

SITE HISTORY

07/02303/FUL	Demolition of house and garage and erection of five detached houses with associated parking and amenity areas. Formation of private drive and new vehicular access onto Colchester Road	REF	28.12.07
08/00727/FUL	Demolition of house and garage and erection of five detached houses with associated parking and amenity areas. Formation of private drive and new vehicular access onto Colchester Road	REF	09.06.08
08/01687/OUT	Demolition of house and garage and erection of four detached houses with associated parking and amenity areas. Formation of private drive and new vehicular access onto Colchester Road	REF	29.10.08
09/01288/OUT	Demolition of house and garage and erection of two storey terrace of five houses with associated parking and amenity area. form private drive, and new vehicular access onto Colchester Road	REF	17.11.09

POLICY CONSIDERATIONS

Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP17	Extensions and Alterations to Dwellings in Towns and Villages
RLP76	Renewable Energy
RLP77	Energy Efficiency
RLP80	Landscape Features and Habitats
RLP90	Layout and Design of Development

- RLP100 Alterations and Extensions and Changes of Use to Listed Buildings and their settings**
RLP163 Infrastructure and Community Facilities

Government Guidance

Planning Policy Statement No. 1: Delivering Sustainable Development
Planning Policy Statement No. 3: Housing

Supplementary Planning Documents

Open Space

SITE DESCRIPTION

The site is located within the village envelope for White Colne, it comprises a detached dwelling located towards the centre of the site, which slopes down steeply from the north-east. To the north-west of the site is a terrace of four small, traditional style dwellings. To the east is a large dwelling, set back from the highway by approximately 40 metres. A single track private access road is located to the north-east of the site. Opposite the site are semi-detached dwellings and a listed thatched cottage.

The approach into White Colne from Colchester is characterised by a fairly loose-knit pattern of development. In terms of style and size of dwellings Colchester Road is fairly diverse, although the majority of dwellings are of a traditional form. Dwellings are set in fairly large plots and generally speaking the larger dwellings are set back from the highway.

BACKGROUND

This site has been subject to a number of recent applications which have been refused. Firstly, application no. 07/02303/FUL sought permission for the demolition of the house and erection of five detached houses, it proposed 2 no. two and a half storey dwellings to the front and 3 no. two storey dwellings to the rear with access in the centre of the site. This was refused as it was considered that it would be out of keeping with the pattern of the surrounding area due to the height, bulk and scale and that it would result in a cramped and contrived development. It was also considered that the proposal would have an adverse impact on the setting of the listed building opposite.

A further application was then submitted (08/00727/FUL) which sought to address the previous reasons for refusal. It was considered that the reasons of refusal with regard to the height, bulk and massing of the proposed dwellings and the relationship to the listed building had been overcome. However, the layout and pattern of development was not

altered and therefore this proposal failed to overcome all the reasons for refusal and was therefore refused.

Following this another application (08/01687/OUT) was submitted which reduced the number of dwellings to, 2 at the rear and 2 at the front, however, again the layout remained the same together with the concerns regarding the pattern of development being out of character with the surrounding area. It was considered that the development would be out of character with the existing pattern of development to the detriment of the street scene and the visual amenities of the locality.

The applicant appealed the decisions on applications 08/00727/FUL and 08/01687/OUT, which were both dismissed. A copy of the appeal decision can be found at Appendix A.

Most recently, an application (09/01288/OUT) was submitted for the demolition of the existing dwelling and the erection of a terrace of five dwellings towards the front of the site with a communal parking area to the rear of the site. This was refused at Planning Committee on 17th November 2009 as it was considered that the layout and design would be bulky and cramped, out of character with the surrounding development to the detriment of local character, the street scene and visual amenity. The applicant has appealed this decision which is currently on-going.

PROPOSAL

This application seeks permission to extend and alter the existing dwelling and to erect an additional two storey dwelling with parking and amenity areas and formation of new vehicular access. It is an outline application; landscaping matters are reserved for a future application.

The alterations proposed to the existing dwelling are a reduction in width by 1.2 metres; a two storey gabled end extension; a first floor side extension and alterations to the arrangement and sizes of windows. The proposed materials for the extensions will match the existing dwelling.

The proposed new dwelling is situated to the west of the existing dwelling, 1 metre from the boundary with No. 39 Colchester Road. The proposed dwelling is situated 5 metres further forward than No. 41 Colchester Road and 3 metres back from the front of No. 39, creating a staggered relationship. The proposed materials are render and tiles.

It is proposed that the existing access will serve the proposed new dwelling and a new access is proposed towards the centre of the site for the existing dwelling. Two parking spaces are provided for each dwelling to the front of the site.

This application is brought before committee as objections have been received.

CONSULTATIONS

Essex County Council Highways – no objection subject to conditions

Environmental Health – no objections subject to conditions to minimise disturbance to nearby residents during construction

Engineers – no comments

REPRESENTATIONS

White Colne Parish Council – no response received at the time of writing this report.

6 letters have been received; 4 of objection and 2 of support.

The letters of objection raise the following concerns:

- **Lack of parking provision**
- **Existing house should become listed**
- **Ingress and access is onto a busy main road which is dangerous**
- **Will change the character of the area**
- **Loss of light**

The letters of support states that the proposal will sit in proportion to the plot and enhance the area and that the design is much more in line with the surrounding area.

