

Appeal Decision

Site visit made on 28 February 2017

by Michael Evans BA MA MPhil DipTP MRTPI

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

Decision date: 24 March 2017

Appeal Ref: APP/H1515/D/16/3167073
117 Chelmsford Road, Shenfield CM15 8QL

- 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 and Mrs Hicks against the decision of Brentwood Borough Council.
 - The application Ref 16/01196/FUL was refused by notice dated 24 October 2016.
 - The development proposed is described on the application form as 'proposed conversion of detached bungalow into house, with side and front extensions included'.
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Decision

1. The appeal is allowed and planning permission is granted to convert bungalow to house incorporating raised ridge with two storey front extension and part single part two storey side extension, at 117 Chelmsford Road, Shenfield CM15 8QL, in accordance with the terms of the application, Ref 16/01196/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: CR:117:JAWS:1, CR:117:JAWS:2, CR:117:JAWS:3 and CR:117:JAWS:4.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) Prior to occupation of the development hereby permitted, the first floor windows in the flank elevations shall be fitted with obscured glass and thereafter be retained as such.

Preliminary Matters

2. The Council and Appellant have used the same description of development on the decision notice and appeal form. This provides a more accurate and fuller indication of the scheme than that given on the application form and I have therefore used it in the decision above.
 3. Matters have been raised in the grounds of appeal that were not considered in the report on the application. In consequence, the Council was given the chance to comment on the Appellant's case but has not made any response.
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Main issues

4. The main issues in this appeal are: firstly, the effect on the character and appearance of the locality; and, secondly, the effect on the supply of housing to meet the needs of the elderly or other less mobile residents, having regard to development plan policy.

Reasons

Character and appearance

5. Brentwood Replacement Local Plan (LP) 2005, Policy CP1 indicates that development will need to satisfy all of a number of criteria. These include that there should be compatibility with surrounding development and in the case of extensions in relation to the existing building, in terms of matters such as style and scale. It is also intended that there should not be an unacceptable detrimental impact on visual amenity or the character and appearance of the surrounding area.
6. The host bungalow would be extended to create a full two storey dwelling, adding significant height and bulk. As a result the style and scale would not be compatible with the existing building, contrary to Policy CP1. However, while the bungalow immediately adjoins a number of single storey properties to the north, to the opposite side there are several two storey properties. Moreover, factors such as the style and scale of the resultant two storey dwelling would be compatible with those of the larger properties.
7. In consequence, the extended dwelling would be appropriate in its context, which the Council acknowledges in its report. I also consider that the hipped roofs at the front of the enlarged dwelling would relate more sympathetically to those of the bungalow and two storey dwelling immediately to either side than the existing front gable.
8. It is therefore concluded that the character and appearance of the locality would not be harmed. The appearance of the enlarged dwelling would be acceptable and satisfy other aims of Policy CP1 in relation to the effect on the surrounding area. As a result, I consider that an exception to Policy CP1 concerning the effect on the existing building is justified. This is especially so because if the development was constructed as a replacement dwelling the result would be identical but without any conflict with the criterion concerning the extension of existing buildings.

Housing need

9. LP Policy H7 seeks to prevent the loss of single storey dwellings, which provide for the needs of the elderly or other less mobile residents. The creation of a two storey property by extension would result in conflict with this policy. However, my attention has been drawn to the Council's Draft Local Plan 2016. The Appellant indicates that the emerging plan has replaced the aim of retaining single storey properties with a focus on providing one and two bedroom dwellings. Notwithstanding its relatively early stage in the plan process, this indicates that the Council's current thinking is not to seek to retain bungalows. Because of the absence of any response from the Council, there is nothing to contradict this impression.

10. Furthermore, the Appellant has identified a significant number of cases where planning permission was granted for development that would cause the loss of a bungalow and in ten of these it is indicated that no reference was made in the Council's report to Policy H7. This also indicates an apparent lack of concern over the need to protect the supply of bungalows.
11. Consistency in the decision making process is, in my view, an important consideration in order to ensure that the public retains confidence in the planning process. Despite having the opportunity, the Council has not contested the evidence given or provided any information that might have distinguished these ten cases from the current scheme. In these circumstances, I consider that the planning permissions granted by the Council and draft Local Plan are matters that should weigh significantly in favour of the appeal.
12. The Council makes reference to an appeal decision where the development was rejected because of conflict with Policy H7. However, the Appellant points out that the above planning permissions include examples granted after this decision and therefore despite it. Moreover, I do not know what the position was in relation to the draft Local Plan at that time. This decision should not therefore be afforded any appreciable weight.
13. Based on the evidence before me, I conclude that an exception to Policy H7 is warranted.

Conclusion

14. The proposed extensions would not result in any harm to the character and appearance of the locality. Despite significant changes to its style and scale an exception to the aim of Policy CP1 regarding compatibility with the existing building is appropriate. In relation to the need to keep bungalows for the elderly or other less mobile residents, the apparent direction of travel in policy terms and planning permissions granted involving the loss of bungalows justify an exception to Policy H7.
15. In consequence and taking account of all other matters raised, it is determined that the appeal succeeds.

Conditions

16. A condition specifying the approved plans is necessary to provide certainty. The facing materials used should match those of the existing dwelling in order to protect its appearance. The first floor flank windows of the enlarged property should be glazed with obscured glass to avoid unacceptable overlooking of the neighbouring properties.

M Evans

INSPECTOR