

**PLANNING APPEAL DECISIONS**

**Agenda Item 6.**

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**Background Papers:-** None  
**Financial Implications:-** None (Unless Costs Award made)  
**Equalities Implications:-** None  
**Legal Implications:-** None  
**Options:** N/A  
**Risks:** None

**EXECUTIVE SUMMARY**

This is a regular report on appeal decisions received with specific analysis of each appeal decision.

**DECISION**

The report is for noting purposes only

## PLANNING APPEAL DECISIONS

This is the monthly report on appeals which contains a précis of the outcome of each appeal received during the month of **December 2009** and comment in respect of further action if applicable.

The full text of decisions is available on the planning website under each respective planning application.

<b>1.</b>	<b>Application No/Location</b>	09/00379/FUL – 21 Brain Valley Avenue, Black Notley
	<b>Proposal</b>	First floor extension.
	<b>Council Decision</b>	<b>Refused under delegated powers</b> The proposed extension by reason of its siting, size, bulk and design together with its proximity to adjoining residential properties would appear overbearing, unduly prominent in the street scene, and out of character with residential development in the locality, and by reason of its bulk and position would be unduly overbearing and dominant, causing overshadowing, loss of outlook and an unacceptable loss of light, harmful to the amenities of the occupiers of the adjoining dwelling.
	<b>Appeal Decision and Date</b>	<b>Appeal Allowed subject to conditions relating to materials – 08 December 2009</b>
	<b>Main Issue(s)</b>	<ul style="list-style-type: none"> <li>• The effect of the development on the character and appearance of the street scene and wider locality</li> <li>• The effect of the development on the living conditions of the occupiers of nearby properties through overshadowing, loss of outlook, and an unacceptable loss of light</li> </ul>
	<b>Inspector's Conclusion</b>	<p>The new roof and walls to the extension would, in the Inspector's view, appear as a completely subordinate element of the whole property and would not appear either obtrusive or out of scale with the existing house. They considered that the proposed extension not only would respect the scale, massing, design, and form of the existing original house, but also maintain the spacing between the appeal property and no 19 to a reasonable and acceptable degree.</p> <p>The Inspector has taken into account the orientation and built relationship between the appeal property and Nos. 19 and 23 in particular; the subordinate form and size of the extension; and considered that it would not protrude beyond the rear wall of the appeal building or above its main roof. Although the proposal would breach a 45 degree line drawn from the nearest window in no 19, and which would be contrary to advice in the Essex Design Guide, they were unable to give little weight to that guidance since it does not form part of the Development Plan and there is no evidence as to what if any public consultation was carried out prior to its adoption.</p>

<b>2.</b>	<b>Application No/Location</b>	08/01534/FUL – Scotts Farm, Cripple Corner, Pebmarsh
	<b>Proposal</b>	Erection of two storey replacement four bedroom detached dwelling and garage
	<b>Council Decision</b>	<b>Refused by Committee against Officer recommendation</b> It was considered that the scale, height, character and design of the replacement dwelling would result in a more intrusive dwelling than the original dwelling on this plot.
	<b>Appeal Decision and Date</b>	<b>Appeal Dismissed</b> – 10 December 2009
	<b>Main Issue(s)</b>	The effect of the development on the special landscape, character and appearance of the area.
	<b>Inspector's Conclusion</b>	In the Inspector's view, the proposed replacement dwelling could not fail but to be far larger than the original, and would therefore have a far greater visual impact in the landscape. The Inspector also acknowledged that the appellant intends to remove existing buildings from the site. However, while this would reduce the volume of buildings on the site, they are of a rural character and their removal in his view would not be sufficient to mitigate the harm caused by the substantial increase in the volume of the dwelling, with its residential character.