REPORT

Principle

The site lies within the village envelope for White Colne. Therefore, in accordance with policy RLP2 of the Braintree District Local Plan Review, the principle of development at this location is acceptable. Policy RLP3 states that development will only be permitted where it satisfies amenity, design, environmental and highway criteria and where it can take place without material detriment to the existing character of the settlement. Policy RLP9 states that new buildings shall create a visually satisfactory environment and be in character with the site and relate to its surroundings. Policy RLP10 states that the density and massing of residential development will be related to the location of the site, site characteristics, layout and density of surrounding development, extent to which car parking and amenity space can be provided, adequacy of the access and adjacent road system, need to provide landscaping and retention or provision of wildlife corridors where appropriate. The Council seeks a high standard of design in all new developments, large and small, and detailed criteria is set out in Policy RLP90 of the Braintree District Local Plan Review 2005 to ensure that good design is

achieved. Of most relevance to this application are the criteria that the scale, density, height and massing of new buildings should reflect or enhance local distinctiveness and the layout, height, mass and overall elevational design of buildings shall be in harmony with the character and appearance of the surrounding area, including their form, scale and impact on the skyline.

PPS1 (Delivering Sustainable Development) states that design which is inappropriate in its context or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted. New development should contribute positively to making places better for people and should be of robust design that reflects local character.

It is considered that the proposal overcomes the previous reasons for refusal. It is considered that this layout respect the character of the surrounding area, whilst retaining some of the openness of the site.

Design and Appearance

The proposed extensions and alterations to the existing building are considered to be well-related to the host dwelling. The proposed new dwelling reflects the design and appearance of the existing dwelling. It is considered that the proposal would not have an adverse impact on the character and appearance of the surrounding area.

Impact on Neighbours

It is considered that the proposal will not have a significant adverse impact on the amenities of the neighbouring residents due to the orientation and the fact that obscure glazed windows are proposed at first floor level on the side elevations.

Landscapes

There are a number of trees which are subject to Tree Preservation Orders along the boundary with the neighbouring property, Coney Byes. Although the Arboricultural Report is based on the previous scheme, it indicates the constraints of the site and how the trees will be protected.

In accordance with the Council's Supplementary Planning Document a financial contribution of £2,290.51 is required towards the enhancement and provision of open space within the surrounding area.

Highways

On previous schemes Essex County Council Highways have requested a financial contribution towards a Bus Shelter. This is no longer considered necessary as the proposal is only for one additional dwelling.

Essex County Council raise no objections to the proposal subject to conditions to ensure adequate visibility splays, a turning facility and means to prevent discharge of surface water from the development onto the highway.

Sustainability

A sustainable design and construction checklist was submitted as part of the application, it has been completed in some detail, although no details of specific measures are included. However, a condition is recommended to require details to be submitted.

Other Issues

Within the letters of objection it states that the existing building should be listed. At the time of the previous appeals the Inspector states that the existing dwelling whilst 'it has some individual features and generally good proportions and an imposing presence through its location in the centre of its plot, it is not, in itself, of remarkable architectural or historic design' and such considers there to be no overwhelming reason why it should not be demolished.

CONCLUSION

It is considered that the proposal overcomes the previous reasons for refusal and meets the above policy criteria; accordingly the application is recommended for approval.

RECOMMENDATION

It is RECOMMENDED that, subject to either the applicants entering into a suitable planning obligation pursuant to S106 of the Town and Country Planning Act 1990 or, if considered appropriate by the Development Director, the imposition of a suitably worded condition to cover the following matters:

- A financial contribution of £2,290.51 is required towards the enhancement and provision of open space within the surrounding area.**

The Development Director be authorised to GRANT planning permission under powers delegated to him, subject to the conditions and reasons set out below.

1 Approval of the details of the:-

(a) landscaping of the site

(hereinafter referred to as "the reserved matters") shall be obtained from the local planning authority.

Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this decision-notice.

The development hereby permitted shall be begun within two years from the date of the final approval of the last of the reserved matters.

2 The development hereby permitted shall be carried out in accordance with the approved plans listed above.

3 Prior to commencement of development details showing the existing and proposed ground levels, both inside and immediately adjoining the site and the slab and finished roof heights and levels of dwellings in relation to the neighbouring properties shall be submitted to and approved in writing by the Local Planning Authority.

4 Development shall not be commenced until samples of the materials to be used on the external finishes have been submitted to and approved in writing by the local planning authority.

5 Prior to occupation of the development visibility splays with dimensions of 2.4 metres by 90 metres as measured from and along the nearside edge of the carriageway shall be provided on both sides of the proposed access. The area within each splay shall be kept clear of any obstruction exceeding 600mm in height at all times.

6 Prior to the first use of the access a 1.5 metre x 1.5 metre pedestrian visibility sight splay as measured from the highway boundary, shall be provided on both sides of the vehicular access. There shall be no obstruction above a height of 600mm as measured from the finished surface of the access within the area of the visibility sight splays thereafter.

