
Appeal Decision

Site visit made on 28 August 2025

by A Oyebade MSc FCILT

an Inspector appointed by the Secretary of State

Decision date: 6 February 2026

Appeal Ref: APP/Z1510/W/25/3364827

Rear of 46 Bradford Street, Braintree, Essex CM7 9AT

- 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 Cardinals (Freehold) Limited against the decision of Braintree District Council.
 - The application Ref is 23/02819/FUL.
 - The development proposed is partial demolition and change of use from offices to residential consisting of 12 residential units with associated car parking, amenity space, covered cycle storage and refuse.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The appeal site is in the Bradford Street Conservation Area (CA). It is also proximate to the listed buildings known as Nos. 40, 42, 46, 48, and 50 Bradford Street. In considering whether to grant planning permission, I have been mindful of my statutory duties under Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main issues

3. The main issues are:
 - the effect on the character and appearance of the area, having particular regard to the effect on relevant designated heritage assets;
 - the effect on living conditions of future occupiers of the development;
 - the effect on living conditions of residents of neighbouring dwellings;
 - the effect on flood risk in the locality;
 - the effect on ecology in the area; and
 - adequacy of infrastructure in the area to support the development.

Reasons

The significance of the CA and heritage assets

4. The significance of the Bradford Street Conservation Area is derived, in part, from the form and composition of its built environment. This section of the street is characterised by a predominantly residential frontage comprising a mixture of

pre-1900 terraced and semi-detached dwellings, together with larger Grade II listed buildings. These include former inns and manor or hall-type premises that have subsequently been adapted for residential use. The presence of numerous listed buildings within this part of Bradford Street contributes materially to its architectural and historic interest and forms an important component of the area's special character. A further element of significance arises from the historic plot structure, with many properties occupying long, narrow plots that extend substantially to the rear.

5. The buildings display a traditional architectural idiom, and the varied roofscape, formed by gables, chimneys and differing ridge heights, creates a distinctive and visually engaging skyline. Several properties retain historic barns or outbuildings positioned towards the rear of the plots and accessed via side passages or former service routes. These structures, typically timber-framed, are set back from public view and contribute appreciably to the area's character. The concealed pattern of rear-plot outbuildings is a notable feature of Bradford Street's historic character, and the survival of elongated garden strips reflects the underlying medieval land divisions. The architectural coherence of the street is further reinforced by the prevalence of sash windows, symmetrical façades, and rendered or painted brickwork.
6. The Council's Local Plan (Section 2, adopted July 2022) identifies the CA as making a substantive contribution to the overall quality of the built environment. The Council is under a statutory obligation to preserve or enhance the character and appearance of these designated areas, and to ensure that any development within them achieves this objective. Conservation Areas must be subject to ongoing monitoring and periodic review to confirm that they continue to possess the architectural or historic interest that justifies their designation. The Council also supports opportunities for enhancement where these arise through development proposals. Accordingly, any proposed development is required to demonstrate a clear and robust response to the established vernacular, scale, materials, and visual coherence of the CA.

Effect on the character and appearance of the CA and the setting of the adjacent listed buildings

7. The appeal site comprises a large, irregularly shaped plot extending to the rear of Nos. 44–52 Bradford Street on one side and to the rear boundaries of Nos. 74–84 River Mead and Nos. 5–13 Phillips Chase on the other. The existing development on this site named 'Cardinal Works' forms a group of former commercial buildings now subject to redevelopment. These buildings differ from the heritage properties fronting the street: a larger two- to two-and-a-half-storey structure of mixed timber and brick construction, and a smaller one-and-a-half-storey building of predominantly timber construction. The appeal site is accessed via a service road between Nos. 44 and 46 Bradford Street, leading to its gated entrance at its boundary with No. 46. During my visit, I observed no vehicular movements along the access.
8. The appeal proposal includes dividing the larger office building on one side of the site into two separate buildings by removing the linking structure and glazed foyer. In addition, external alterations encompassing new replacement doors and windows, new dormer windows plus minor external repairs. These buildings,

together with the existing single-storey property on the opposite side, form the basis of the proposed change of use to residential dwellings.

