



Appeal Decision

Site visit made on 16 July 2019

by L Gilbert BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th September 2019

Appeal Ref: APP/H1515/W/19/3228076

Cedarwood, 32 Heronway, Hutton CM13 2LG

- 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 Lloyd Hope against the decision of Brentwood Borough Council.
 - The application Ref 18/01973/FUL, dated 19 December 2018, was refused by notice dated 15 February 2019.
 - The development proposed is for the demolition of existing dwelling and construction of new 5-bedroom house.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing dwelling and construction of new 5-bedroom house at Cedarwood, 32 Heronway, Hutton CM13 2LG in accordance with the terms of the application, Ref 18/01973/FUL, dated 19 December 2018, and the plans submitted with it, subject to the conditions provided in the schedule attached to this decision.

Main Issue

2. The effect of the proposal upon the character and appearance of the area.

Reasons

3. The appeal site contains a modest sized house, with hedges growing along the borders of the front garden. There is a distinct building line along the road. Heronway contains a mixture of house types, ranging from bungalows to large two storey detached properties. Front gardens are characterised by mature trees and hedges, which provides screening and adds greenery to the street. The street slopes down from No.30 Heronway (No.30) past the appeal site.
4. The proposed replacement dwelling is notably larger in scale and massing than the existing house. However, Heronway contains a variety of houses of differing sizes. When the proposed house is viewed in the wider street context, it would not appear excessively dominant or out of character, due to the variety of houses present. The proposed house stands higher than its neighbours, however roof heights differ along the road due to the range of house sizes and slope along the street. Therefore, the proposed house would not look out of place. The proposal maintains the existing building line which is prevalent along the street.

5. The proposed house would also be visible along Spurgate as the proposal would exceed the height and depth of No.30. However, the proposed dwelling would be set back beyond this neighbour, and therefore it would not be overly dominant when viewed from this nearby road.
6. The unimplemented extant planning permission at No.30 is for a replacement large detached house of similar scale and height to the appeal scheme. It is unclear at this stage whether this scheme will be implemented, however, even if it was, the proposed dwelling would not look out of place alongside it.
7. There are a range of materials used along the road but most common are wood panels, pale render, brown or red brickwork and tiled roofs. The proposal is for grey/black brickwork and pearl grey render with a slate roof. The pearl grey render helps to break up the brickwork and the combined use of grey/black brickwork softens the built forms massing. The extent of the slate roof is broken up along Heronway by the positioning of two front gables. The distance between the proposed house and Spurgate, avoids the roof and brickwork from detrimentally intruding upon views from this street. Although the materials differ to the prevailing ones used along the street, the house would not look out of place along the nearby roads for the reasons above. A materials sample condition will ensure appropriate materials are used in the building's construction.
8. The appeal site is relatively open at the front, in comparison to others along the road. I therefore consider the scheme would benefit from greater landscaping at the front of the site, to help soften the proposed house with its increased built form. This can be dealt with through a landscaping condition.
9. Accordingly, I find that the appeal development does not detrimentally harm the character and appearance of the surrounding area. It complies with policies CP1 and H15 of the Brentwood Replacement Local Plan 2005. These policies seek, amongst other things, for development to not have an unacceptable detrimental impact on visual amenity, or the character and appearance of the surrounding area and should be of a high standard of design and layout compatible with its location and any surrounding development in terms of density, size, siting, scale, style, design and materials.

Other Matters

10. I have considered the comment of nearby residents with regard to their privacy, outlook and light. However, those properties are sufficient distance away and I have included a condition for first floor side windows to be obscure glazed and non-opening.

Conditions

11. The conditions imposed are those which have been suggested by the Council but with some variation in the interests of clarity and precision, having regard to the advice on imposing conditions in the Planning Practice Guidance.
12. In addition to the standard timescale condition, I have imposed a condition specifying the relevant drawings as this provides certainty. I have also imposed conditions requiring finishing materials and finished floor levels to be agreed, in the interests of safeguarding the character and appearance of the area and nearby residents living conditions. For the same reasons I have imposed a condition requiring a scheme of landscaping, although requested as

such there is no substantive evidence to suggest that this condition needs to be pre-commencement. Therefore, in the interests of efficient construction I have altered it accordingly. For the reasons already given, a condition is also necessary to ensure first floor side windows are obscure glazed and non-opening to safeguard the privacy of nearby residents.

13. A third party requested a condition for a laurel hedge to be maintained at 3 metres high. This is not necessary given the landscaping condition is included. There is also no substantive evidence to suggest a condition is necessary or reasonable which requires sheeted scaffolding during the demolition and construction stage. I have therefore not imposed conditions to this effect.

Conclusion

14. The proposed development would accord with the development plan. Thus having had regard to all other matters raised, I therefore conclude that the appeal should be allowed.

L Gilbert

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 the following approved plans: 2685-L01, 2685-L02, 2685-L03, 2685-L04, 2685-S01.
3. No development above ground level, other than demolition, shall take place until full details of the finished levels, above ordnance datum, of the ground floor of the proposed building, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
4. No development above ground level, other than demolition, shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
5. The building hereby permitted shall not be occupied until the first floor side windows in the north west and south eastern elevations have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
6. No development above ground level, other than demolition, shall take place until a landscaping scheme showing details of new trees, shrubs and hedges and a programme for their planting, and any existing trees/hedges to be retained and the measures to be taken for their protection, has been submitted to and approved in writing by the local planning authority. The landscaping scheme shall be carried out as approved. Any newly planted tree, shrub or hedgerow, or any existing tree, shrub or hedgerow to be retained, 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.

End of Schedule