



Appeal Decision

Site visit made on 25 June 2019

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2019

Appeal Ref: APP/H1515/W/19/3225898

1 Junction Road, Warley CM14 5JW

- 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 J & M Homes (South East) Ltd against the decision of Brentwood Borough Council.
 - The application Ref 18/01195/FUL, dated 27 July 2018, was refused by notice dated 2 November 2018.
 - The development proposed is change of use from Sui Generis use retail shop, builder's yard and office with conversion of building to a single dwelling and erection of one dwelling (existing lean-to to be demolished).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and
 - whether the proposal would provide acceptable living conditions for future occupiers of the proposed development with particular regard to the provision of outdoor space.

Reasons

Character and appearance

3. No 1 Junction Road contains several single storey structures which were formerly in commercial use and occupy an irregular shaped plot. The immediate area is tightly knit and predominantly residential in character with a mix of dwelling types including two-storey dwellings, bungalows and flat accommodation. Two storey dwellings adjoin the site at Nos 3 and 5 Junction Road and a semi-detached bungalow neighbours the site at No 6 Firsgrove Road. Individual dwellings generally have main private garden space located to the rear. Dwellings are generally set back from the road with frontages commonly denoted by low level boundary treatments.
4. I acknowledge the benefits to the appearance of the area that might result from the removal of some of the structures associated with the previous use of the site. However, the proposed dwellings would have a footprint occupying most of the larger portion of the site which is situated on Firsgrove Road. The

layout of the dwellings and their position close to the rear boundary of the site with No 5 Junction Road would appear cramped in a residential context, particularly when appreciated from the rear outdoor space serving neighbouring properties. High fencing and gates currently occupy the front boundary of the site on Firsgrove Road, but this is seen to relate to the current commercial context of the site. The density of development proposed and provision of the majority of garden space to the front of the dwellings, with high fencing enclosing frontages, would be at odds with the general pattern of residential development in the area.

5. The appellant contends that other sites in the area are not typified by open front gardens and has drawn my attention to other corner plots along Junction Road. Whilst there are examples of high boundary treatments in the area, generally these are to side boundaries. In any case, I do not find the other corner sites referred to directly comparable to the appeal site which is mostly set away from Junction Road and primarily relates to the street frontage on Firsgrove Road.
6. The appellant has suggested that the proposed fencing could be lowered and that they would be willing to accept a condition requiring details of hard and soft landscaping. Lowering the fence would not overcome my concerns in respect of the density of development and would also have implications for the privacy of the occupants using the outdoor space which is considered further under the second main issue.
7. To conclude, the layout of the proposal would appear cramped and would not relate well to the streetscene having a harmful impact on the character and appearance of the area. Consequently, the development would be contrary to Policy CP1 (General Development Criteria) of the Brentwood Replacement Local Plan (2005) which amongst other things requires that development does not have an unacceptable detrimental impact on visual amenity or the character and appearance of the surrounding area and that proposals should be of a high standard of design and layout.
8. The proposal also conflicts with Paragraph 127 of the National Planning Policy Framework (the Framework) which amongst other things requires that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to the surrounding built environment, maintaining a strong sense of place using the arrangement of streets to create attractive, welcoming and distinctive places to live.

Living conditions for future occupants

9. The layout of the development is such that only a small rear outdoor amenity space measuring 14.5 metres squared (m²) would be provided to serve Plot 01, with no rear garden serving Plot 02. The majority of outdoor amenity space would be located to the front of the dwellings measuring 32m² for Plot 01 and 52m² for Plot 02. Guidance in Appendix 1 of the Local Plan states that most houses shall require a minimum private garden area of 100m² but that in practice the Council may accept garden sizes of 50m² for one-bedroomed dwellings. In quantum terms alone the outdoor areas are close to this requirement although the total outdoor space for Plot 01 would be marginally below the minimum requirement.

10. The location of these areas to the front of the properties would mean that they would be close to activity on the street and susceptible to overlooking from pedestrians. In the case of the outdoor space serving Plot 02 overlooking would also be likely to occur from the occupants of No 3 Junction Road given the close proximity of the clear glazed first floor windows on the side elevation of this neighbouring dwelling. As a result, privacy for occupiers of the dwellings when using these outdoor areas would be severely compromised.
11. Even though the proposal is for one bedroomed dwellings, the limited depth and area of the gardens would also mean the usability of these spaces would be constrained when accounting for various requirements including bin storage, washing line facilities and recreational space.
12. Alterations to reduce the height of the boundary treatment to address concerns relating to the impact of the proposal on the character and appearance of the area would only exacerbate the lack of privacy likely to be experienced by future occupiers.
13. Reference has been made to the block of flats opposite the site having no private amenity space. It is widely accepted that the requirements for private amenity space for communal developments is different to those for individual dwellings. Such a comparison does not therefore justify a lack of suitable outdoor space in this instance in an area where other individual dwellings generally have private outdoor space.
14. The appellant alleges that the Council has not been consistent in consideration of private outdoor space on other sites in the Borough. I do not have the full details of the proposals on the other sites referred to; however, the Council has provided information which suggests that there were different material considerations in those instances. I have therefore assessed the case before me on its own merits against the relevant policies of the Development Plan.
15. To conclude the proposal would not provide suitable private usable outdoor space for occupants of the development. The proposal is contrary to Policy CP1 of the Local Plan which amongst other things requires that development does not have an unacceptable detrimental impact on the general amenity of occupiers by way of lack of privacy and paragraph 127 of the Framework which seeks to secure development which functions well and provides a high standard of amenity for all existing and future users.

Other Matters

16. My attention has been drawn to a previous appeal decision on the site, Ref APP/H1515/A/13/2194988, which was dismissed on grounds relating to unacceptable living conditions for occupiers of the development and for neighbouring occupiers as well as the impact on highway safety. The Council accepts that the current proposal would not amount to an unacceptable overbearing impact or loss of light, outlook or overshadowing on the occupiers of No 3 or No 5 Junction Road when compared with the existing structures on the site. Equally the current proposal has not been refused on highway safety grounds. From the evidence before me and what I saw on site I find no reason to conclude differently. However, assessing the current proposal on its own merits, the harm I have identified is determinative in this instance.

Planning Balance and Conclusion

17. The Council cannot currently demonstrate a five-year housing supply. The development plan cannot therefore be considered as being up to date. Paragraph 11d of the Framework and the presumption in favour of sustainable development is engaged and permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.
18. The appeal site is within the built-up area and represents a sustainable location for new housing development. The proposal would make a limited contribution to meeting the Council's housing requirements and would generate a minor economic benefit through the development of the site. However, my conclusions with regard to the harmful effect of the proposal on the character and appearance of the area and the lack of suitable living conditions for occupants of the development significantly and demonstrably outweigh these benefits when assessed against the policies of the Framework as a whole.
19. For the above reasons the appeal is dismissed.

M Russell

INSPECTOR