



Appeal Decision

Site visit made on 13 August 2019

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th September 2019

Appeal Ref: APP/H1515/W/19/3230203
29 Hutton Village, Hutton CM13 1RU

- 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 R Wistow against the decision of Brentwood Borough Council.
 - The application Ref 18/01724/FUL, dated 1 November 2018, was refused by notice dated 11 January 2019.
 - The development proposed is construction of one new dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The second reason for refusal on the Council's decision notice includes reference to impact on occupiers to the west at 201 Hutton Village. However, the Council's appeal statement clarifies that the concern relates to 201 Hutton Drive. I have considered the appeal on that basis.

Main Issues

3. The main issues in this appeal are:
 - i) the effect of the proposed development on the character and appearance of the area;
 - ii) whether or not the proposed development would provide acceptable living conditions for occupiers of the proposed dwelling with regard to amenity space provision and privacy;
 - iii) the effect of the proposed development on the living conditions of the occupiers of 31 Hutton Village and 201 Hutton Drive with particular regard to outlook, light and privacy; and
 - iv) the effect of the proposed development on highway safety.

Reasons

Character and Appearance

4. The appeal site is part of the rear garden of 29 Hutton Village, and includes a gated access from Hutton Drive to an area of hardstanding. Hutton Village is an attractive suburban street characterised by detached and semi-detached dwellings of varied styles which are served by generous frontages accommodating parking and landscaping. Spacing provided between buildings, particularly at first floor level permits views to garden backdrops behind and

- there is an overall sense of spaciousness in the street scene which is enhanced by the open fields within the Hutton Village Conservation Area opposite No. 29.
5. In contrast to Hutton Village, Hutton Drive is predominantly formed by pitched roofed terraced and semi-detached dwellings. These are set back from the road and are aligned on a relatively consistent building line accommodating parking to their frontages with gardens set to the rear that are apparent in views across corner plots. Together with the ridge heights of the roofs which step up with the land levels towards the west, the gradual stepping in building line results in an attractive rhythm to the street scene.
 6. There would be views of the proposed dwelling from Hutton Village and I note that it would be two-storey in comparison to the existing garden and the domestic paraphernalia currently on the site which are mostly screened by the close boarded fencing and gates to the boundaries of the site. However, there are currently views across the site to the flank of 201 Hutton Drive and to the rear of two-storey dwellings located on Little Russets to the south. Despite the increased scale of built form at the rear of the site, significant visual separation would also remain between No. 29 and the proposed dwelling and given this intervening dwelling and the maintenance of this spatial gap there would be no harm to the setting of the adjacent conservation area.
 7. I note that the appearance of the dwelling would include features reflective of others in the locality, and there are other detached dwellings present in the area. However, the development would be set significantly forward of the neighbour at 201 Hutton Drive and would be positioned much closer to the road than is characteristic of the area. The relative projection of the dwelling forward of No. 201 would be much greater than the gradual stepping between the terraces on Hutton Drive. Moreover, the proposed pitched roof design with a gable to the front would exaggerate the bulk and prominence of the dwelling at roof level in contrast to the side-gabled roof form of the terrace to the west which recedes away from the road. As a result, the dwelling would appear as an obtrusive and discordant feature in the street scene.
 8. The incongruous nature of the development would be further compounded by the siting of the dwelling very close to the rear boundary of the plot and the placement of the garden to its side with parking detached beyond this. This arrangement would bear no resemblance to the characteristic layout of the area with frontage parking and gardens to the rear of dwellings, and the truncated depth of the plot and proximity of the dwelling to the rear boundary would result in it appearing cramped within the site and out of character with its surroundings.
 9. I acknowledge that the plot remaining to serve No. 29 would be of similar depth to those of Nos. 25 and 27 Hutton Village to the north side of Hutton Drive. However, 188 Hutton Drive which sits behind these bungalows is also a bungalow and is set back from the street and in from the boundaries of its plot with a spacious garden to its rear. The circumstances are not therefore directly comparable to the proposed development which I have considered on its own merits.
 10. I therefore find that the proposal would have a harmful effect on the character and appearance of the area contrary to saved Policy CP1 of the Brentwood Replacement Local Plan (2005) (BRLP). Amongst other things, this policy includes a requirement that development does not have an unacceptable

detrimental impact on the character and appearance of the surrounding area and that proposals are compatible with their location and any surrounding development including in terms of size, siting, scale and design.