7 Prior to occupation of the development a vehicular turning facility, of a design to be submitted to and approved in writing by the Local Planning Authority shall be

constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

- 8 There shall be 6 metres between parking spaces and the opposite boundary fence.**
- 9 The development shall not be occupied until the car parking areas indicated on the approved plans have been hard surfaced and available for use. The car parking area shall be retained in this form at all times. The car park shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.**
- 10 Prior to the commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.**
- 11 All areas of hardstanding shall be constructed using porous materials laid on a permeable base unless otherwise agreed in writing by the local planning authority.**
- 12 All tree protection measures shall be carried out in accordance with the Arboricultural Report produced by Andrew Day Arboricultural Consultancy Ltd, dated 17th June 2009.**
- 13 Development shall not be commenced until a scheme(s) including an implementation timetable for the following has been submitted to and approved in writing by the Local Planning Authority:-**
 - (a) water efficiency, resource efficiency, energy efficiency and recycling measures, during construction**
 - (b) measures to secure water conservation, recycling of rain water, sustainable drainage and other devices to ensure the more efficient use of water within the completed development**
 - (c) measures for the long term energy efficiency of the building(s), and renewable energy resources**
 - (d) details of the location and design of refuse bin and recycling materials storage areas (for internal and external separation) and collection points,**

(e) details of any proposed external lighting to the site.

The development shall be constructed in accordance with the approved details and thereafter so maintained.

14 No site clearance, demolition or construction work shall take place on the site, including starting of machinery and delivery of materials, outside the following times:-

Monday to Friday 0730 hours - 1800 hours

Saturday 0730 hours - 1300 hours

Sundays, Bank and Public Holidays - no work.

15 No piling shall be undertaken on the site in connection with the construction of the development until a system of piling and resultant noise and vibration levels has been submitted to and agreed in writing by the Local Planning Authority and shall be adhered to throughout the construction process.

16 No burning of refuse, waste materials or vegetation shall be undertaken in connection with the site clearance or construction of the development.

17 Development shall not be commenced until a dust and mud control management scheme has been submitted to and approved in writing by the local planning authority and shall be adhered to throughout the site clearance and construction process.

18 Development shall not be commenced until details of all gates / fences / walls or other means of enclosure have been submitted to and approved in writing by the local planning authority. The details shall include position, design, height and materials of the screen walls/fences. The gates / fences / walls as approved shall be provided prior to the occupation of the building(s) hereby approved and shall be permanently maintained as such.

REASONS

1 The particulars submitted are insufficient for consideration of the details mentioned and also pursuant to Section 92 of the Town and Country Planning Act 1990.

2 For the avoidance of doubt and in the interests of proper planning.

- 3 To ensure that the development is in character with the surrounding area and does not prejudice the appearance of the locality.**
- 4 To ensure that the development does not prejudice the appearance of the locality.**
- 5 To provide adequate inter-visibility between the users of the access and the existing public highway for the safety and convenience of users of the highway and of the access.**
- 6 To provide adequate inter-visibility between the pedestrians and users of the access and the existing public highway for the safety and convenience of users of the highway and of the access.**
- 7 To ensure appropriate turning facilities are provided so that vehicles can enter and leave the highway in a safe and controlled manner.**
- 8 To enable a vehicle using the parking spaces to manoeuvre in and out.**
- 9 To ensure adequate parking space is provided.**
- 10 To prevent hazards caused by flowing water or ice on the highway.**
- 11 To reduce the risks of flooding.**
- 12 To ensure existing trees, shrubs and hedges are retained as they are considered essential to enhance the character of the development.**
- 13 In the interest of promoting sustainable forms of development.**
- 14 To protect the amenities of the occupiers of nearby residential properties and the surrounding area.**
- 15 To protect the amenities of the occupiers of nearby residential properties and the surrounding area.**
- 16 To protect the amenities of the occupiers of nearby residential properties and the surrounding area.**
- 17 To protect the amenities of the occupiers of nearby residential properties and the surrounding area.**

18 In order to secure the satisfactory development of the area
 and in order to protect the privacy of the occupiers of
 adjoining dwellings.

APPROVED PLANS

Location Plan Plan Ref: PDB/10/110/01B
Block Plan Plan Ref: PDB/10/110/02
Block Plan Plan Ref: PDB/10/110/03
Access Details Plan Ref: PDB/10/110/04
General Plans & Elevations Plan Ref: PDB/10/110/05
General Plans & Elevations Plan Ref: PDB/10/110/06
General Plans & Elevations Plan Ref: PDB/10/110/07
Cycle Shed Details Plan Ref: PDB/10/110/08

