

**PLANNING APPEAL DECISIONS**

**Agenda Item ..**

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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 **April 2010** 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>	09/00618/FUL – Land Opposite Jaspers, Jaspers Green, Shalford
	<b>Proposal</b>	Erection of detached house & garage
	<b>Council Decision</b>	<p><b>Refused under delegated powers</b></p> <p>In this instance it is considered that the introduction of new housing development beyond the defined settlement limits would be contrary to the objectives of securing sustainable patterns of development and the protection of countryside character. The proposed dwelling would undermine the Council’s objectives towards securing the more efficient use of existing urban land in locations with better access to local facilities and services. As such the proposed new dwelling would be contrary to the sequential approach to the location of new housing.</p> <p>In addition, it is considered that the width and related massing of the proposed dwelling fails to reflect the character and appearance of dwellings within Jaspers Green. In order to try and find support from the Council’s countryside exemption policy (RLP16), the proposed dwelling has been designed to be unduly wide, thereby failing to reflect the proportions and character of dwellings within the surrounding area. Despite the presence of some landscaping, it is considered that the extent of the built form would dominate the street-scene and the settlement of Jaspers Green.</p> <p>It is considered that these matters heighten the visual impact of the proposed development which would result in the loss of an area of open space that currently contributes positively to the character of Jasper’s Green.</p> <p>Furthermore, it is considered that the detailing of the proposed dwelling would fail to reflect the simplicity of the architecture of the surrounding buildings by being of a style that is out-of-keeping with the traditional rustic vernacular that defines the character of the area. This point is heightened by virtue of the inclusion of a large overhang protrusion that is an alien feature in the context of the area and is therefore a further indication that the development is not sufficiently harmonising with its surroundings.</p>
	<b>Appeal Decision and Date</b>	<b>Appeal Dismissed – 6<sup>th</sup> April 2010</b>
	<b>Main Issue(s)</b>	The acceptability of the development having regard to planning policies for the protection of the countryside and regarding sustainability, and its effect on the character and appearance of the area.

	<b>Inspector's Conclusion</b>	The Inspector considered that the proposed dwelling would be around 24.6 metres in width, which is half as wide again as the largest existing dwellings in the immediate area. Moreover, alongside the new dwelling and at a distance of only around 3 metres, there would be a double garage of slightly over 7.5 metres in width. The extent of built form on the site would thus exceed 30 metres in width. The plans also show a solid fence to each side of the house, which would further emphasise the considerable width of the development and close off views through the site. All this would, in my view, be detrimental to the character and appearance of the area. Moreover, whilst the form of development proposed would preclude another dwelling being built on the site itself, it would form a precedent for the further infilling of large gaps. For that reason as well as because of its impact on its surroundings, the development would additionally be in conflict with Policy RLP16. Thus the proposal is not acceptable, having regard to planning policies for the protection of the countryside.
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2.	<b>Application No/Location</b>	09/01208/FUL – Ludham Hall, Ludham Hall Lane, Black Notley
	<b>Proposal</b>	Demolish existing covered pool and provide new side extension to dwelling to include sun room, pool and fitness room
	<b>Council Decision</b>	<b><u>Refused under delegated powers</u></b> It is considered that the proposed extension, having regard to its size, bulk, form and location would be contrary to these policies and result in an overly large and dominant extension to the detriment of the appearance and character of the dwelling and this attractive rural locality.
	<b>Appeal Decision and Date</b>	<b>Appeal Dismissed</b> – 15 <sup>th</sup> April 2010
	<b>Main Issue(s)</b>	The effect the proposed development would have on the character and appearance of the existing dwelling and the surrounding area.
	<b>Inspector's Conclusion</b>	The proposed pool house would be markedly different in character to the existing dwelling and would have an ungenerous, utilitarian form compared with that of the house. The Inspector considered that linking it to the house, as proposed, would produce an extension that would not be compatible with the scale and character of the existing property. It would be harmful to the appearance of the existing southern elevation. The impact of the proposal would be mitigated by its hipped, pitched, form and the colour likely to result from the proposed use of natural slate.

3.	<b>Application No/Location</b>	09/01477/FUL – 165 Church Street, Bocking
	<b>Proposal</b>	New mansard roof to carport and existing single-storey garage
	<b>Council Decision</b>	<b><u>Refused under delegated powers</u></b> The proposed mansard roof to the new car port and existing single storey garage by reason of the subsequent increase in height to the southern boundary wall would be unduly overbearing and dominant upon the side passageway of 167 Church Street, and the door and window openings that face onto it, harmful to the amenities of its occupiers.
	<b>Appeal Decision and Date</b>	<b>Appeal Allowed</b> – 15 <sup>th</sup> April 2010

	<b>Main Issue(s)</b>	The effect the proposed development would have on the living conditions of the occupiers of 167 Church Street.
	<b>Inspector's Conclusion</b>	The passage way between the flank wall of 167 and the boundary wall is narrow, particularly at its western end, and the proposed increase in height would have an impact by exacerbating the overbearing effect of the wall but not, in the Inspector's opinion, to an extent unacceptable in the context of a passageway between adjoining houses. The wall is to the north of the passageway and the proposal would not restrict sunlight to 167. Whilst there would be some loss of light to the obscure glazed door and window neither of these serves a habitable room. On balance they concluded that the proposed raising of the wall to 3.3m would not amount to an undue or unacceptable adverse effect upon the living conditions of the occupants of 167 sufficient to justify dismissal of the appeal.

	<b>Application No/Location</b>	09/01591/FUL – Pond Farm, Bakers Lane, Black Notley
	<b>Proposal</b>	Granny annexe at side of dwelling.
	<b>Council Decision</b>	<b><u>Refused under delegated powers</u></b> It is not considered that this proposal overcomes the previous reasons for the recent refusal of a similar application. The proposal would still essentially be a two storey extension to a single storey dwelling which would appear as an incongruous and incompatible addition. The front facing gable would become a dominating feature, detracting from the character of the existing dwelling. The design of the front and rear gables are such that they would unbalance the simple, symmetrical proportions of the property and would therefore be harmful to the character of the surrounding area.
	<b>Appeal Decision and Date</b>	<b>Appeal Dismissed</b> – 16 <sup>th</sup> April 2010
	<b>Main Issue(s)</b>	The effect of the proposal on the character and appearance of the existing dwelling.
	<b>Inspector's Conclusion</b>	In terms of height and width the extension would be subordinate to the existing dwelling but in terms of bulk, the rear facing gable would not be subordinate. The symmetry of the building would be disrupted with the introduction of the gable walls, and although the Inspector did not consider this would result in any significant harm to the front of the dwelling or the area, it would significantly detract from the character and appearance of the rear elevation and would not represent a high standard of design. Accordingly they concluded the proposed extension would be detrimental to the character and appearance of the existing dwelling.