Living Conditions

11. The Council refers to a standard for external amenity space provision of 75sqm to serve a two-bedroom property and comments that the provision of around 72sqm to serve the dwelling would be below this recommended minimum. However, there is nothing in saved policy CP1 that sets out an absolute requirement that the application of the policy is conditional on the standard. I am satisfied that the proposed amenity area would provide adequate space for activities such as sitting out, children's play and drying washing. Accordingly, a modest shortfall on the scale that the Council suggests would not have a meaningful effect on the use and enjoyment of the proposed amenity space. In this specific respect, it would not conflict with saved policy CP1.
12. However, there would be direct overlooking of the amenity space from the rear elevation of No. 29. Provision of landscaping as suggested by the appellant would not mitigate this given that the entirety of the amenity space to serve the dwelling would be to the side and that No. 29 includes glazing at first floor level and within the dormer at roof level which would facilitate views of this space. As such, there would be unacceptable overlooking and a lack of privacy which would be harmful to the living conditions of future occupiers of the development.
13. Turning to the living conditions of neighbouring occupiers, No. 201 Hutton Drive has two ground floor windows in its east flank. These are already impacted by the existing outbuilding at the rear of No. 31 Hutton Village and while I note the obscure glazing, the proposed two-storey development in very close proximity to the boundary would have a further significant enclosing effect and would reduce daylight levels. Furthermore, as a consequence of the development's siting significantly forward of No. 201 together with the two-storey pitched roof design with front gable, it would restrict outlook and be overbearing to the closest first floor window at the front of this neighbour.
14. Given that no first floor flank windows are proposed, the separation provided to the rear of No. 31 and the size of the garden, the proposed dwelling would not cause overlooking, loss of light or be overbearing so as to adversely affect the living conditions of the occupiers of No. 31. There would however be overlooking to the garden. I accept that a degree of mutual overlooking between properties may be expected in a suburban area such as this. I also note that it is not a back-to-back relationship and that direct views would be to the rearmost part of the garden to No. 31 where there is an existing outbuilding. However, the proposed first floor windows would enable high level and uninterrupted views down onto the neighbouring garden at very close proximity. This overlooking would result in a significant loss of privacy which would be detrimental to the living conditions of the occupiers of No. 31.
15. Notwithstanding my findings in relation to the quantum of amenity space to serve future occupiers, the proposed development would be harmful to their living conditions with regard to privacy. It would result in harm to the occupiers of No. 31 Hutton Village also with regard to privacy and to those occupying No. 201 Hutton Drive in terms of outlook and light. Thus, the proposal would be contrary to saved Policy CP1 of the BRLP which sets out that proposals should

not have an unacceptable detrimental impact on nearby occupiers or on occupiers of the development by way of overlooking, lack of privacy, overbearing effect or general disturbance.

Highway Safety

16. As part of the application, the submitted plans indicated three parking spaces to the east of the proposed dwelling and a further space to the frontage. These were intended to serve both the proposed dwelling and No. 29 in place of the existing hardstanding area on the appeal site. I share the Council's concern that the very limited depth of the frontage of the proposed dwelling and the resulting size and alignment of the space shown here would have made manoeuvring a vehicle onto the space and clear of the footway difficult for future occupiers and hazardous to pedestrians and other highway users.
17. However, since the Council refused planning permission, a dropped kerb and driveway providing parking for 2 vehicles has been implemented to the front of No. 29. This dwelling would therefore no longer rely on provision of replacement parking on the appeal site, and all 3 spaces at the east of the site would be available to meet the requirements of the proposed dwelling.
18. The Council has commented that this would negate the requirement for the parking space to the front of the proposed dwelling and I agree that there would be an acceptable level of parking provision without need for the additional space to the front of the dwelling. Full details of a landscaping scheme to the front of the dwelling could suitably be secured by condition and as such, the development would not result in harm to highway safety and would comply with saved Policies T2 and T5 of the BRLP which together require provision for vehicle parking and that proposals do not result in unacceptable detrimental impacts on the transport system.

Other Matters

19. The main parties agree that the Council is not able to demonstrate a 5 year supply of deliverable housing sites. The appellant comments that the Council's last published figures on their website show a housing land supply of 4.1 years and I have not been provided with any contrary evidence to point to a different supply position.
20. The lack of supply triggers the presumption in favour of sustainable development test set out in paragraph 11(d) of the National Planning Policy Framework. This states that where the policies which are most important for determining the proposal are out of date, permission should be granted unless (i) the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development, or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
21. In terms of benefits, the proposal would provide one additional dwelling towards local housing supply. This would make a modest contribution bearing in mind the lack of 5 year supply and I have given this moderate weight. While limited by the small scale of the development, there would also be some economic benefits associated with the construction of the development.

22. BRLP Policy CP1 is consistent with the expectations of paragraph 127 of the Framework in seeking well designed places and a high standard of amenity for existing and future users as a key aspect of sustainable development. While I have found that the development would not be detrimental to highway safety, it would cause unacceptable harm to the character and appearance of the area and to the living conditions of future occupiers of the proposed dwelling, and of No. 31 Hutton Village and No. 201 Hutton Drive. The lack of objections from third parties at appeal stage is not a consideration that outweighs this harm and I find that these adverse impacts would significantly and demonstrably outweigh the benefits of the one additional dwelling. The proposal would not therefore represent sustainable development, and the conflict with the development plan is not outweighed by other considerations including the Framework.

Conclusion

23. For the reasons given above, I conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR