
Appeal Decisions

Site visit made on 15 May 2017

by Jonathan Price BA(Hons) DMS DipTP MRTPI

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

Decision date: 7th June 2017

Appeal A Ref: APP/H1515/W/16/3166112
31 Rose Valley, Brentwood, Essex CM14 4HZ

- 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 Andrew Epsom against the decision of Brentwood Borough Council.
 - The application Ref 16/00621/FUL, dated 22 April 2016, was refused by notice dated 22 July 2016.
 - The development proposed is roof extension and loft conversion to form 1 bed flat.
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Appeal B Ref: APP/H1515/W/17/3168523
31 Rose Valley, Brentwood, Essex CM14 4HZ

- 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 Andrew Epsom against the decision of Brentwood Borough Council.
 - The application Ref 16/01175/FUL, dated 22 April 2016, was refused by notice dated 20 October 2016.
 - The development proposed is roof extension and loft conversion to form 1 bed flat amended proposal.
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Appeal C Ref: APP/H1515/W/16/3166111
33 Rose Valley, Brentwood, Essex CM14 4HZ

- 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 David Kwan (33 Rose Valley Limited) against the decision of Brentwood Borough Council.
 - The application Ref 16/00622/FUL, dated 22 April 2016, was refused by notice dated 29 June 2016.
 - The development proposed is roof extension and loft conversion to form 1 bed flat.
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Appeal D Ref: APP/H1515/W/17/3168518
33 Rose Valley, Brentwood, Essex CM14 4HZ

- 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 David Kwan (33 Rose Valley Limited) against the decision of Brentwood Borough Council.
 - The application Ref 16/01176/FUL, dated 22 April 2016, was refused by notice dated 20 October 2016.
 - The development proposed is roof extension and loft conversion to form 1 bed flat amended proposal.
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Decisions

1. Appeal A is dismissed. Appeal B is dismissed. Appeal C is dismissed.
Appeal D is dismissed

Procedural Matters

2. As set out above there are four appeals covered in this report. They relate to two alternative schemes for each of two adjoining properties, Nos 31 and 33 Rose Valley. There are separate appellants for each property. However, the main properties are very similar, being handed versions of the same basic design, and the alternate schemes for each are themselves mirrored versions of that proposed next-door. The report has considered the issues common to each appeal, and those common to each of the alternative schemes, reaching individual conclusions over each of the appellants' two proposals and in relation to each of the properties. Following the Council's combined statement, and to avoid any confusion, I have similarly referred to these cases respectively as appeals A, B, C and D.

Main Issues

3. The main issue in appeals A and C is whether the proposed flats would provide acceptable living conditions for future occupants, with particular regard to outlook.
4. The main issue in appeals B and D is the effect of the proposals on the character and appearance of the surrounding area.

Sites and surroundings

5. Both the appeal properties have been converted into flats and are located in a built-up area of housing just to the south of Brentwood town centre and within a short walking distance of a wide range of services. The two appeal properties are each detached and comprise substantial three-storey residential buildings of a traditional character with their ground-floor levels below that of the road. There are two further buildings of the same original design fronting Rose Valley, continuing along to the north. Development within this part of the street is to an even line with most of the buildings quite closely and regularly spaced, positioned near to the road to present a visually prominent frontage.
6. No 31 differs to No 33 in having a large two-storey outrigger extension to the rear. However, in the street scene, these four similar buildings retain much of their original design uniformity. Each has a mirrored arrangement of a full height front bay to one side, attractive brickwork detailing around openings and along the over-hanging eaves and imposing ramped centrally placed main entrances to the front doors. No 31 retains its original slate roof whilst that of No 33 has replacement black concrete tiles. The roof of No 29 contrasts slightly with the appeal properties by having been rebuilt to a steeper pitch to include a concealed crown element but, as with the other similar three buildings, its profile remains visually subservient to the more articulated and dominant three-storey front of the building.

