



---

## Appeal Decision

Site visit made on 7 October 2025

by **Mark Caine BSc (Hons) MTPL MRTPI LSRA**

an Inspector appointed by the Secretary of State

Decision date: 10<sup>th</sup> November 2025

---

**Appeal Ref: APP/Z1510/W/25/3369470**

**Station House, Station Road, White Notley, Essex CM8 1RP**

- 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 M Taylor against the decision of Braintree District Council.
  - The application Ref is 25/00734/FUL.
  - The development proposed is the demolition of the existing dwelling and erection of 4no. dwellings.
- 

### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Mr M Taylor against Braintree District Council. This application is the subject of a separate Decision.

### Preliminary Matter

3. I have taken the description of the proposed development from the Council's decision notice as it is more concise than that provided in the application form.

### Main Issues

4. The main issues are;
  - Whether Station House is a non-designated heritage asset (NDHA), and if it is, whether the harm arising from its loss would be outweighed by other considerations.
  - Whether the proposed development would provide acceptable living conditions for future residents, with particular regard to privacy.

### Reasons

#### *Character and appearance*

5. The appeal site contains a two storey detached former station house that sits in a prominent and relatively exposed position adjacent to a level crossing and to the western side of the railway line between Braintree and Witham.
6. The Council considers Station House to be a NDHA. These are defined within the Planning Practice Guidance (PPG) as *buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets*

7. The Council has not formally identified the appeal building as a NDHA either through its development plan or a local list. Although there is encouragement within the PPG this is not a necessary requirement to have the status of a NDHA.
8. It is common ground between the main parties that Station House was likely to have been constructed shortly after the Braintree – Witham branch line originally opened in 1848. I am informed that this railway line opened to improve overland transport and the movement of goods and passengers to markets in London, and that it was later reduced to a single line to supply steel for the Crimean War. I have no substantive reason to question any of this.
9. The historic maps and photographs provided in the heritage statement prepared by J.Bell design and conservation Ltd (HS), which has been submitted with the appeal, also indicate that Station House dates from the mid-Victorian period and that it is the original station master's house for White Notley train station. The HS identifies Station House's presence as preserving the history of the station, the Braintree to Witham railway line and legality of its Victorian origins. It goes on to state that this building gives us a small insight into the social history of the period, which expands our knowledge of Victorian infrastructure and architecture. Place Services' Senior Built Heritage Consultant also reached a similar view in identifying Station House's heritage value as a purpose-built railway station dating from the nineteenth century, with characteristics and a group value shared with other station buildings on the line.
10. Although I have been provided with scant evidence of other station buildings on the line my site observations confirmed that despite being diluted by several alterations and additions over the years, these do not challenge the scale, form and dominance of the original building. Indeed, the building retains some important architectural features, such as the decorative stepped corbeled brickwork, and the protruding tall gable elements and roof forms that are often seen on historic railway station master's houses. It is therefore still easily read as a historic railway building with the railway line and station building providing further context and understanding of this.
11. In light of the above, I am satisfied that Station House exhibits some aesthetic, historic, and communal values, and agree with the Council, that it is of sufficient historic interest to be considered as a NDHA. I therefore consider its significance, insofar as this appeal is concerned, to derive from its scale and historic architectural form, honestly reflecting in the present its historic origins as a Victorian station master's house within a train station complex that has links to the area's railway heritage.
12. As the proposed development would involve the complete demolition of Station House, the scale of harm to this asset would be substantial. Paragraph 216 of the National Planning Policy Framework (the Framework) confirms that the significance of the NDHA should be taken into account in determining this appeal. The Framework also requires me to take a balanced judgement with regard to the scale of any harm or loss and the significance of the heritage asset.
13. The benefits put to me include the provision of high-quality homes on brownfield land close to public transport links. It is argued that these align with the Framework's objectives and the development plan policies on sustainable growth, housing delivery, and design quality. I have also been made aware that the

proposal would provide a new footway, biodiversity net gain compliant design, with modern fabric and energy efficient performance. Nonetheless, given that the proposal is for four dwellings, any benefits in these respects, would be modest.

