
Appeal Decision

Site visit made on 23 May 2017

by Paul Singleton BSc (Hons) MA MRTPI

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

Decision date: 29 June 2017

Appeal Ref: APP/H1515/W/17/3169117

43 Chelmsford Road, Shenfield CM15 8RB

- 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 L Harris against the decision of Brentwood Borough Council.
 - The application Ref 16/01388/FUL, dated 10 October 2016, was refused by notice dated 2 December 2016.
 - The development proposed is demolition of existing bungalow and construction of 6 flats.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing bungalow and construction of 6 flats at 43 Chelmsford Road, Shenfield CM15 8RB in accordance with the terms of the application, Ref 16/01388/FUL, dated 10 October 2016, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect on the character and appearance of the surrounding area.

Reasons

3. The Council is unable to demonstrate a 5 year forward housing land supply as required by the National Planning Policy Framework (Framework) and, in accordance with paragraph 49, the relevant policies within the Brentwood Replacement Local Plan (2005) (Local Plan) for the supply of housing should not be considered up-to-date. Paragraph 14 of the Framework states that the principle of sustainable development means that, where relevant policies are out-of-date, planning permission should be granted unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or
 - specific policies in the Framework indicate that development should be restricted.
 4. The appeal site does not fall within an area subject to any the policies listed in Footnote 9 to the Framework as examples of policies which might give such an indication and the Council has not suggested that the second limb of this part
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of paragraph 14 is engaged. The proposal therefore falls to be considered against the test set out in the first limb of that paragraph.

5. The existing bungalow is not of unattractive appearance but is not listed or otherwise subject to any special protection. Although below the full standards, the level of on-site parking proposed is appropriate given the location of the site and the Council accepts that an acceptable level of amenity space would be available for use by the future occupiers of the flats. The concerns that the proposal would have a cramped appearance and be an overdevelopment of the site are, therefore, founded solely on design considerations.
6. The Council suggests that the existing building represents an appropriate scale of development on this corner site but my observations are that the extent of open space around the building is uncharacteristic of the surrounding residential area. There is considerable variety in the style and design of individual dwellings fronting the nearby sections of Chelmsford Road and Crossways and many of these appear to have generously sized rear gardens. However, a large proportion of the properties have built frontages that extend across most of the width of their plots and, in many cases, the space between adjoining properties is around 1-2 metres (m) or less. Where larger gaps exist between the main, 2 storey components of neighbouring houses these have often been partially filled by single storey side additions or garages.
7. The proposal involves two separate buildings, one on the northern half of the site which I shall refer to as Building 1 and one on the southern half which I shall refer to as Building 2. They would have the external appearance of detached houses standing side by side. The gap between the two would only be about 1 metre at its narrowest point but that would not be out of place in the context of the general pattern of spacing between buildings within the street scene along both roads. The gap between Building 2 and Number 41 Chelmsford Road would be slightly more than 1m at the front corner but, again, this would not be out of place given the spacing of the other dwellings on the east side of the road.
8. There is a strongly defined building line on both sides of Crossways that has been adhered to by most of the properties along these frontages. The side elevation of Building 1 would stand forward of the building line on the north side of Crossways and would be much closer than the bungalow to the side boundary of the site. The building would be about 1m from the boundary at its closest point but, due to the articulation within its side elevation and the shape of the site, that distance would widen out considerably towards the front corner of the building. Given this siting I do not agree with the Council's suggestion that the proposed layout would represent an encroachment upon this boundary to the site.
9. The proposed layout would not have a significant effect on the sense of spaciousness on the approach to the road junction which is derived mainly from the wide green verges on both sides of Crossways. The potential effect of the Building 1 in this regard also needs to be considered in the context of the siting of No. 45 Chelmsford Road opposite. No. 45 stands forward of the building line on Crossways with its side elevation only about 1 m from the site boundary at the back of the footway. That property presents a full 2 storey elevation along almost the full depth of the house, topped by a gable dormer window, which stands parallel to Crossways. In comparison, the side elevation to Building 1

would be less imposing in the street scene and less intrusive into views from Crossways towards Chelmsford Road.