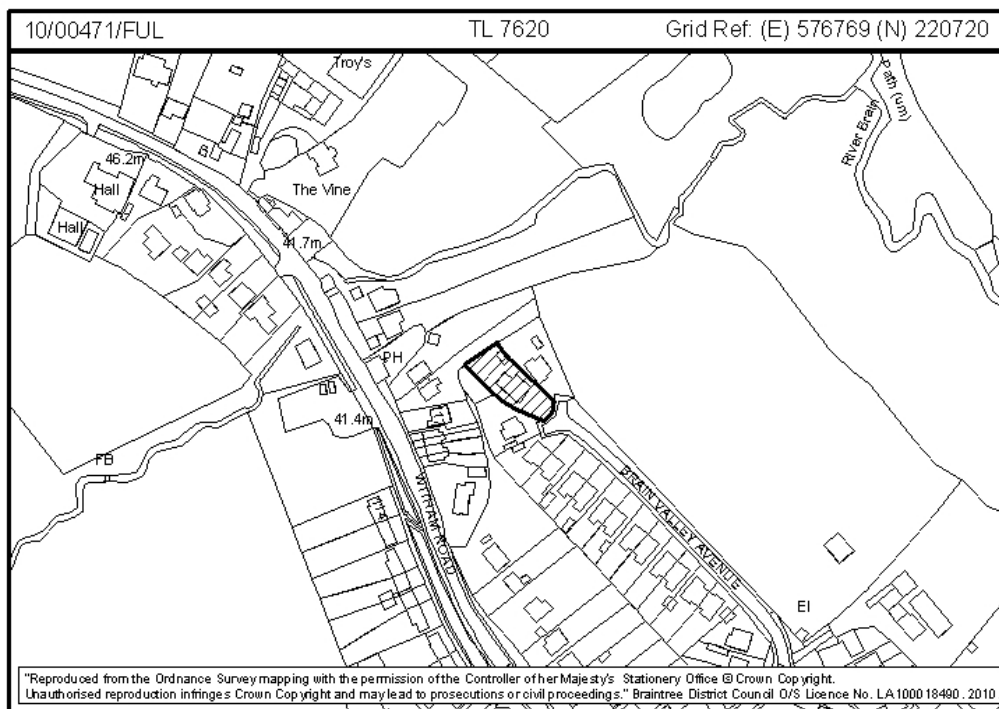
INFORMATION TO APPLICANT

- 1 Discharge of Conditions fee
- 2 Discharging Conditions
- 3 Means of Enclosure Hedging
- 4 Lighting

PART B

APPLICATION NO: 10/00471/FUL **DATE VALID:** 15.04.10
APPLICANT: Mr D Chapman
93 Brain Valley Avenue, Black Notley, Braintree, Essex,
CM77 8LT,
AGENT: Richard Edwards & Associates
Moulsham Mill, Parkway, Chelmsford, Essex, CM1 7PX
DESCRIPTION: Proposed extensions
LOCATION: 93 Brain Valley Avenue, Black Notley, Braintree, Essex,
CM77 8LT,

For more information about this Application please contact:
James Salmon on:- 01376 551414 Ext. 2543
or by e-mail to: james.salmon@braintree.gov.uk



SITE HISTORY

None

POLICY CONSIDERATIONS

Braintree District Local Plan Review

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP17	Extensions and Alterations to Dwellings in Towns and Villages
RLP90	Layout and Design of Development

INTRODUCTION

The application is being presented to the Planning Committee as five or more objections have been received local residents.

PROPOSAL AND SITE DESCRIPTION

The proposals are for the erection of a small single storey front extension to the gable end, a side extension which spans the length of the dwelling and a rear addition. The proposals will increase the overall footprint by approximately 82 square metres therefore the overall footprint will be 205 square metres (excluding the garage building).

The site is located along Brain Valley Avenue in Black Notley within the village envelope. The dwelling is located in a prominent position at the end of a cul-de-sac and is visible on approach towards the site. The bungalow is very similar to the property on its right hand side, however other bungalows nearby are very different and some have been radically altered to form chalet bungalows. This gives an overall impression of a mix of architectural styles and layouts. The site slopes downwards to the rear of the site which will mean the rear will be significantly higher than the neighbouring and rear gardens.

CONSULTATIONS

None.

REPRESENTATIONS

A site notice was erected at the site on the 20 April 2010, 5 representations have been received with more anticipated as late representations. The primary concerns relate to the following; Removal of bay window will be out of keeping with the neighbouring bungalows, concerns relating to lorries, and construction materials inhibiting access which could make it difficult for any service vehicles to enter Brain Valley Avenue, light restrictions to neighbouring dwellings,

concerns over first floor window, trees on verge could be damaged by delivery vehicles, restricted parking in area the extension will exacerbate this, privacy issues to rear dwellings and gardens.

Parish Council – The parish concur with neighbouring representations and suggest conditions to overcome these issues. Some of these are not necessary as they fall within the Environmental health remit and it is not Council policy to include environmental health conditions for the development of extensions. However, as this is clearly a concern of the Parish Council, it is suggested an informative can be added.

REPORT

In this location the principle of development is acceptable under local plan policy RLP 3 provided it satisfies amenity, design, environmental and highway criteria and provided it can take place without material detriment to the existing character of the settlement.

Policy RLP 17 serves up criteria to which extensions must comply. There must be no overdevelopment, the siting bulk and materials should be compatible with the original dwelling, there should be no unacceptable adverse impact on the amenities of adjoining residential properties, or any material impact upon the street scene.

Similarly, policy RLP 90 is concerned with design and its primary aim is to ensure that new development is in harmony with the character and appearance of its surroundings and that it does not have an unacceptable impact on the amenities of neighbouring properties.

The proposals will involve extensions to the front, side and rear of the property. The front addition will alter the front gable and will see the removal of the bay window and the gable extended outwards by one metre. Overall this will not have any impact on the dwelling and is considered acceptable. The side addition is set down from the roof of the original dwelling and protrudes 2 metres from the side of the dwelling. One window is proposed in this elevation, a bathroom window, this can be obscure glazed to avoid any overlooking.

