The Planning Inspectorate

Appeal Decision

Site visit made on 11 April 2017

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

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

Decision date: 12 May 2017

Appeal Ref: APP/H1515/W/16/3167764
1 The Limes, Brentwood, Essex CM13 2DT

- 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 Ionut Ionescu against the decision of Brentwood Borough Council.
- The application Ref 16/01126/FULL, dated 14 August 2016, was refused by notice dated 26 October 2016.
- The development proposed is a new one bedroom house to the rear.

Decision

1. The appeal is dismissed.

Main Issues

2. There are two main issues in this appeal. Firstly, the effect of the proposed development on the character and appearance of the area. Secondly, the effect of the proposed development on the living conditions of the occupiers of the existing house with regard to privacy, and whether the proposal would provide acceptable living conditions for future occupiers with regard to amenity space provision.

Reasons

Character and appearance

3. 1 The Limes is a corner property. The proposed dwelling would occupy the end of its rear garden and form part of the Beech Avenue street scene. At paragraph 53 the National Planning Policy Framework ('the Framework') advises that local planning authorities should consider setting out policies to resist inappropriate development of garden land. The Brentwood Replacement Local Plan ('Local Plan') pre-dates the Framework. However, the justified reasoning to policy CP1 of the Local Plan acknowledges the pressures to develop garden land and recognises the need to protect the quality and character of existing urban areas. To that end it advises particular account will be taken of, for example, the pattern of development and depth of gardens.

4. The Limes is a residential road that forms part of a large housing estate. In the vicinity of the appeal site, the estate is characterised by wide, tree lined grass verges with spaciously separated semi-detached houses set well back from the pavement. As a result, the appeal address is located within an area of pleasantly designed, spacious, suburban housing. The rear garden to No 1, free of built development, other than for a modest single storey twin garage, forms part of the spacious character of the estate and its openness makes a positive contribution to the street scene.

5. The proposed chalet bungalow would be level with the front building line of houses along Beech Avenue and subservient in height to them. However, it would be significantly taller than the existing twin garage and occupy a greater proportion of the length of the rear garden of the host property. As a consequence, it would result in a far more urban pattern of development that would be out of keeping with the street scene. For these reasons, I therefore conclude that the proposal would be at odds with the pattern of development in the area and would unacceptably harm its character and appearance, contrary to policy CP1 of the Local Plan.

Living conditions

6. In terms of amenity space provision, the Council refers to Appendix 1 of the Local Plan which is a summary of the Essex Design Guide. It seeks a 50 square metres (sqm) garden area for a one bedroom house. The appellant states that the garden area is approximately 85sq, whilst the Council estimate that it would be approximately 40sqm. On the basis that the Essex Design Guide advises the measurable garden area should be entirely on the private, non-entrance side of the house, I consider the Council's estimate of the garden area to be the more accurate. As a result, the garden area of the proposed house would fall significantly short of the minimum size sought by the Council. This would result in a poorer standard of amenity that it is reasonable to expect for a one bedroom house.

7. With regard to privacy, the living room patio doors of the proposed dwelling, and a small secondary window to the bedroom above, would face the rear elevation of the existing house approximately 13m away. The Council is concerned that if the proposed dwelling is built future residents would overlook the existing property resulting in a loss of privacy. However, with the tall boundary fence proposed and scope for requiring the small bedroom window to be obscurely glazed, no material overlooking of the host property would occur.

8. Notwithstanding my favourable findings in relation to overlooking, this does not negate the demonstrable harm that would be caused to living conditions by inadequate amenity space provision. The poor design of the scheme in this regard would be contrary to policy CP1 of the Local Plan and the core planning principle of the Framework. In relation to new development, both seek high quality design and a good standard of amenity. In planning policy 'living conditions' are also referred to as 'amenity'.

Other matters

9. Following the redevelopment of the detached twin garages to create the proposed house, the submitted drawings only showed one off road parking space for the host dwelling. However, at appeal stage the Council has accepted that there is sufficient space to provide an additional parking space for No 1. I agree that this is the case and that such provision could be secured by condition. As a result, the proposed development would make adequate provision for parking in compliance with policy CP1 of the Local Plan, and so would not result in on road parking to the detriment of highway safety.

Conclusion

10. For the reasons given above, and having regard to all other matters raised, the appeal should be dismissed.

Ian Radcliffe Inspector