9. Horizontal windows are proposed on the rear elevations of all three buildings, as well as on one side elevation of Building 3. Horizontal rooflights are also proposed on the rear roof slope of Building 3. The fenestration on the left-hand side elevation of Building 2, positioned in quick succession across both levels and extending to the front edge of the building, would appear visually intrusive. In addition, the use of repetitive large and full-height windows, together with louvered screens, panels, and sliding shutters adjacent to window openings, particularly on Buildings 1 and 2, would further accentuate this effect. Taken together, these fenestration arrangements would be incongruous with the character and appearance of the Conservation Area and the setting of the adjacent listed buildings. The pattern and style of the fenestration in the appeal scheme offers a greater industrial feel than the previous scheme (ref. 21/0365/FUL). Therefore, the proposed development would be against Policies SP1 and SP7 of the Local Plan (Section 1), and Policies, LPP47, LPP52 and LPP53 of the Local Plan (Section 2).

Effect on living conditions of future occupiers of the development

10. The Council contends that the living area of Unit 1 within Building 1 would experience a poor outlook owing to its proximity to the high boundary wall of No. 46 Bradford Street and its orientation towards the site access road. I am not persuaded by this argument. The primary outlook from this room is towards the open car parking area serving the neighbouring Old Street Mews, with only limited obstruction from the low boundary wall and associated planting. The appellant explains that the building layout has been deliberately arranged to avoid rear-facing windows, thereby maintaining an acceptable outlook while protecting the privacy of nearby occupiers. The appellant also notes that the design approach mirrors that of the previous scheme (Ref. 21/03625/FUL), which had already addressed the Council's Environmental Health Team's concerns relating to outlook, daylight and noise.
11. The Council further raises concern that the limited setback of Building 1 from the adjacent service road, resulting in a separation of only 7.9 metres to the boundary of Old Street Mews, and the proximity of the living room/kitchen of Unit 2 to three parking spaces at its frontage would lead to unacceptable overlooking. While I accept that the relationship between Unit 2 and the adjoining parking area would give rise to some degree of overlooking, the limited and infrequent pedestrian and vehicular activities along the access route, combined with the separation proposed, would in my judgement be sufficient to avoid material harm to the privacy of future occupiers of Units 1 and 2.
12. The Council also contends that Unit 5 within Building 2 would experience inadequate outlook from its living room windows. Although the close relationship between Buildings 1 and 2 restricts outlook to one side, the front-facing windows would provide an acceptable outlook towards the courtyard and beyond. I am also not persuaded that the combination of front and side windows would fail to secure adequate levels of sunlight for this unit.
13. However, the windows serving Unit 6 in Building 2, and Units 9 and 11 in Building 3, face towards the car parking and communal amenity areas, where separation distances are limited. This would give rise to unacceptable levels of overlooking

and a consequent loss of privacy for future occupiers. In this respect, I agree with the Council that the proximity of Units 6, 9 and 11 to these communal spaces would result in an undue loss of privacy for future occupiers.

14. The Council argues that the proposed rooflights and the first-floor louvred windows to Building 3 would not adequately address concerns relating to daylight and outlook. I acknowledge that the rooflights, as currently presented, would not be compatible with the character and appearance of the CA. However, the rooflights could be redesigned in a manner that accords with the established character of the CA, through a planning condition. When considered alongside the proposed glazed openings to the front elevation and the louvred windows to the two side elevations, I am satisfied that the scheme would be capable of providing acceptable levels of daylight and outlook for future occupiers.
15. The adequacy of the separation distance between Building 3 and Buildings 1 and 2 has been questioned, given that it is around half of the 35 metres recommended in the Design Guide 2005. In response, the appellant proposes the use of louvred window elements to limit direct overlooking and to secure an acceptable level of privacy across the development. Considering the established siting and orientation of the existing buildings, as well as the inherent constraints of this compact urban setting, I acknowledge that a degree of mutual overlooking is characteristic of development in locations of this type. Within this context, the measures put forward represent, in my view, a proportionate and reasonable approach to the site's limitations and therefore constitute a material consideration.
16. The Council contends that Units 5 and 7 would have restricted outlook. However, both units have windows overlooking the courtyard and amenity area of this development. I consider that although outlook is restricted towards Building 1, these dwellings would have sufficient outlook. The Council further raises concern that the communal space adjoining Unit 11, being enclosed by boundary walls, would be particularly susceptible to overlooking, noise and general disturbance. Having considered the evidence, I share the Council's view. In the absence of any meaningful separation or buffering between these communal areas and the respective dwellings, the proposal would result in harm to the living conditions of future occupiers of this unit.
17. While the Council raises no objection to the proposed courtyard parking itself, it does object to the relationship between the development, the parking layout, and the associated amenity areas. The National Design Guide highlights the importance of parking solutions that do not dominate the public realm, and in this case the configuration of the parking and amenity spaces would do just that. As outlined above, this arrangement would materially diminish the living conditions of future occupiers of the proposed development.
18. Taken as a whole, the appeal scheme would give rise to unacceptable harm to the living conditions of future occupiers of Unit 6 in Building 2 and Units 9 and 11 in Building 3. In respect of these units, the proposal would therefore conflict with Policies SP1 and SP7 of the Local Plan (Section 1), and Policies LPP47 and LPP52 of the Local Plan (Section 2).