10. Although closely spaced, the visual relationship between the two buildings would be eased by the stepped building line proposed. This would be consistent with the stepped arrangement of the principal elevations to properties on the east side of Chelmsford Road, both immediately to the south and to the north of its junction with Crossways. That stepped layout would also be appropriate in the context of the site's corner location and its distinctive shape.
11. Due to its considerable set back from the site's frontages the existing bungalow is largely hidden by the dense boundary vegetation and has a very limited presence in the street scene. The 2 storey form and stepped building line of the proposed buildings would give them a stronger presence in the street scene although this would still be softened by the retained vegetation. The proposed elevational treatments would be in keeping with the range of architectural styles and facing materials seen along Chelmsford Road and Crossways. The side gable to Building 1 would add visual interest to this secondary elevation. This proposed treatment may not be identical to the double frontage design of No. 16 Crossways but would help the development to respond to its corner siting and turn the corner into the secondary street.
12. Neither the hipped roof form nor the proposed pitch of the roofs to the two buildings would be out of keeping given the degree of variation in the style and design of other properties in the area and the many local examples of dormer extensions.
13. Accordingly, I find that the proposal would not cause any material harm to the character and appearance of the area in which the site is located. There is no conflict with saved Local Plan Policy CP1 (i), since the proposal would not have an unacceptable detrimental impact on visual amenity or the character and appearance of the area or with CP1 (iii), as the proposal would be of a high standard of design compatible with the site's location and surroundings. In the absence of any other conflict the proposal complies with Policy CP1 as whole.

Other Matters

14. The level of on-site parking proposed falls below the specified standards but the Highway Authority considers that this to be acceptable given the site's location and the accessibility that future residents would have to public transport. This view is challenged by some objectors but I have no evidence that would lead me to question the Highway Authority's conclusions on this matter. The Highway Authority has set out minimum dimensions which the parking spaces would need to meet and I have no reason to conclude that the parking arrangements would not operate effectively.
15. The separation distances between the rear windows of the proposed buildings and the site boundary with No. 1A Crossways would ensure that there would be no loss of privacy to the occupiers of that property. The windows in the south elevation to Building 2 would only serve bathrooms and, subject to a planning condition requiring that these be glazed with obscure glass, would not result in any overlooking of No. 41 Chelmsford Road. The only potential views into the rear garden of No. 41 would be from a bedroom and would be no different to

those which would be available from a 2 storey house in this location. This would not result in unacceptable harm in terms of overlooking of that garden.

16. Although close to the boundary with No. 41 the proposed siting of Building 2 would not lead to an overbearing impact on the outlook from that property. Building 2 would adjoin the front projection to No. 41 but would not result in an unacceptable effect on the daylight received at that property since the principal windows within that projection face south. The new building would not project beyond the rear wall of No. 41 and would have no material effect on the levels of daylight to or outlook from the neighbouring house.
17. The proposal would result in the loss of a bungalow but in a net addition of 5 new homes including ground floor apartments which would be accessible without the need to climb stairs. This contribution to meeting the current shortfall in the Council's 5 year housing land supply would be a benefit of significant weight. The proposal would also bring economic benefits in terms of the investment and employment involved in its construction and the likely expenditure by the future residents in local shops and services.

