
Appeal Decision

Site visit made on 21 December 2016

by Richard Aston BSc (Hons) DipTP MRTPI

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

Decision date: 12th January 2017

Appeal Ref: APP/H1515/D/16/3164258

30 Warescot Road, Brentwood, Essex CM15 9HE

- 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 Mr Mark Foster against the decision of Brentwood Borough Council.
 - The application Ref 16/01323/FUL, dated 26 September 2016, was refused by notice dated 28 November 2016.
 - The development proposed is erection of timber built cabin.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. It was evident from my site visit and the application form that the development proposed had commenced. A concrete base had been laid and the side and rear timber frames for the walls had also been constructed. I have determined the appeal on this basis.

Main Issues

3. The main issues in this appeal are the effects of the proposal on the living conditions of the occupiers of No. 1 Kimpton Avenue, with particular regard to outlook and the effect of the proposal on the character and appearance of the area.

Reasons

Living conditions

4. The proposal is sited abutting the rear boundary of the appeal site which forms the side boundary with the rear garden of No. 1 Kimpton Avenue, a two storey semi-detached residential property in a row of similar properties, the rear gardens of which sit at a lower level than the appeal site. The gardens of these properties are also much smaller and narrower than the gardens of properties along Warescot Road and consequently, the rear elevation of No. 1 is close to the side boundary and the proposal.
 5. I was able to view at the site visit that the proposal sits substantially higher than the boundary fencing with the side gable and rear roof plane particularly visible from No. 1 and its garden. Although the proposal is partially screened from neighbouring properties on Warescot Road by mature trees and landscaping within the rear gardens, that is not the case for No. 1 which does
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not have any landscaping along the boundary or within the garden. I also observed that Nos. 1, 3, and 5 Kimpton Avenue benefitted from substantial timber structures at the bottom of their gardens, albeit that these are of a much smaller size and scale than the appeal proposal and sited at the end of the gardens.

6. The ground floor living accommodation of No. 1 appeared to contain a kitchen and living accommodation in a single storey rear extension, part of which had a glazed roof. It is therefore reasonable to conclude that the occupiers of that property would spend a substantial amount of time in this part of the dwelling, especially during the summer months, in addition to the rear garden. When viewed from No. 1 and its rear garden, given the size, scale and siting of the proposal, the eye would be unacceptably drawn to it and it would be an unduly dominant and visually intrusive building that would be overbearing to the outlook from that property.
7. For these reasons, the proposal would cause harm to the living conditions of the occupiers of No. 1 Kimpton Avenue, in terms of outlook. It would conflict with Policy CP1 of the Brentwood Replacement Local Plan 2005 ('LP') which, amongst other things, requires that development should not have an unacceptable detrimental impact on the general amenities of nearby occupiers by being overbearing. I find this approach consistent with the National Planning Policy Framework ('the Framework') which requires that planning should seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In this respect, the proposal would also conflict with the Framework.

Character and appearance

8. The rear gardens of properties along Warescot Road appeared to be free from any significant development, predominantly containing timber sheds with only the shallow roof planes conspicuous just above the boundary fencing. I also disagree with the Council's assessment in terms of its visibility from public viewpoints as I found that the building was visible from Kimpton Avenue, given its overall height and scale.
9. The building would fill almost the entire width of the rear garden, with a very minimal gap to the boundaries. In combination with the lack of other similar development, the siting and overall size and scale of the proposal would appear incongruous and out of keeping with the character and appearance of its immediate surroundings. In its context it would not therefore represent a high quality of design.
10. For these reasons, the proposal would harm the character and appearance of the area and would also conflict with Policy CP1 of the LP which, amongst other things requires development to not have an unacceptable detrimental impact on visual amenity and be of a high standard of design. This policy is consistent with the Framework and accordingly, the proposal would also conflict with the design objectives of the Framework.

Other Matters

11. I note the personal circumstances cited by the appellant with regard to the intended use of the building. However, there is nothing substantive before me to suggest that such activities could only take place in a building of the form,

size and scale proposed. In my view, such considerations do not, on the evidence before me, outweigh or justify the harm that I have identified in relation to the main issues.

Conclusion

12. For the reasons set out above the proposal would conflict with the development plan, when read as a whole and the Framework. Material considerations do not indicate that the proposal should be determined other than in accordance with the development plan and having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

Richard Aston

INSPECTOR