



Appeal Decision

Site visit made on 20 October 2025

by **Mark Philpott BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 December 2025

Appeal Ref: APP/Z1510/W/25/3369006

Land rear of 1-3 The Street, Hatfield Peverel, Chelmsford CM3 2EL

- 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 W Bird against the decision of Braintree District Council.
 - The application Ref is 25/00825/FUL.
 - The development proposed is conversion of vacant building to a 1 bedroom dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address specified above is taken from the appeal form as it describes the site's location more accurately than the application form. However, the postcode has been corrected as confirmed by the appellant during the appeal.

Main Issues

3. The main issues are: (i) whether the proposal would provide a satisfactory standard of accommodation, with particular regard to the quantity and quality of private outdoor amenity space, and noise and disturbance; and (ii) the effect of the proposal on the living conditions of the occupiers of The Pines and Post Office Cottage, with particular regard to privacy.

Reasons

Standard of accommodation

4. The site relates to a vacant Post Office sorting office and surrounding land in Hatfield Peverel. It includes a pathway in front of the building and part of a parking area that is accessed from The Street. The proposal would entail the conversion of the building to a dwelling with one bedroom and an open plan kitchen, dining and living room. A garden measuring 25m² would be enclosed by the gabled side elevations of the dwelling and an adjacent garage, 1.8m high 'hit and miss' fencing onto the parking area, and 2m high close boarded fencing to the rear. A small area behind the garage would be used for bin and cycle storage. Additionally, the roof of a nearby building located outside the site projects above the rear fence.
5. Policies SP7 and LPP52 of the Braintree District Local Plan (LP) seek to protect the amenity of residents and specify that a high standard of accommodation should be provided for all prospective occupants. The latter also states that private outdoor amenity space shall be provided having regard to the standards in the Essex Design Guide (EDG) and be accessible, usable and well-related to the

development proposed. Its supporting text explains that the EDG is a useful starting point for considering schemes but is guidance to be used flexibly.

6. The EDG indicates that 50m² gardens may be appropriate for one bedroom dwellings. It adds that in higher density situations it may be appropriate to reduce minimum garden sizes provided that a private, sitting-out area for each house can be achieved. It further advises that 25m² communal amenity spaces may be appropriate for some flats and recognises that residents may be willing to forego outdoor space if there is access to other local open space, and in order to have the benefits of living in a town centre or other core area. It is put forward that the scheme would lend itself to a single person or couple that may be content with little to no private outdoor amenity space. I have taken that into account in reaching my findings. However, I must consider all potential future occupiers of the dwelling and have appropriate regard to the relevant policy requirements and guidance.
7. Hatfield Peverel is designated as a 'Key Service Village' in the LP. These are described as large villages that serve rural hinterland and normally meet daily needs. While there are a range of amenities accessible from the site, the village's offering is not akin to a town centre or other core area. In particular, firm details have not been provided regarding the journeys to and precise attributes of local open spaces that may potentially be suitable for the types of activities that would typically occur in private gardens. For example, I have been referred to the Hatfield Peverel Cricket Ground, but the evidence does not indicate what level of access and facilities it offers to the public. Additionally, though a recreational ground is in the village, it is around a 17 minute walk away according to the Council and thus not a readily accessible alternative to private garden. Consequently, it has not been demonstrated that there are sufficient suitable public open spaces or other amenities in the vicinity to justify the size of the proposed garden.
8. Furthermore, the gabled side elevations of the dwelling and the garage would be tall relative to the size of the garden. It would be highly enclosed and suffer from poor outlook as a result of those and the building near the rear fence. These negative effects would extend to the dwelling more generally, as some of its windows would be obscure glazed whereas others would be proximate to fencing and thus provide for limited outwards views. The hit and miss fencing would not address the concerns for the garden as it would need to include sufficiently small gaps between panels to provide screening from the parking area and thereby add to the sense of enclosure. Alternatively, if that fencing were to have wider gaps between panels, the garden would have an unacceptable level of privacy. The garden would also be in shadow for parts of the day due to the positions and heights of the dwelling and the garage. Taking the small size and low quality of the garden together, the property would have unsatisfactory living conditions.
9. I have been referred to decisions¹ for residential development where limited or no private outdoor amenity space was deemed satisfactory. However, two relate to sites close to the town centre of Braintree and were found to have good access to amenities. The other relates to a Class MA prior approval² and so the considerations that applied would have been narrower than for this scheme. Moreover, I have identified site specific qualitative issues for the garden proposed in this case. Consequently, the approved schemes are not directly comparable to

¹ References: 25/01248/FUL; 24/02666/COUPA; APP/Z1510/W/23/3321533

² Class MA of Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015

this one and do not indicate that my findings should be disregarded. Similarly, though it is alleged that adjacent cottages have limited amenity spaces with little natural light, their attributes do not justify the harm identified for this scheme.