The proposed rear extension is the most substantial of all the additions adding an extra 3.5 metres to the rear of the rear gable and 5.6 metres to the body of the bungalow. The rear additions will not create any over development of the plot, with well over 100 square meters amenity space remaining. Further the proposed siting, bulk, form, and materials would appear acceptable. Because of the sloping levels at the site the extension will create a larger mass than at the front, however overall the extensions appear subservient.

Impact Upon Neighbouring Residential Amenity

The proposed extensions will have some impact upon neighbouring residential amenity. There will be a slight loss of light at no. 91 however

this is not considered to be to an unacceptable level or to warrant a refusal of the proposals. Likewise, because of the drop in levels at the site the proposals will create a large bulk which will be visible from the gardens of the houses at the rear of the site. Neighbours have expressed their concerns including overlooking and privacy worries. However there will be no direct overlooking and these issues can be relieved with appropriately worded conditions. In particular, the removal of the window shown at first floor level and appropriate screening to minimise the impact of the slope.

CONCLUSION

The site is located within the village envelope where the principle of development is acceptable. The site is capable of accommodating an extension of the proposed size, providing adequate amenity space and two off-road parking spaces in accordance with the Council's adopted standards. While the concerns raised in the letters of representation are noted, on balance and for the reasons expressed above it is considered that the extensions are considered to be acceptable in this location and would not cause unreasonable harm to the existing character and appearance of this locality subject to conditions. The development would comply with national and local policies, and is therefore recommended for approval.

RECOMMENDATIONS

**It is RECOMMENDED that the following decision be made:
Application GRANTED subject to the following conditions and reasons and in accordance with approved plans:-**

- 1 The development hereby permitted shall be begun on or before the expiration of three years beginning with the date of this permission.**
- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed above.**
- 3 The external materials and finishes shall be as indicated on the approved plans and/or schedule unless otherwise agreed in writing by the local planning authority.**
- 4 Notwithstanding the approved plans listed above, the following elements are specifically excluded:-

 First floor window to rear of proposals.**
- 5 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any Order amending, revoking and re-enacting that Order) no enlargement of the dwelling-house, as permitted by**

Class B of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

6 The bathroom window on the south west facing elevation shall be glazed with obscure glass and shall be so maintained at all times.

7 Development shall not be commenced until details of treatment on the north west (rear) boundary have been submitted and approved by the local planning authority. The details submitted shall show the location, design (or species), and size of the proposals.

The hedge/wall/fence shall be provided prior to the commencement of development, unless hedging is proposed in which case the planting should be carried out in the first planting season after the commencement of the development unless otherwise previously agreed by the local planning authority.

If hedging is chosen any plants which die, are removed or become seriously damaged or diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

REASONS

1 This Condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2 For the avoidance of doubt and in the interests of proper planning.

3 To ensure that the development does not prejudice the appearance of the locality.

4 To protect the amenities of the occupiers of nearby residential properties and the surrounding areas.

5 To protect the amenities of the occupiers of nearby residential properties and the surrounding areas.

6 In the interests of residential amenity and in order to secure the privacy of adjoining occupiers.

7 To enhance the appearance of the development and in the interests of visual amenity and privacy.

APPROVED PLANS

Location Plan

Block Plan

Elevations **Plan Ref: E.1237-10-1**

Floor Plan **Plan Ref: E.1237-10-2**

Elevations **Plan Ref: E.1237-10-3**

Floor Plan **Plan Ref: E.1237-10-4**

INFORMATION TO APPLICANT

- 1** **Noise and Pollution Code of Practice**
- 2** **With regards to condition 7 of the decision notice, the local planning authority require a boundary treatment which reduces overlooking and increases privacy for the occupants of the dwellings to the rear of the site. It is therefore suggested that the boundary treatment is located off of the boundary before the significant drop in levels.**
- 3** **Discharge of Conditions fee**
- 4** **You are requested to issue instructions to all contractors, subcontractors and delivery vehicles to park within the property and clear of the highway in carrying out the development to avoid potential highway safety problems in Brain Valley Avenue. All deliveries should also be deposited within the site.**



Appeal Decisions

Hearing held on 3 March 2009
Site visit made on 3 March 2009

by **J Chance** BSc DipTP MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
27 March 2009

Appeal A: APP/Z1510/A/08/2084996

41 Colchester Road, White Colne, Essex CO6 2PW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by CCC Property against the decision of Braintree District Council.
- The application Ref 08/00727/FUL, dated 1 April 2008, was refused by notice dated 9 June 2008.
- The development proposed is described as "Demolish house and garage, erect five detached houses with associated parking and amenity areas, form private drive and new vehicular access onto Colchester Road (amended proposal)".

Appeal B: APP/Z1510/A/08/2090533

41 Colchester Road, White Colne, Essex CO6 2PW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr Gary Sharp, CCC Property against the decision of Braintree District Council.
- The application Ref 08/01687/OUT, dated 5 September 2008, was refused by notice dated 29 October 2008.
- The development proposed is described as "Demolish House and Garage, Erect Four Detached Houses with Associated Parking and Amenity Areas, Form Private Drive, and New Vehicular Access onto Colchester Road".

