory Meadow, with regard to privacy and noise and disturbance; and
 - the effect on trees.

Reasons

3. The appeal property is a large detached dwelling set within generous grounds. The surrounding area is residential in character with an irregular layout of dwellings close to the appeal site.

Living conditions

4. The proposed garage would be located close to the site's rear boundary and to the side boundary shared with No 2 Rectory Meadow. No 2's rear garden is the other side of the boundary, while the rear of the dwelling itself is relatively close to the position of the proposed garage. No 2's garden includes a patio area adjacent to the rear of the property.
5. The outbuilding includes accommodation in the roof space, with three front dormers to provide light and outlook. Due to the position of the garage close to the boundary and the substantive height of the structure, it would be possible to gain views from the dormer windows into No 2's garden, including the patio area. The extent of these views would be exacerbated by the removal of part of the boundary hedge, as shown on the proposed block plan.
6. Some views of neighbouring gardens from upper floor windows are not unusual in suburban residential settings such as this. However, the position of the proposed

building in relation to the neighbouring property would enable relatively extensive views at close proximity to the garden and the patio area close to the house used for sitting out. As such, this would compromise the reasonable use and enjoyment of this private garden through overlooking and a harmful loss of privacy.

7. The proposal includes a new driveway running from the property's front access to the location of the proposed garage building, parallel with and close to the boundary with No 2. The vehicle movements associated with the use of the three garage spaces at the rear of the site would be uncharacteristic of the surrounding area. The noise associated with such movements and parking directly next to the garden boundary would be readily apparent to the neighbouring residents, contrary to the otherwise relatively tranquil character of the rear gardens. As such, the use of the garage and driveway in this location would result in material harm to the neighbouring occupiers' living conditions due to the extent of the uncharacteristic noise and disturbance.
8. Therefore, for these reasons, I conclude that the proposal would have an unacceptably harmful effect on the living conditions of the occupiers of No 2 Rectory Meadow, with regard to privacy and noise and disturbance. As such, it is contrary to Policies LPP1, LPP36 and LPP52 of the Braintree District Local Plan 2013-2033 Section 2 (2022), all of which require that development should not have an unacceptable adverse impact on the amenities of adjoining residential properties.

Trees

9. Policy LPP65 of the Local Plan Section 2 concerns tree protection. It includes the requirement that where trees are to be retained there must be a suitable distance provided between the established tree and any new development to allow for its continued wellbeing.
10. There are three mature trees along the rear boundary of the appeal site, which due to their size, presence and appearance make a positive contribution to the amenity of the site and surrounding area. The proposed garage building would be sited close to this group of trees. The easternmost tree, a birch which would be directly adjacent to the building, would have the greatest potential to be affected by it.
11. In the absence of a tree survey, impact assessment and any necessary mitigation measures, it is not possible to conclude that the proposal would allow for the continued wellbeing of the trees in accordance with development plan policy.
12. Accordingly, for this reason, I must conclude that the proposal is contrary to Policy LPP65 as it has not been adequately demonstrated that the proposal will not have a harmful effect on trees directly adjacent to the proposed development. The proposal is also contrary in this regard to Policy LPP1 of the Local Plan Section 2, which requires that development should satisfy amenity and environmental criteria.

Conclusion

13. For the reasons given the appeal is dismissed.

J Bell-Williamson

INSPECTOR