Effect on living conditions of residents of neighbouring dwellings

19. The Council argues that Units 1–4 would give rise to overlooking towards the rear of the neighbouring Old Street Mews development, resulting in an unacceptable

loss of privacy for its occupiers. However, Units 1 and 3 face directly onto the car parking area serving Old Street Mews, and in this context, I do not consider that these units would materially diminish the privacy of these neighbouring residents. Although the current proposal introduces residential use, the physical relationship between Building 1 and Old Street Mews is long-established, and the occupiers of that development would already be familiar with the presence and positioning of Units 2 and 4. In these circumstances, any additional overlooking arising from Units 2 and 4 would, in my judgement, be limited and would not result in material harm to the privacy of the occupiers of Old Street Mews.

20. The Council argues that the proposed amenity area, positioned along the northern side of Building 2, would lead to overlooking, noise, and general disturbance for residents of Kingswood Court and Phillips Chase. However, the appellant's planning statement confirms that the rear elevations of Buildings 1 and 2 contain only bathroom windows, thereby avoiding any material impact on the privacy or amenity of No. 5 Kingswood Court. The appellant also explains that the incorporation of louvres, screens, and obscured glazing would prevent any loss of privacy where window openings lie within or close to neighbouring boundaries. In addition, the amenity area lies adjacent to the open space of Kingswood Court and primarily alongside the car parking area of No. 35 Phillips Chase, which would significantly limit any noise effects. The side windows of Building 2 face mainly towards this parking area and would not give rise to unacceptable overlooking or privacy impacts for nearby residents. For these reasons, I am satisfied that Building 2 would not result in harmful noise, disturbance, or loss of privacy for the occupants of Nos. 5 Kingswood Court or 35 Phillips Chase.
21. The Council argues that because Unit 10 on the first floor of Building 3 is close to the rear of the buildings on Phillips Chase, this would result in overlooking and harm the privacy of the residents of the properties on that road segment. I disagree because of the significant difference in levels, with Building 3 being on higher level than the dwellings on Phillips Chase, complemented with the generous amenity area next to this dwelling, would restrict direct overlooking. Consequently, this part of Building 3 would not create any loss of privacy to the neighbouring residents on Phillips Chase.
22. Therefore, in this respect, the proposal would not conflict with Policies SP1 and SP7 of the Local Plan (Section 1), nor with Policies LPP47 and LPP52 of the Local Plan (Section 2). However, this compliance does not outweigh the significant harm identified above arising from the scheme's conflict with Policies SP1 and SP7 of the Local Plan (Section 1), and Policies LPP47, LPP52 and LPP53 of the Local Plan (Section 2).

Effect on flood risk in the locality

23. The appellant has submitted information relating to a Sustainable Drainage System (SuDS) Management and Maintenance Plan. The Lead Local Flood Authority (LLFA) advised that the original submission lacked key information, including clarity on how downstream flood risk would be mitigated, and therefore sought an updated drainage strategy. The appellant refers to the LLFA's earlier correspondence on the earlier proposal mentioned above, asserting that the matters raised had already been addressed. Notwithstanding this, a revised drainage strategy has now been provided. This updated submission responds to the LLFA's concerns and

demonstrates that the proposed SuDS would form part of a sustainable and appropriate surface water management solution.