Decision

1. I dismiss the appeals.

Procedural Matters

2. Although the application which led to Appeal A was for full planning permission, the application which led to Appeal B was for outline planning permission, with approval being sought for access, appearance, layout and scale. I have taken this into account in my determination of the appeals.
 3. The Council confirmed at the Hearing that it was not pursuing the third reason for refusal on both applications, as signed Unilateral Undertakings pursuant to Section 106 of the Town and Country Planning Act 1990 relating to both schemes have now satisfied the Council's concerns with respect to financial contributions towards local highway improvements. I have taken these Undertakings into account in my consideration of the appeals.
-

Main Issues

4. The main issues for both appeals are:
 - (a) the effect of the proposed development on the character and appearance of the streetscene and surrounding area, including the visual impact on users of the rear private access road; and
 - (b) whether the proposed development would have implications for the safe and convenient use of the rear private access road.

Reasons

Effect on the Character and Appearance of the Streetscene and Surrounding Area

5. The appeal site is on the north eastern side of Colchester Road within the built up area of the village of White Colne. Both schemes require the demolition of the existing house at No 41, and the garage has already been demolished.
6. The site is located between a pair of semi-detached properties and short terrace further to the north west which are set forward with respect to Colchester Road and Coney Byes, a detached dwelling which is set well back in its plot. Consequently, when viewed from Colchester Road travelling north west to south east there is somewhat of a stepped set-back from the road from the properties closest to Bures Road, through the intermediate set-back of the present dwelling on the appeal site to Coney Byes and Chalkney House which are set towards the backs of their plots.
7. I was advised at the Hearing that the eastern boundary of the present village Conservation Area extends as far as the western edge of Bures Road on the north eastern side of Colchester Road. Although the Council considers that generally to the east of the village centre and Conservation Area the development is more of a loose knit form and on larger plots, I saw that there is great variation both in the sizes, shapes, forms and types of dwelling and in their plot sizes and shapes. I also observed that towards the eastern edge of the settlement there is a variety of layouts of dwellings with some set to the rears of other buildings, some accessed from a small service road/private drive and others with varying frontage arrangements. Overall, the eastern part of the village lacks a standard pattern of layout, with small clusters and groups of buildings interspersed with detached and semi-detached properties and, on both sides of the A1124 road, is characterised by varying set-backs of the buildings from the road and sometimes different orientations.
8. Consequently, in considering only the immediate surroundings of the appeal site the current character is that of a centrally located, fairly well set-back dwelling within a spacious plot positioned between another dwelling located to the back of its spacious plot and a terrace of dwellings set much closer to the road, with long narrow rear gardens. However, when taking account of the wider context there is a much more varied character within this more eastern part of White Colne. In my view, the appeal site is an important site, which is highly visible because of its present openness through lack of vegetation and its significant slope up away from the road, and which occupies a position effectively within a transitional zone between the more constrained and contained central developed area and the more varied types, styles and layouts of the development further to the east. Any proposed re-development of it therefore needs to take full account of these different factors, with any

- proposed layout providing attractive, well-designed buildings within a fully integrated green setting to retain a sense of openness and green spaciousness.
9. In addition, at the Hearing representatives of the Parish Council indicated that they are in the process of producing a Village Design Statement to back up a previous request to the District Council to extend the Conservation Area boundary as far as Chalkney House, which would include the appeal site. While the Conservation Area boundary has clearly not been extended to include the appeal site and this might not come about in the future, I nevertheless acknowledge that the Parish Council and many local residents consider this possible additional area to possess some special characteristics. This is in addition to the Council's view that the presence of the more spacious plots provides some relief from the more intensive built form further to the west.
 10. I also note the importance attributed to the current house at No 41 by local people. However, that building is not listed or within a designated Conservation Area and, while I acknowledge that it has some individual features and generally good proportions and an imposing presence through its location in the centre of its plot, it is not, in itself, of remarkable architectural or historic design. As such, I accept that there is no overwhelming reason why it should not be demolished and the plot re-developed for residential purposes.
 11. Both schemes propose two detached dwellings with a similar set-back from the road to that of the adjacent terrace, with vehicular access via a private drive between them to provide access to three detached dwellings towards the rear of the site in the case of Appeal A or two detached dwellings towards the rear of the site in the case of Appeal B. I note that the Council has no particular objection to the design of these two front dwellings and that they are reduced in height from a previous application submission. However, while the design of the houses would appear to be generally acceptable, development of Plots 1 and 2 as proposed would result in development of virtually entirely the full width of the plot, taking account of the access drive between.
 12. Furthermore, although not identified as a concern by the Council, as apparent at the accompanied site inspection and as evident on the drawings, the proposed building on Plot 2 would be close to the mature protected trees, which are within the curtilage of Coney Byes but adjacent to the common boundary with No 41. I consider that that the construction of that building would be likely to significantly harm the health, vitality and long term viability of those trees and I am of the opinion that future occupiers of that property would also be likely to experience problems at certain times of the day with overshadowing of parts of the proposed amenity space. Loss of any of the affected trees or pressure which resulted in them being significantly cut back would further detract from the current green character of this particular part of the streetscene.
 13. Under both schemes the dwellings to the rear would face roughly north east towards the private access road to the rear of the appeal site, with pedestrian access provided onto/from that private access road. Although this would help to give the appearance of some green space within the more central part of the site, a considerable proportion of the overall area would still be taken up with parking and turning facilities and with providing some form of rear access to those rear properties. Moreover, given the lack of room between and to the

