



Appeal Decision

Site visit made on 14 November 2017

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

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

Decision date: 21st November 2017

Appeal Ref: APP/H1515/W/17/3181026

Bush Motors, Blackmore Road, Kelvedon Hatch, Brentwood, CM15 0BJ

- 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 Nicholas Burgoyne against the decision of Brentwood Borough Council.
 - The application Ref 17/00480/FUL, dated 29 March 2017, was refused by notice dated 16 May 2017.
 - The development proposed is the demolition of existing petrol garage and replacement with new build detached dwellinghouse.
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Decision

1. The appeal is allowed and planning permission is granted for is the demolition of existing petrol garage and replacement with new build detached dwellinghouse at Bush Motors, Blackmore Road, Kelvedon Hatch, Brentwood, CM15 0BJ in accordance with the terms of the application, Ref 17/00480/FUL, dated 29 March 2017, subject to the following 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 the following approved plans: PL001, PL003A, PL004, except in respect of the proposed roof plan shown on plan PL004.
 - 3) All side elevation windows above ground floor level shall be fitted with obscure glass (with an obscuration level equal to Pilkington Level 4) prior to occupation which shall thereafter be retained.
 - 4) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been

previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 4 weeks of the report being completed and approved in writing by the local planning authority.

Procedural Matter

2. I have taken the site address from the appeal form as this is more precise than the address given in the application form.

Main Issue

3. The main issue is the effect of the proposed development upon the character and appearance of the area.

Reasons

4. The appeal site currently comprises of a petrol filling station and small garage. It is located along a predominantly residential street within Kelvedon Hatch which has a number of small detached chalet bungalows along its length.
5. While the general form of buildings is consistent, the general character of the area is mixed as the bungalows are in a great variety of architectural styles. Many properties have had alterations to the roofs to allow for accommodation at first floor level, and I saw that there was a great variety of styles of dormer window and roof extensions within the street scene.
6. The proposed dwelling would comprise of a chalet style dwelling with a crown roof (pitched roof slopes, but with a flat roof in the centre). While there are no examples of crown roofs in the area, this in itself does not necessarily make a development unacceptable. The slopes of the crown roof to the front elevation are generally consistent with the slopes of other examples of pitched roofs elsewhere on the road and the general scale, footprint and depth of the proposed dwelling would also be consistent with neighbouring properties along Blackmore Road.
7. Moreover, the dwelling would be set back within the plot and would be staggered behind 'Rosewood', to the north. At my site visit, I saw that views of the crown roof would be limited by other neighbouring properties when looking south west along Blackmore Road.
8. I acknowledge that the proposed dwelling would be taller than 'The Haven' located to the south of the appeal site and would be set forward of this property. Some views of the crown roof would also be gauged above the tall conifer hedgerow when looking north east along Blackmore Road. However, in light of the mixed character of dwellings in the locality, I do not consider that the visibility of this element would cause harm within the street scene. The proposed dwelling would comfortably sit within the mix of styles and designs of other properties in the area and overall I do not consider that the form of the roof would appear bulky or incongruous in this context.
9. I note the Council's concerns regarding the accuracy of the submitted plans. The proposed roof plan on plan ref PL004 incorrectly depicts the front gable

and bargeboards and soffits are also not reflected. The Council also cite discrepancies with measurements. However, the elevational plans (ref PL001) are clear in respect of the design and form of the roof. I am unsure as to how the Council has calculated its measurements from the proposed first floor plan in respect of the ridgeline but measurements are plotted on this plan (PL001) as well as on the longitudinal section on plan ref PL004.

10. Accordingly, I am clear in respect of the scale of the building and roof. I am thus satisfied that I am able to determine the appeal, subject to the imposition of a plans condition which excludes the proposed roof plan depicted on PL004.
11. Overall I conclude that the character and appearance of the area would be maintained. The development would accord with saved Policy CP1 of the Brentwood Replacement Local Plan (2005) which seeks to protect the character and appearance of the area and ensure that development is compatible with surrounding development. There would also be no conflict with The National Planning Policy Framework which seeks to secure high quality design.

Conditions

12. I have had regard to the Council's suggested conditions. I have attached a condition limiting the life of the planning permission, in accordance with the requirements of the Act. I have also specified the approved plans as this provides certainty, but excluding the proposed roof plan within plan ref PL004, as discussed above.
13. Due to the current use of the site, a contamination condition is necessary to protect the living conditions of future occupants. I have however, amended the wording of the Council's suggested condition so that it is more concise.

Conclusion

14. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

C Searson

INSPECTOR