Policy background

7. The development plan comprises the saved policies of the Brentwood Replacement Local Plan (LP) which was adopted on 25 August 2005. The Council's decisions in all four appeals refer to the general development criteria set out in LP Policy CP1. However, the Council can currently identify only a 2.67 year supply of deliverable housing land. This falls significantly short of the requirements set out in paragraph 47 of the National Planning Policy Framework (the Framework) which refers to the need to identify five years' worth of housing land.
8. Where this is the case relevant policies for the supply of housing should not be considered up-to-date under paragraph 49 of the Framework, which then triggers the presumption in favour of sustainable development set out in paragraph 14. For decision-taking this means approving development proposals that accord with the development plan without delay and, where relevant development plan policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweighs the benefits.

Reasons

Living conditions

9. The Appeal A and Appeal C schemes are mirrored versions of the same proposal to create a top-floor, one-bedroomed flat in each of Nos 31 and 33. The schemes both employ the same technique to provide the space for the additional accommodation by increasing the gradient of the roof slopes to create a flat roof area in place of the existing ridge and including a box-shaped dormer on the elevations to the rear.
10. The schemes provide an open-plan lounge/diner and kitchen area although the only direct outlook would be from the latter, via the three windows in the rear-facing box dormers. Natural light to both the lounge diner and the bedroom and bathroom would be provided by rooflights on the side elevations but these would not provide any outlook for future occupiers.
11. In respect of internal living space the schemes would be acceptable and meet both the Council's and the nationally described standard¹ for one-bedroomed units. The existing rear gardens in both schemes are considered sufficient to meet the outdoor space requirements for an additional flat in each case. However, I agree with the Council that the single aspect design of the appeal A and C flats would provide inadequate living conditions for future occupiers.
12. The appellant presents a common case for appeals A and C over the Council's reasons for refusal in respect of outlook. Such single-aspect accommodation might be a common occurrence elsewhere, such as in basement developments, and the open plan design would offer some outlook in the shared living space and which would not be so critical for a bedroom. Nonetheless I am not persuaded such an arrangement provides for good living conditions for future occupiers, even taking into account that it might offer a suitably attractive

¹ Technical housing standards – nationally described space standard - Department for Communities and Local Government 27 March 2015.

choice of accommodation for, as an example, a single resident otherwise satisfied with the well-connected urban location.

13. LP Policy CP1 ii) and iii) seek that proposals have no unacceptable detrimental impact on the general amenities of occupiers, by way of overlooking, lack of privacy, overbearing effect or general disturbance and are of a high standard of design and layout compatible with the location and its surroundings. Policy CP1 clearly seeks that all developments offer acceptable living conditions for occupiers and, although making no specific reference to the outlook, the appeal A and C schemes would, for the deficiencies in this regard, not provide for this or satisfy the high standard of design and layout sought.

Character and appearance

14. The Appeal B and Appeal D schemes are also mirrored versions of the same proposal to create a top-floor, one-bedroomed flat in each of Nos 31 and 33. They are similar to the Appeal A and C schemes in the crown roof and rear box dormer arrangements proposed to provide the space required. However, in the case of these schemes two quite traditionally designed dormers are proposed in the front roof slope facing the road which, in the case of both the proposals, would provide an outlook from the lounge/diner and the single bedroom.
15. I agree with the appellants that the two dormer windows are of an intrinsically acceptable, traditional design, of a kind commonly found elsewhere and the Council has not referred to any conflict with LP Policy H7 in respect of this form of addition. Furthermore, the Council has in the case of the Appeal B and D proposals altered its previous stance over the crown roof arrangements in respect of finding harm to the character and appearance of the two buildings.
16. Notwithstanding the Council's changes of view, to which some explanation is provided in respect of more recent casework experience, the inclusion of the two dormers do mean the Appeal B and D proposals differ materially from to the Appeal A and C proposals. The large areas of flat crowns, with the changes in the gradient of the surrounding roofing and the introduction of the two dormer windows on the prominent front elevation, would detract substantially and harmfully from the original architectural character and proportions presently retained by both No 31 and 33.
17. The changes to the roofs proposed to No 31 and 33 would be more substantial than the works undertaken at No 29. Were these two schemes to be both undertaken then the appearances of these properties would match. Nevertheless, the alterations proposed would significantly alter the authentic character of these traditional buildings by providing a visually more complex and prominent appearance to their respective roofs. This would detract harmfully from the architectural composition of the front elevations and their satisfactory relationship to both the similar buildings which follow to the north and the surrounding street-scene in general.
18. That these buildings are neither listed, nor within a conservation area, would not alter the general planning policy consideration of whether these proposals should be in keeping with the character and appearance of the surrounding area. The development along this section of Rose Valley provides a visually strong built frontage. Although No 29 has a crown roof this is of a more restricted scale and was apparently carried out as permitted development.

