



Appeal Decision

Site visit made on 5 September 2019

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 25 September 2019

Appeal Ref: APP/H1515/W/19/3231552

4 Sterling Court, Gresham Road, Brentwood CM14 4HN

- 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 John Broom against the decision of Brentwood Borough Council.
 - The application Ref 19/00086/FUL, dated 14 December 2018, was refused by notice dated 12 April 2019.
 - The development proposed is described as, 'erect two additional floors including mansard roof and internal alterations'.
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Decision

1. The appeal is dismissed.

Main Issues

2. While I note that there is one reason for refusal, from the evidence before me, the main issues are:
 - the effect of the proposed development on the character and appearance of the street scene and area; and
 - the effect of the proposed development on the living conditions of neighbouring occupiers with particular regard to outlook and privacy.

Reasons

Character and appearance

3. The appeal site is last of a row of three office buildings that are situated on Gresham Road near the junction with Kings Road which is characterised by commercial properties. Other than the three office buildings and a commercial unit near the junction, Gresham Road is primarily characterised by two storey semi-detached and terraced residential properties with modest spacing and front gardens that give the street a pleasant unified residential character. The office buildings including the appeal property on Gresham Road step down in height away from Kings Road such that the scale of the buildings harmonise with the residential properties.
4. I note that the appeal property is similar in appearance to the adjacent office buildings, and that the wider area particularly along Kings Road is characterised by a range of architectural styles, heights and forms. However, since the appeal property is two storeys high and lies adjacent to residential dwellings on a road characterised primarily by residential dwellings, it relates most closely to the

residential character and appearance of the street and immediate vicinity rather than the wider area.

5. The proposal would significantly increase the height of the existing office building by erecting two additional storeys including a mansard roof. The resultant height would be significantly greater than the adjacent office buildings as well as the adjacent dwellings and would introduce a fourth level of accommodation where the adjacent buildings are two and three storeys high. I note that the proposed materials and fenestration layout and details would echo that of the adjacent office buildings. However, given the height of the proposed development, the proposal would appear unacceptably dominant in the street scene. Moreover, given the additional row of windows in the mansard extension that would be at a higher level than those in the mansard roof of the adjacent office building, the proposal would appear discordant when viewed against these buildings.
6. I acknowledge that the Council granted planning permission for three-storey flats known as Sovereign Court to the rear of the appeal site. However, that development is separated from the appeal proposal by rear gardens and is not readily visible from Gresham Road. As such it does not form a direct comparison to the appeal scheme. I also note the enlargement of the roof at No 6 Gresham Road (No 6). However, that scheme did not alter the height of the ridge of the roof and No 6 remains in harmony with the residential character and appearance of the street. In any event, each case must be determined on its individual merits.
7. Nos 1, 3, 5 and 7 Queens Road (Nos 1-7) are Grade II listed buildings. Although the Council has not referred to the effect of the proposal on the setting of the nearby listed buildings in their reasons for refusal, I am required, as a statutory consideration, to have regard to these matters when determining the appeal. The significance of the listed building lies in the evidence of historic vernacular architecture with original detailing.
8. The appeal proposal is separated from these listed buildings by other office buildings, and Nos 1-7 are located on Queens Road which has a closer relationship to Kings Road than the appeal site. Therefore, while I note the concerns of the Council's conservation team, since the listed buildings would not be viewed alongside the appeal scheme, the proposal would not adversely affect the setting of these buildings. However, the lack of harm in this respect does not override the adverse effects of the proposal on the character and appearance of the street scene and area.
9. Consequently, the proposed development would harm the character and appearance of the street scene and area. Therefore, it would conflict with Policy CP1 of the Brentwood Replacement Local Plan Adopted August 2005 (LP) in this respect which among other things seeks development that would not have an unacceptable detrimental impact on visual amenity or the character and appearance of the surrounding area. It would also conflict with paragraph 127 of the National Planning Policy Framework (Framework) in this regard.

Living conditions

10. No 6 is sited adjacent to the appeal property which has a long single storey portion to the rear. Therefore, any views from the additional storeys would be at an angle with existing buildings to the rear of both the appeal property and No 6, such that parts of the rear garden of No 6 would be unlikely to be visible from the

additional floors. Moreover, given the height of the proposed floors, views would be over a significant distance such that overlooking from the proposed development would not be to an extent that would unduly breach the privacy of occupiers of the adjacent garden of No 6.

11. Similarly, the rear gardens of Nos 1, 3, 5 and 7 Queens Road (Nos 1-7) are not located directly opposite the appeal site. Any views of these rear gardens would be at an angle and of a significant distance such that the privacy of occupiers of these gardens would not be unduly affected.
12. Turning my attention to outlook, while the proposed development would introduce two storeys above the existing height of the building, given the single storey rear portion of the appeal property and the existing building in the rear garden of No 6, the outlook from this garden would not be adversely affected. From the evidence before me, the rear gardens of Nos 1-7 are situated a significant distance from the proposed additional floors such that the outlook from these gardens would not be significantly affected by the proposal.
13. The office building at No 2 Gresham Road has a window in the gable end facing the appeal property. The proposed scheme would significantly restrict the outlook from this window. However, from the evidence before me, there are a number of other windows in close proximity to this window such that the outlook of occupiers would be unlikely to be adversely affected by the proposal.
14. Consequently, the proposed development would not harm the living conditions of neighbouring occupiers with particular regard to outlook and privacy. Therefore, the proposal would not conflict with LP Policy CP1 in this regard which among other things seeks development that would not have an unacceptable detrimental impact on the general amenities of nearby occupiers by way of overlooking or lack of privacy. It would also not conflict with the Framework in this regard.

Other Matters

15. I acknowledge that the Framework states that significant weight should be placed on the need to support economic growth and productivity and promotes effective use of land. I also note the appellant's comments regarding the compliance of LP Policy CP1 with the Framework. However, from the evidence before me I do not see any conflict between LP Policy CP1 and the Framework.
16. I note that the Council has not objected to the proposal in terms of parking and highway considerations and from the evidence before me I see no reason to disagree. I also note local concerns regarding light, noise and drainage. However, these points and the other matters raised do not override the harm to character and appearance identified above and has not altered my overall decision.

Conclusion

17. Notwithstanding my conclusion regarding living conditions, this does not outweigh my findings in relation to material harm to the character and appearance of the area. For all the reasons given above, I conclude that the proposed development would be contrary to the development plan as a whole and should be dismissed.

R Sabu INSPECTOR