



Appeal Decision

Site visit made on 10 February 2026

by **S F Barnes MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4th March 2026

Appeal Ref: APP/Z1510/D/25/3374561

12 Collar Way, Witham, Essex CM8 1YX

- 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 Kelly Myers against the decision of Braintree District Council.
 - The application Ref is 25/01804/HH.
 - The development proposed was described in the application form as: proposed detached outbuilding (retrospective). Raise ground outside doors of outbuilding.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application form states that the development has begun. I saw that part of the proposed detached outbuilding has been erected and am therefore considering the appeal retrospectively. Irrespective of what has been constructed to date, I have considered the appeal based on the plans and evidence before me.

Main Issues

3. Having regard to the above, the main issues are the effect of the proposal on the:
 - living conditions of neighbouring occupiers, with particular regard to outlook; and
 - character and appearance of the area.

Reasons

4. The appeal site contains a 2-storey detached dwelling set within a garden plot. Its rear garden is trapezoid-shaped and narrows where it adjoins the rear gardens of the plots 69 and 71 Butcher Row (Nos 69 and 71). The immediate surroundings comprise a modern residential development with properties of a similar scale and design, some with rear outbuildings.
5. Properties are finished in a generally coherent palette of facing materials including timber cladding, red or yellow brick and white render. Houses, either detached or in small groups, are generally well-spaced from each other by large, detached garages with dual-pitched roofs. That is the case at the appeal site and between the properties Nos 69 and 71, allowing views from the street through to their rear gardens.
6. The Council did not explicitly comment in its Officer Report on the proposal to 'raise ground outside the outbuilding doors'. Given its location at ground level, this aspect of the proposal would have very limited visual impact outside of the site.

The proposal also involves raising the height of boundary treatments to maintain adequate standards of privacy. I therefore consider this aspect of the proposal to be acceptable.

Character and appearance

7. The proposal concerns a flat-roofed outbuilding occupying a large area to the rear of the garden, with a small offset from the boundary treatments. The Council considers the proposal acceptable in principle in this location and that sufficient garden space would be retained to meet the needs of occupiers. A render finish would be applied to its front wall, which faces back to the appeal building. Other external walls would be finished in painted blockwork, including those visible from Butcher Row.
8. The single-storey scale of the proposed outbuilding would ensure it appears subordinate to the appeal dwelling. It would be seen in the varied context of other detached outbuildings and the taller garages. The flat-roofed form would limit its massing and scale. Therefore, in design terms, its height and form would not be out-of-keeping with the area.
9. The proposed render finish would have a compatible appearance with the dwelling and local area and I have no reason to find such a finish would not be of a high quality. However, the use of painted blockwork at more widely visible elevations would be inconsistent with the established local palette. Despite some screening provided by the proposed taller boundary treatments, this would nonetheless result in an inharmonious appearance and detract from the character and appearance of the area.
10. Outbuildings are common features in the vicinity. Consequently, I see no reason why an appropriate alternative finish material could not be agreed. Were this appeal to have succeeded, I would have imposed a suitably worded condition to require details of an alternative material to be submitted and approved by the Council and then implemented within a reasonable time scale. This would ensure a suitable mechanism to overcome the harm I have found.
11. Concluding on this main issue, subject to a condition as described above, the proposal would not cause harm to the character and appearance of the area. There would be no conflict with Policies LPP 36 and LPP 52 of the Braintree District Local Plan 2013 - 2033 Section 2 (2022) ('Local Plan'). Amongst other considerations, those policies seek a high standard of design in all developments and to ensure that the bulk, form and materials of outbuildings are compatible with the original dwelling and character of the area.

Living conditions

12. The adjoining properties at Nos 10 and 14 Collar Way sit parallel with the appeal site, at a broadly even land level. Existing structures along both shared boundaries to the side would broadly screen the proposal from view at those properties. The proposed outbuilding would result in a modest increase in height along part of the boundary, set some distance from the main dwellings in each case. I note that the Council has not raised any specific concern in terms of the impact to living conditions of occupiers of these neighbouring properties, and I find no reason to disagree with its conclusions in this context.

13. No 69 and its rear garden is set at a lower land level compared to both the appeal site and the rear garden of No 71, which are broadly even in level. Much of the length of the proposed outbuilding's side walls would be visible from the gardens at both of those neighbouring sites due to the arrangement of the shared boundaries. The width of its rear wall would also be visible from No 69. Existing boundary treatments are solid timber and I saw no evidence of significant existing vegetation that might screen the proposal.
14. The dwelling at No 69 is oriented so that it turns slightly away from the appeal site. Views from its rear windows would not directly look onto the outbuilding, which would also be sited an acceptable distance away from them. From within this building, the open aspect across the rear garden would not be affected.
15. Similarly, the detached garage would screen the outbuilding from direct views out of rear windows at No 71. The effect on the outlook from garden space at No 71 would be acceptable given the modest increase in height over the boundary treatment as proposed.
16. However, due to the difference in levels, there would be a more pronounced effect when viewed from the garden space at No 69. The proposal would be experienced as a significant tall mass along the side and rear boundaries shared with this neighbouring property. It would be a considerable presence in this neighbouring garden, in contrast to the unobtrusively sited and shallower garage building that sits between Nos 69 and 71. Due to its height and siting, the proposal would have an overbearing and intrusive effect on outlook for users of the rear garden space at No 69. This would result in harm irrespective of the facing material used.
17. The appellant suggests that boundary treatments or landscaping could mitigate the proposal's appearance and impact. The proposal already involves raising the height of existing, solid fences. However, further increasing the boundary height would result in an intrusive visual barrier and would need to be similar in height to that of the proposed outbuilding. This would similarly result in harm to outlook.
18. There is no specific landscaping scheme before me. I have considered whether a condition could be used to secure this. However, there would be very limited opportunities to incorporate landscaping, as only a narrow area would be retained between the outbuilding and the boundary treatment. I am not satisfied that a landscaping scheme sufficient to address the identified harm could be achieved within these constraints. I also have reservations as to how such landscaping could be maintained in the long-term, given the limited access for maintenance along the building.
19. Concluding on this main issue, the proposal would harm the living conditions of neighbouring occupiers, with particular regard to outlook for occupiers at No 69. This would conflict with relevant provisions of Policies LPP 36 and LPP 52 of the Local Plan which, amongst other considerations, seek to avoid unacceptable adverse impacts on the amenities of adjoining residential properties, including overbearing impact. I attach significant weight to this policy conflict.

Other Matters

20. The Council has not identified any harmful impact from overshadowing or loss of privacy to neighbouring occupiers, to the historic environment or on parking

provision. However, as a lack of harm is not a benefit, this factor is of neutral weight in my consideration.

21. The appellant considers that repositioning the outbuilding could overcome some of the Council's concerns. However, I am mindful that the Procedural Guide: Planning Appeals - England (2026) sets out that the appeal process should not be used to evolve a scheme. I have therefore assessed the proposal the basis of the plans before me.

Conclusion

22. Although I have found that the proposal would not cause harm to the character and appearance of the area, I have nonetheless identified harm to living conditions for neighbouring occupiers which carry significant weight.
23. For the reasons given, the proposal would conflict with the development plan taken as a whole and there are no material considerations that outweigh this conflict. I therefore conclude that the appeal should be dismissed.

S F Barnes

INSPECTOR