Generally the buildings in the vicinity retain their traditional roof designs. The flat crown areas would be disguised by the surrounding roof slopes. However, the schemes would result in the roofs being visually bulkier and, with the dormers inserted, alter their subordinate appearance. This would harm the attractive traditional character of Nos 31 and 33 and appear architecturally incongruous and damaging.

19. The changes to the roofs proposed the Appeal B and D schemes would have an unacceptable detrimental impact on visual amenity and the character and appearance of the surrounding area and not be the high standard of design compatible with this location. As a consequence these proposals would be contrary to the aims set out in LP Policy CP1 i) and iii).

Planning balance

20. Paragraph 6 of the Framework establishes that the purpose of the planning system is to contribute to the achievement of sustainable development and paragraphs 18 to 219, taken as a whole, comprise the Government's view as to what this means in practice. Based on the three strands to sustainable development the planning system performs economic, social and environmental roles which the Framework requires to be sought jointly and simultaneously.
21. The starting point remains section 38(6) of the Town and Country Planning Act whereby these appeals should be determined in accordance with the development plan unless material planning considerations indicate otherwise. The Framework is an important material consideration. LP Policy CP1 remains consistent with the core principles of the Framework that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, taking account of the different roles and character of different areas. Therefore, this policy and any conflict found with its aims are afforded significant weight.
22. However, as this policy forms part of an out-of-date plan, these adverse impacts would, in each of these cases, need to significantly and demonstrably outweigh the benefits of the proposals. The appeal proposals all relate to the provision of a one-bedroom dwelling. Each scheme would provide social benefits in helping to boost the supply of housing and in reducing the Council's five-year shortfall. There would be local economic benefits through the construction and servicing of the developments and the future expenditure of occupiers. The proposals would be in a sustainable urban location, making use of a previously-developed site, with nearby access to a wide range of daily required service and facilities which would reduce the reliance on private car use.
23. However, in the case of each appeal the benefits of a single one-bedroom flat, whilst no doubt helping to meet a housing need, would be individually very small. In comparison, the issues in relation to providing acceptable living conditions for occupiers of the developments, in the cases of Appeals A and C, and of respecting the character and appearance of the surrounding area, in the cases of Appeals B and D, are quite fundamental planning concerns. This is reflected by the great importance attached by Government to the design of the built environment as set out in paragraph 56 of the Framework. This goes on to state that good design is a key aspect of sustainable development, is

indivisible from good planning, and should contribute to making places better for people.

24. Therefore, although through paragraph 14 of the Framework the balance is tilted in favour of approval, the individual benefits of each proposal would be small and, as a consequence, significantly and demonstrably outweighed by the adverse impacts found. Therefore, in each case, the appeal schemes would not gain support through a presumption in favour of sustainable development.

Conclusions

25. For the reasons given, and having taken into consideration all other matters raised, I conclude that appeals A, B, C and D should be dismissed

Jonathan Price

INSPECTOR