14. Furthermore, there is no substantive evidence before me in respect of the structural condition of the existing dwelling or the restrictions and costs associated with updating the building, and how this would result in its retention being unviable. A planning condition to secure a historical building record or a written scheme of investigation would also not provide appropriate mitigation for its loss.
15. The appellant suggests that as Station House is not located in a conservation area or in an area with an Article 4 direction it could be demolished under permitted development rights. Nonetheless, I have not been presented with an extant prior approval or any substantive evidence to indicate that there is a greater than theoretical possibility that such development would take place should this appeal be dismissed. In reaching this view, I am mindful of the appellant's willingness to amend the scheme during the determination period of the previous application and their HS which refers to a proposal to retain Station House. This therefore limits the weight that I can attach to it as a fallback position.
16. With all of the above in mind, I find that the merits and benefits of the proposed development do not outweigh the harm that would be caused to the significance of the heritage asset.
17. In reaching my findings I have had regard to an outline planning permission for the demolition of a former train building in Little Dunmow. Although a different conclusion was reached in respect of the weight to be applied to the fallback position in regard to demolition, this involved the exercising of planning judgement, which is what I have done in this case. Several other heritage-led planning decisions across Essex have also been listed. However, on the evidence presented I cannot be certain that they represent a direct parallel to the appeal proposal.
18. Accordingly, I find that the proposed development is a NDHA and that the harm arising from its loss would not be outweighed by other considerations. It would thereby conflict with Policy SP7 of the Braintree District Local Plan – Section 1 (2021) (S1LP) and Policy LPP52 of the Section 2 Local Plan (2022) (S2LP). These seek, amongst other things to protect and enhance assets of historical or natural value and to ensure that designs shall be sensitive to the need to conserve and enhance local features of architectural, historic and landscape importance. The proposal would also fail to accord with the design objectives of the Framework, specifically Section 16.

#### *Living conditions*

19. The submitted plans show one pair of two storey semi-detached dwellings, on plots 03 and 04 (P3&4), with front habitable room windows on both levels, to face directly towards the two storey rear elevations and windows of the proposed dwellings on plots 01 and 02 (P1&2), and their main private amenity space.
20. The Essex Design Guide 2005 recommends a minimum 25 metre back-to-back distance between properties and, with the proposed layout of the development a minimum distance of 15 metres to an existing residential boundary. Whilst this does not specifically refer to distances between new dwellings,

or front-to-back relationships it provides useful Council guidance and logical considerations in respect of over-development and the protection of the privacy levels of rear garden boundaries. Consequently, and in the absence of detailed planning policies in respect of separation distances, I consider it reasonable to have regard to this guidance as a material consideration. Nonetheless, it does not follow that a proposal should stand or fall solely on the application of these standards, and each proposal is required to be judged on its own merits.

21. There would be around 22 metres retained between the front and backs of these separate semi-detached properties, and the front windows within the proposed dwellings on P3&4 would be only 9 metres away from the shared garden boundaries of P1&2. I am mindful that a degree of mutual overlooking of garden areas is a common feature in most residential areas. However, the proximity between the proposed new dwellings would introduce a significant degree of intrusion to the future occupants of P1&2. At such close quarters this relationship would create an unacceptable amount of overlooking and loss of privacy for the future residents of P1&2, when using their rear garden areas.
22. I appreciate that the obscure glazing of windows could be secured by a planning condition. However, the reduction in light and outlook that would be caused by the obscure glazing to these habitable rooms would not provide an acceptable living environment for future residents. I am also not satisfied that measures such as planting and the erection of a boundary fence would, of themselves, be adequate to mitigate the harm identified. New planting would take time to establish itself and there is no substantive evidence before me to demonstrate that sufficient screening could be achieved to address the matter successfully. Furthermore, any refinement of the layout and repositioning of windows, or conditions requiring such amendments, would fundamentally alter the proposal, and I must deal with the scheme as submitted.
23. Reference has been made to other planning applications in Braintree that have been approved, despite overlooking issues. However, I do not have the full details of these permissions, including the interface distances between the dwellings and garden boundaries. On the evidence presented I thereby cannot be certain that they represent a direct parallel to the appeal proposal. There is also no evidence before me to indicate that the appeal decision (APP/J3015/W/23/3331913), which is in a different borough, is directly comparable to the appeal proposal.
24. As such, I find that the proposed development would not provide acceptable living conditions for future residents, arising from the lack of privacy. It would thereby conflict with Policy SP7 of S1LP and Policy LLP52 of S2LP in this respect. These seek, amongst other matters for an appropriate standard of residential accommodation to be provided for the occupants with regard to matters including privacy and overlooking.

### **Other Matters**

25. The appellant's frustrations in respect of the Council's positive pre-application advice, which failed to acknowledge Station House as a NDHA is acknowledged. I have also had regard to the previous permissions on the site. However, these have not been decisive factors in reaching my decision. All of these matters therefore do not overcome or outweigh the harm that I have identified in relation to the main issues of this case.

## **Conclusion**

26. The proposed development consequently conflicts with the development plan and there are no material considerations that warrant taking a decision otherwise than in accordance with it. The appeal should therefore be dismissed.

*Mark Caine*

INSPECTOR