- sides of the proposed dwellings, the need to provide sufficient parking space for each dwelling and sufficient turning and manoeuvring space and the need to include retaining structures and generally design for the sloping site, I find that, notwithstanding the proposed hedging shown on the plans, there would be little scope to provide a fully integrated landscape scheme. This would further emphasise the undue amount of built development on the site as a whole at the expense of green space and planting which would, in my opinion, represent over-intensive development, given the site's wider context.
14. In views from Colchester Road and from existing properties on the opposite side of that road up the proposed access drive and at various angles round and over the front properties, the appearance would be of a substantial mass and bulk of built form and developed area, with a relatively small amount of green space. Even if the buildings were partially excavated into the slope, and only the upper parts of the dwellings at the rear of the site were visible, the developments would still appear as an unduly prominent mass of built form cramped into an area which was of insufficient size to comfortably accommodate it. Even though the buildings to the rear would be reduced in height compared with the original proposal, they would still be of substantial size, particularly in the Appeal B scheme.
 15. Moreover, since views towards the rear buildings along the private drive and from the proposed front properties would be of the rear amenity areas, it is likely that a clutter of domestic paraphernalia would add to the impression of too much development for the size of site and exacerbate the awkwardness of the proposed layout with the rears of another row of properties, whether as two wider or three narrower buildings, backing onto the front dwellings. I consider that both proposed schemes would fail to take proper account of the particular characteristics of this site and its surroundings that I identified previously and, as a consequence, if allowed would significantly harm the character and appearance of the streetscene and surrounding area.
 16. In addition, even though the separation distances between the front and rear dwellings might be such that reasonable levels of privacy would be achieved, the rear dwellings would be unduly close to the site's rear boundary, giving little clearance from the rear access road. At present there is a fairly open feel across the rear sections of the various plots bordered by that access road when seen from existing nearby properties and their amenity areas and by people travelling on that road. However, whether as two larger or three smaller rear dwellings, the proposed development would extend across almost the full width of the back of the site, in addition to the front dwellings in conjunction with the access drive almost filling the width of the front of the site, as mentioned previously. When viewed from that rear access road, notwithstanding the reduced height of the proposed dwellings in both schemes from the original submission, the overall impact would still be of a large scale and mass of building, and of over-intensive development of the site. This would conflict with the current open character close to the rear access road.
 17. Furthermore, in proposing development across almost the whole of the width of the rear of the site, both schemes would, in my opinion, lead to built form appearing too close to the common boundary with Coney Byes and inappropriately close to that existing dwelling. This would further exacerbate the inappropriate scale, extent and intensification of the development on the

appeal site, to the detriment of the character and appearance of the surrounding area.

18. The appellant argued at the Hearing that both schemes would meet national planning objectives to make more efficient use of the appeal site and that while they would lead to a change in the character of the site and its surroundings, no material harm would be caused. However, contrary to the appellant's views, I consider that both proposals would cause significant visual harm to the locality. In addition, while the land is previously-developed, Planning Policy Statement 3 (PPS3): Housing states that there is no presumption that land that is previously-developed is necessarily suitable for housing development nor that the whole of the curtilage should be developed. Furthermore, irrespective of whether the site is seen in private or public views, PPS3 advises that design which is inappropriate in its context or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted. I consider the overall designs of both schemes to be inappropriate in their contexts, and regard both these proposals for more intensive development to be unacceptable.
19. I therefore conclude that both the proposed developments would harm the character and appearance of the streetscene and surrounding area. This would be contrary to the intentions of paragraph 1 of Policy RLP 3 of the Braintree District Local Plan Review (LP) and to the general intentions of Policy RLP 9 even if the site is below the size threshold where a site appraisal is required. In addition, as the density and massing would relate poorly to the characteristics of the site and the layout and density of surrounding development, the proposals would be in conflict with criteria ii) and iii) of Policy RLP 10. They would also be contrary to the intentions of criteria (v) and (i) of Policy RLP 90 as the layout, mass and overall design of both schemes would not be in harmony with the character and appearance of the surrounding area and the scale and massing of the buildings would not reflect or enhance local distinctiveness.

Whether there would be implications for the Safe and Convenient Use of the Rear Private Access Road

20. To the rear of the appeal site is a private rear access road which provides a second access to Chalkney House Nursing Home and the sole access to Coney Byes. The Council and local residents are concerned that the access road would be used to gain access to the fronts of the two or three dwellings proposed within the two separate schemes for the rear part of the site, and that vehicles associated with those properties would park in the access road. The appellant pointed out at the Hearing that clear signage for the properties would prevent visitors and the drivers of delivery and service vehicles searching for the access to the proposed rear properties by driving down the private rear access road.
21. I consider that good signage would go some way towards reducing new traffic generation along the rear road. However, if future occupiers of the rear properties wished to secure their individual rear accesses, delivery drivers would have little option but to attempt to drive along the rear private road to make a delivery. With regard to the potential for vehicles to park on the private access road, I see no reason why regular visitors with knowledge of the

site layout would not park within the site somewhere on the proposed access drive or within the parking areas. Furthermore, there would be nothing to prevent additional parking areas being provided within the site for the proposed rear dwellings in both schemes.