10. The Council's concerns in respect of noise and disturbance relate to the proposed rear bedroom window being next to a car park. However, the car park is small and features a limited number of spaces such that vehicles would manoeuvre within it at low speeds and thus be likely to generate limited engine noise. Additionally, the window would be small and in the corner of both the car park and the room such that the effects of vehicle lights would be limited. Based on the car park's characteristics, I see no reason to conclude that it would be used insensitively and, moreover, objective evidence indicating that inappropriate noise and disturbance would be generated has not been presented. Accordingly, the scheme would not be unacceptably harmful from a noise or disturbance perspective.
11. Nonetheless, the proposal would provide an unsatisfactory standard of accommodation in terms of the quantity and quality of private outdoor amenity space. It thereby conflicts with LP policies SP7 and LPP52 as described above.

Neighbours' living conditions

12. The rear garden of The Pines is to the rear of the majority of the sorting office. Two existing windows that provide for views of the garden are proposed to be replaced with obscure glazed ones. Similarly, a front window that provides views towards ground floor rear windows at Post Office Cottage would be obscured. The appellant has also indicated that these could be fixed shut.
13. I am satisfied that, despite the proximity between the sorting office and the neighbouring properties, a condition requiring obscure glazing and fixing shut the abovementioned windows would safeguard the privacy of the neighbours. Additionally, as the bedroom and the living area would be served by multiple windows and a rooflight, there is sufficient scope for adequate ventilation to be provided for the proposed dwelling.
14. The proposal would not be unacceptably harmful to the living conditions of the occupiers of The Pines and Post Office Cottage, with particular regard to privacy. In this respect, it accords with LP policies SP7 and LPP52, the purposes of which are set out earlier.

Other Matters

15. The sorting office is attached to, and it is therefore common ground that it has the same statutory protection as, the grade II listed Post Office Stores³. The Council has already granted listed building consent for the proposed scheme⁴, but I am nevertheless required by section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.
16. According to the statutory list description and the appellant's heritage statement, Post Office Stores was originally a 16th century hall house that underwent a series of additions and alterations and is now cottages and a retail unit. Insofar as it is

³ List Entry Number: 1147129

⁴ Reference: 25/00826/LBC

relevant, its special interest and significance derive from its traditional timber framed construction and historic fabric. The sorting office is a 20th century reconstruction albeit its western end is reportedly from the early 19th century. While it is mostly finished in brick and a corrugated sheet roof, it is an unassuming single storey addition that has a neutral impact on the special interest and significance of Post Office Stores. The scheme would entail modest alterations, with its most historic part largely unaltered. Moreover, a slate roof is proposed that would result in a slight visual enhancement to the sorting office and thus a corresponding improvement to the special interest and significance of the buildings overall.

17. The visual improvement would also be beneficial more widely, including to the setting to the adjacent methodist church, which the appellant claims could qualify as a non-designated heritage asset. Additionally, given that the sorting office employed several workers that would have travelled to and from the site regularly during the day, it is likely that the dwelling would have lesser impacts on the living conditions of the neighbours provided that certain windows would be fixed shut and obscure glazed. These matters weigh modestly in favour of the scheme.
18. Notwithstanding the issues identified regarding the standard of the proposed accommodation, benefits would also arise from the vacant building being put to use as a dwelling. However, it is undisputed that the Council can demonstrate 5.32 years of deliverable housing sites. In that context, and having regard to the small amount of housing proposed, the provision of an additional dwelling within the Hatfield Peverel development boundary attracts limited weight. Similarly, the benefits arising from the construction process and the occupiers spending on and engaging with amenities in the local area are also limited.
19. The site is in the zone of influence of the Blackwater Estuary Special Protection Area and Ramsar and the Essex Estuaries Special Area of Conservation. If I were minded to grant permission, I would need to assess whether the scheme would adversely affect the integrity of these habitats sites. However, even if there would be no adverse effects, these would constitute neutral considerations rather than benefits weighing in favour of the scheme.

Conclusion

20. The proposal is contrary to the development plan taken as a whole. Taken together, the material considerations identified weigh modestly in favour of the scheme. However, these are insufficient to outweigh the conflict with the development plan.
21. Accordingly, the appeal is dismissed.

Mark Philpott

INSPECTOR