
Appeal Decision

Site visit made on 4 November 2019

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 26 November 2019

Appeal Ref: APP/H1515/W/19/3229838

Land rear of 131 - 135 Hatch Road, Pilgrims Hatch, Brentwood, Essex CM15 9QB

- 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 Rainbird Group against the decision of Brentwood Borough Council.
 - The application Ref 18/01864, dated 2 November 2018, was refused by notice dated 5 April 2019.
 - The development proposed is the construction of a terrace of 3, 2-bedroom dwellings with off street parking and garden areas.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are, firstly, the effects on the locality and secondly, whether the proposal makes adequate provision for private rear amenity space.

Reasons

The effects on the locality

3. The appeal relates to this roughly square plot of land which was originally part of the rear gardens of Nos 131 to 135 Hatch Road. The site has a frontage onto Gloucester Road and abuts the rear gardens of houses on Cornwall Road. The surrounding area contains a mix of semi-detached and terraced dwellings of single and 2 storeys.
4. The rear gardens of properties on Hatch Road are relatively long whilst those on the adjacent properties on Cornwall Road are short. The proposed terrace would be sited around 1m from the side plot boundaries, with rear gardens of around 8m depth.
5. I consider that the proposal would appear very restricted within the appeal site. It would be set very close to its side boundaries and the short rear gardens would emphasise the tightly constrained nature of the development. The existing spaciousness that is created by the rear gardens here would be significantly and harmfully eroded by the proposal. Therefore, I consider that

the proposal is contrary to Policies H14 and CP1 of the Brentwood Replacement Local Plan 2005 (LP).

Private amenity space

6. The proposed rear gardens are said to be 67 sqm, 55 sqm and 68 sqm respectively. The gardens fall short of the Council's normal requirement of 15m depth. In addition, in relation to area, the Appendix to the LP includes sections of the Essex Design Guide which indicates that a minimum of 50 sqm may be acceptable for rear gardens of 1 and 2 bedroom properties, if the area provided is private and not overlooked. However, the Appendix states that, for 2 bedroom properties a minimum of 75 sqm will be employed by the Council.
7. From what I saw at my site visit, I consider that the proposed garden area, particularly of the proposed house closest to Cornwall Road, would be overlooked by the first floor windows of these neighbouring houses. In my judgement it would not be practical to rely on planting to prevent this because it would need to be of such a height that it would dominate the small garden areas and secondly, it may not be retained in the long term.
8. Therefore, I consider that the proposed garden areas would be insufficient in terms of their size and would not provide private spaces which are not overlooked. Therefore, there is further conflict with Policy CP1.

Conclusions

9. I have taken account of the fact that planning permission was given for a larger site, which included the appeal site, about 30 years ago. I consider that the passage of time, the adoption of the LP and the publication of the National Planning Policy Framework means that a fresh consideration of such a proposal is justified. Additionally, the previously larger site would have provided larger gardens and so is not directly comparable with the appeal scheme.
10. I have also taken account of the fact that the Council is unable to demonstrate a suitable supply of housing sites. Within this context and taking account of the National Planning Policy Framework, I consider that the adverse effects of the proposal would significantly and demonstrably outweigh the benefits of the proposal. Therefore, the appeal is dismissed.

S T Wood

INSPECTOR