22. Overall, while there might be some slight intensification of the use of the private access road by vehicles associated with the proposed properties, there would, in my view, be no major additional use of that route. While I appreciate that the private access road is used for delivery and service vehicles, ambulances and other emergency services vehicles attending the nursing home, I nevertheless conclude that the safe and convenient use of the rear private access road would not be unacceptably compromised as a result of allowing either of the proposed schemes. As such, with regard to highway criteria only, there would be no serious conflict with the intentions of LP Policy RLP 3.

Conclusion on the Main Issues

23. Notwithstanding my considerations with regard to the effect on the safe and convenient use of the existing private rear access road, I nevertheless conclude that the determining issue in both these appeals is the harm to the character and appearance of the streetscene and surrounding area which the proposals would cause.

Other Matters

24. I have taken account of national policy advice concerning the need to have special regard for the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses when considering these appeals. However, I consider that the proposed developments would be sufficiently far from the listed building on the opposite side of Colchester Road, which I saw to be set-back from that road, for there to be no material impact on that building or its setting.
25. Local residents and the Parish Council have raised concerns about contribution to traffic problems and lack of on-site parking; exacerbation of existing problems with the sewerage system and increased land drainage leading to flooding; disruption of an existing shared drainage system passing through the site; adverse effect on wildlife and the remaining vegetation; structural damage to existing nearby properties from potential piling activities; lack of need for new dwellings; loss of privacy and overshadowing for existing neighbouring occupiers; general lack of sustainability; and noise and disruption during construction.
26. The Section 106 Planning Obligations referred to earlier would be used towards local highway improvements and, as previously mentioned, if necessary additional parking provision could be provided within the site. With regard to drainage matters, planning conditions could be imposed to restrict the surface water discharge from the site to that which currently exists from No 41 and I note that the Water Company has not raised objection to the connection of foul drainage to the public sewer. There would be no reason why existing private or public services through the site should not be protected during and after construction and/or diverted clear of buildings. Maintenance responsibilities for such services are dealt with outside the planning system. Conditions could be

imposed within both schemes to require submission of landscaping proposals which would allow, where possible, for the protection of existing vegetation close to the plot boundaries. The creation of gardens for the proposed properties would to some extent encourage wildlife. Concerns over possible structural damage to existing properties would be dealt with outside the planning system, and requirements for full surveys of nearby buildings before and after any such work could be provided for.

27. The Council confirmed at the Hearing that no restrictive policies are in place in connection with any overprovision of housing and that there is no present opposition to allowing more dwellings within White Colne. With regard to loss of privacy for neighbouring occupiers I consider that there would be some adverse effect on the occupiers of The Willows as a result of the Appeal B scheme where two upper floor bedroom windows would face towards that property's garden and existing first floor study/bedroom window, albeit at an angle and with some vegetation between. This would add to the harm to the character and appearance of the streetscene and surrounding locality that I identified earlier. Although there would be limited overshadowing of small parts of adjacent property gardens at different times of the day, this would not, in my view, cause significant harm. As regards the matter of sustainability, the Council confirmed at the Hearing that the site is within an established settlement which has a regular, albeit not terribly frequent, bus service and is fairly close to a larger settlement with a good range of facilities. I have taken account of the intentions to promote sustainable construction and incorporate energy and water saving measures. Noise and disruption during construction could be limited by the imposition of conditions relating to working hours and delivery times and would be for a certain period only.
28. Overall, these matters do not outweigh or change my conclusions on the main issues and I find that both proposed developments would unacceptably harm the character and appearance of the streetscene and surrounding area.

Overall Conclusion

29. For the reasons given above and having regard to all other matters raised, I conclude that both appeals should be dismissed.

J Chance

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr S Rowe DipTP, MRTPI	The Planning and Design Bureau 45 Hart Road, Thundersley, Benfleet, Essex SS7 8PB
Mr G Sharp	144 New London Road, Chelmsford, Essex CM2 OAW

FOR THE LOCAL PLANNING AUTHORITY:

Miss S Ennos BSc(Hons), DipTP, MRTPI	Senior Planning Officer Braintree District Council
Mr A Davies MA Town Planning	Assistant Development Control Manager Braintree District Council

INTERESTED PERSONS:

Mr J Watt Parish Cllr	18/20 Colneford Mill, White Colne CO6 2PJ
Mr C Armstrong	Marengo, Bures Road, White Colne CO6 2QA
Mr P and Mrs S Norris	The Willows, Bures Road, White Colne CO6 2QA
Mr C and Mrs R Pearcey (Parish Council and local residents)	Insteps Cottage, Bures Road, White Colne CO6 2QB

DOCUMENTS

Document 1	Council's letter giving notice of the Hearing
Document 2	Letters received in response to the notice
Document 3	Plan showing Conservation Area boundary, positions of listed buildings and TPOs

PLANS

Appeal A

Plan A	Drawing No PDB/07/21/01
Plan B	Drawing No PDB/07/21/02c
Plan C	Drawing No PDB/07/21/17
Plan D	Drawing No PDB/07/21/19
Plan E	Drawing No PDB/07/21/20
Plan F	Drawing No PDB/07/21/25
Plan G	Drawing No PDB/07/21/26

Appeal B

Plan H Drawing No PDB/07/21/01a

Plan J Drawing No PDB/07/21/02e

Plan K Drawing No PDB/07/21/19a

Plan L Drawing No PDB/07/21/20a

Plan M Drawing No PDB/07/21/21

Plan N Drawing No PDB/07/21/27