Conditions

18. The conditions in the attached schedule are based on those suggested by the Council and the Local Highway Authority which have not been challenged by the appellant. I have amended the wording of the conditions where appropriate in line with guidance in the Planning Practice Guidance.
19. Permission is granted in accordance with the terms of the application but, in the interests of certainty, a condition is needed to tie the permission to the approved plans. To ensure an appropriate quality of development a condition is needed that requires approval of samples of the external materials. For that same reason and to protect the privacy of neighbouring residents a condition is also needed to require that details of proposed boundary treatments be approved.
20. As full details were not submitted with the application conditions requiring the approval and implementation of a landscape scheme and the subsequent replacement of any plants that die or are otherwise lost are needed to provide for a satisfactory standard of development. To protect the amenity of nearby residents and to avoid unnecessary disruption to the highway a condition has been attached that requires the submission and approval of a Construction Method Statement before any works commence.
21. To ensure the satisfactory operation of the development and in the interests of highway safety a condition is needed to require that the parking area is constructed to the necessary specifications and completed before any of the flats are occupied and that a space is allocated to each flat and is retained for parking use thereafter. Also in the interests of highway safety a condition is needed to require that no unbound material is used in the site access. The Highway Authority has suggested a condition relating to the provision of a Residential Travel Information Pack. However as the Authority has not clearly set out why that condition is needed to render the proposal acceptable in planning terms, given that the site is considered to have good access to public transport, I have not adopted that proposed condition.
22. In view of the close spacing between Building 2 and No. 41 Chelmsford Road a condition is also needed to require that the windows in the south elevation of

the new building are glazed in obscured glass to protect the privacy of the occupiers of the neighbouring dwelling.

Conclusions

23. The proposal would have positive economic and social benefits and there are no adverse impacts which would significantly and demonstrably outweigh those benefits. The proposal would constitute sustainable development and would comply with the development plan. It should be granted planning permission in accordance with paragraph 14 of the Framework.
24. The appeal is therefore allowed.

Paul Singleton

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with approved drawing numbers: 2659/01; 2659/10 A; and 2659/11 A.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until details of the treatment of all boundaries, including drawings of any gates, fences, walls or other means of enclosure, have been submitted to and approved in writing by the local planning authority. The approved treatments shall be completed prior to the first occupation of the development and shall thereafter be permanently retained and maintained.
- 5) No development shall take place until a scheme of hard and soft landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall indicate existing trees, shrubs and hedgerows to be retained, the location, species and size of all new trees, shrubs and hedgerows to be planted or transplanted and those areas to be grassed and/or paved. The landscaping scheme shall include details of all surfacing materials and existing and proposed ground levels.
- 6) The hard landscaping works shall be completed in accordance with the approved details before any of the flats hereby permitted are occupied.
The soft landscaping works shall be completed in accordance with the approved details during the first planting season after the date on which any part of the development is commenced or in accordance with a programme to be agreed in writing by the local planning authority. Any tree, shrub or hedgerow that dies or is uprooted, severely damaged or seriously diseased, within five years of the completion of the development, shall be replaced within the next planting season with another of the same species and of a similar size, unless the local planning authority gives prior written consent to any variation.
- 7) No development, including demolition and site clearance works, shall take place until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The statement shall provide for:
 - (i) the hours of working and the hours at which deliveries or collections of materials and waste from the site can be made;
 - (ii) the parking of vehicles of site operatives and visitors;
 - (iii) loading and unloading of plant and materials;
 - (iv) storage of plant and materials used in constructing the development;
 - (a) wheel and underbody washing facilities.

The approved statement shall be adhered to throughout the construction period

- 8) The parking area shall be constructed in accordance with approved drawing No 2659/10A, with each of the parking spaces having minimum dimensions of 2.9m x 5.5m, and shall be completed and be available for use prior to the first occupation of the development. Each space shall be allocated to one of the 6 flats hereby permitted and shall thereafter be retained exclusively for parking of the vehicles by the occupiers of that flat. The parking area shall not be used for the parking or storage of any caravan, boat or trailer or for any other purpose.
- 9) No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 10) Prior to the occupation of Flats 4-6 in the southernmost of the buildings hereby permitted, the side facing windows in the south elevation facing No. 41 Chelmsford Road shall be permanently glazed with obscured glass to a height of 1.7 metres above the floor of the room in which the window is installed. The obscured glazing to the windows shall thereafter be retained and maintained in that condition.

End of Schedule of Conditions