24. Any residual matters can be satisfactorily secured through the imposition of suitably worded planning conditions. On this basis, I am content that the proposal accords with Policies LPP74, LPP75 and LPP76 of the Local Plan (Section 2, Adopted 2013). Nonetheless, this compliance does not outweigh the significant harm arising from the scheme's conflict with Policies SP1 and SP7 of the Local Plan (Section 1), and Policies LPP47, LPP52 and LPP53 of the Local Plan (Section 2).

Effect on ecology in the area

25. It is common ground between the parties that the appeal site lies close to the Blackwater Estuary Special Protection Area (SPA) and Ramsar site, the Dengie SPA and Ramsar site, and the Essex Estuaries Special Areas of Conservation (SAC). These European sites are particularly sensitive to increased recreational pressure resulting from new development. Instead of making the required mitigation payment upfront, the appellant has chosen to secure the necessary contribution through a unilateral undertaking. A signed undertaking confirming payment of the required sums has been submitted with the appeal, satisfactorily addressing the relevant reason for refusal. Accordingly, the proposal would not conflict with Policy SP2 of the Local Plan (Section 1). However, this is significantly outweighed by the harm arising from the proposal's failure to accord with Policies SP1 and SP7 of the Local Plan (Section 1), and Policies LPP47, LPP52 and LPP53 of the Local Plan (Section 2).

Adequacy of infrastructure in the area to support the development

26. Given the potential impact of a development of this scale on local infrastructure, the appellant is also required to contribute towards outdoor sports and allotments, public open space, and health provision. The appellant's unilateral undertaking also includes commitments to provide these contributions, as well as a requirement that development will not commence until a refuse strategy has been submitted to and approved in writing by the Council. I am satisfied that this too addresses the relevant reason for refusal. As a result, the proposal would not conflict with Policy SP6 of the Local Plan (Section 1) and Policies LPP31, LPP50 and LPP78 of the Local Plan (Section 2). Nevertheless, the weight attributable to this compliance is decisively outweighed by the significant harm arising from the scheme's clear conflict with Policies SP1 and SP7 of the Local Plan (Section 1), and Policies LPP47, LPP52 and LPP53 of the Local Plan (Section 2).

Other considerations and planning balance

27. Having regard to the National Planning Policy Framework (the Framework), the appeal scheme would result in less than substantial harm to the designated heritage assets, given its limited spatial impact. Paragraph 215 of the Framework requires that such harm be weighed against the public benefits of the proposal.
28. The appellant submits that the delivery of new dwellings through efficient use of a previously developed land, in a sustainable and accessible location, constitute a public benefit. The proposed development would yield some contribution to the local housing supply and generate attendant social and economic benefits during both the construction phase and subsequent occupation. The Council has demonstrated a 5-year supply of deliverable housing sites, and so the 5.32-year

supply of deliverable sites does not appear to be unduly constrained. As such, the proposal does not engage the presumption in favour of sustainable development. In this context, the proposal does not constitute a sufficiently meaningful contribution to justify residential development within a sensitive urban environment.

29. In accordance with paragraph 212 of the National Planning Policy Framework, great weight must be given to the conservation of designated heritage assets. In the circumstances of this case, I find that the proposed development would cause lasting harm to the character and appearance of the CA and the setting of the adjacent listed buildings and the living conditions of its future occupiers. When assessed against the policies of the Framework as a whole, the adverse impacts would significantly and demonstrably outweigh the limited benefits. Therefore, the proposed development would not be in accordance with the spatial strategy and design principles set out in Policies SP1 and SP7 of the Local Plan (Section 1), and Policies LPP47, LPP52 and LPP53 of the Local Plan (Section 2).

Conclusion

30. The appeal scheme conflicts with the development plan as a whole. No other material considerations have been advanced that would justify a decision other than in accordance with the plan. For the reasons set out above, the appeal should be dismissed.

A Oyeboade

INSPECTOR