



Appeal Decision

Hearing held on 15 October 2019

Site visit made on 15 October 2019

by Jonathon Parsons MSc BSc DipTP (Cert Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 December 2019

Appeal Ref: APP/H1515/W/19/3231149

Ardleigh Court, Hutton Road, Shenfield CM15 8LZ

- 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 M.C.C. Developments Ltd against the decision of Brentwood Borough Council.
 - The application Ref 18/01375/FUL, dated 31 August 2018, was refused by notice dated 25 January 2019.
 - The development proposed is the erection of additional storey of accommodation to provide 14 residential units.
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This decision is issued in accordance with Section 56(2)(b) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 25 November 2019.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr G Cooper (Metropolis) against M.C.C. Developments Ltd. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effects of the proposal on (a) the character and appearance of the area and (b) the living conditions of the occupiers of the neighbouring properties, having regard to outlook.

Reasons

Character and appearance

4. The appeal site comprises the flatted development of Ardleigh Court, including associated amenity space, garaging and private access roads. The apartments are contained within one long building with interconnected blocks, including some that spar off at roughly right angles in groups. Blocks are staggered from one another due to set backs formed by stairwells. The site is large and landlocked by a mixture of residential and commercial development on Hutton Road, Chelmsford Road and Shorter Avenue. The commercial development is largely restricted to Hutton Road (southern part) and the Eagle and Child Public

House (PH) (now derelict) on Chelmsford Road. At the northern end of Shorter Avenue, there is a retirement flatted development at Sawyers Court.

5. The existing flatted building is modern being constructed with brick and infill panels of varying materials and flat roofs, and contrasts with the more traditional brick and tiled roof construction of the detached and semi-detached dwellings in the area. It is also mainly three storeys whereas the majority of the surrounding development, especially dwellings, is two storey with pitched roofs above. The main exceptions are development within the commercial part of Hutton Road and Sawyers Court, where there is accommodation within the roofs and gables at second floor level. Additionally, the PH is substantial in scale and has a Council resolution to grant planning permission for re-development to three storey flats. There is also a single storey community hall to the west of the site.
6. Nevertheless, despite its size, scale and design, Ardleigh Court remains unobtrusive by reason of its landlocked nature, siting away from neighbouring dwellings/buildings, flat roofed design and mature trees in the landscaped grounds. The land also slopes down markedly from Hutton Road and Chelmsford Road into the site. The building's discreteness is a feature of the area and ensures the area's attractive suburban character and appearance.
7. The additional storey would be constructed with panelled walling, extensive glazing and flat roofs, which would give it a contemporary design. However, the overall height of the three storey part of the building would significantly increase from approximately 8m to 12m. The additional storey would also be far greater in height than the individual storeys below and thus, it would appear ill-proportioned. On the two storey part of the building, the height of the additional storey would similarly appear markedly out of kilter with the storeys below.
8. The accommodation would be recessed relative to the storeys below but the stepping back by about 1.2m from the perimeter of the altered blocks would not be substantial given its scale. The flat roofs of the additional storey would also have a deep overhanging roof element and the glazing of the accommodation would be back painted to avoid overlooking along the east elevation. Furthermore, the perimeter of the blocks at the new storey level would have new vertical panelling above the existing outer face of the building, with glass balustrades and, in some areas, privacy screening above it. Although recessed, there would also be lift shafts in between the intervening blocks which would be higher than the flat roofs.
9. For all these reasons, the additional storey and additions would be substantial in scale, bulk and mass above the existing building, especially as it would be along almost the full length of the building. This would result in a towering and intrusive form of development when viewed from neighbouring properties, the site itself and through gaps in the neighbouring street frontages.
10. In the event of planning permission being granted, the completion of PH flat development would result in a substantial three storey building of flats built around a courtyard. However, this replaces a large and tall existing building with steeply pitched roofs and unlike the appeal building, the new building would relate in position to a main street frontage, Chelmsford Road, where larger buildings would be expected and feature. Therefore, there are significant differences between this development and that before me.

11. For all these reasons, there would be harm to the character and appearance of the area and the proposal would be contrary to policy CP1 of the Brentwood Borough Council's Replacement Local Plan (RLP) 2005, which amongst other matters, requires development not to have an unacceptable detrimental impact on visual amenity, character and appearance of the area, and should be of a high standard of design and layout, compatible with its location and any surrounding development in terms of size, siting, scale, style design and materials.

Living conditions

12. The dwellings and gardens of properties at Sawyers Court, Hutton Road and Shorter Avenue would face onto the development. At the hearing, the annotated site plans showed separating distances between the extended building and Sawyers Court of between approximately 18.1 to 20 metres, and the dwellings along Hutton Road of between 20.9 and 32 metres. In terms of the separation distances, this would be significant and therefore, there would be no adverse loss of outlook to occupiers when looking out from windows serving rooms within these neighbouring developments.
13. However, the Sawyers Court retirement flats have a communal garden area adjoining the nearest extended part of Ardleigh Court. Here, the extended flank of the appeal building would have an overbearing appearance by virtue of its increased upward built construction, with its panelling, balustrading, painted glazing and accommodation. For properties in Hutton Road, there is a drop in ground levels between them and the appeal site. Nevertheless, the extent of the upward extension of the appeal building would be substantial for the reasons indicated and this would be overbearing to occupiers using their gardens. In respect of the properties located further south on Hutton Road, they would face the two storey part of the Ardleigh Court. However, the gardens on this section of Hutton Road are quite modest in size, considerably smaller than most in the area, and as a result, the impact of the additional storey would still be acute on occupier's outlook when using their rear garden.
14. The additional storey on the building would face the gardens of properties on Shorter Avenue, two of which I visited. These properties generally have long rear gardens, with some established landscaping in places, and the extended building would be stepped back from the common boundaries. However, there is no guarantee that the existing vegetation would remain in place and the overall increase in scale, mass and bulk would be substantial and dominating over such an expanse of building. As a result, there would be an adverse loss on outlook to occupiers using their rear gardens.
15. For all these reasons, the increase in height, scale and massing would harm the living conditions of the residents of neighbouring properties by reason of the loss of outlook. Accordingly, the proposal would be contrary to policy CP1 of the RLP, which amongst other matters, requires development not to have a detrimental effect upon the general amenities of the proposed development by way of overbearing effect.

Other matters

16. At appeal, a proposal for a pitched roof additional storey was dismissed in 2007 whilst a proposal for a barrel-vaulted additional storey was dismissed in 2010. Cross-sectional plans show that the proposed additional storey would be

slightly lower in height than the barrel-vaulted design and lower in height (by about a metre) than the pitched roof design. The appellant's cross-section terms also show that the current appeal proposal would also be smaller in extent (volume) than both barrel-vaulted and pitched roof schemes, albeit only by a small amount in the later scheme.

17. At the hearing, there was some dispute over the height increase and cross section plans. Nevertheless, even if I accepted the appellant's figures and details, the additional storey would involve the vertical perimeter panelling, glass balustrading and privacy screens above, roof overhangs and lift shaft enclosures as well. Together with the additional storey, these features would result in considerable scale, bulk and massing at a 4th floor level/3rd floor level which would have an adverse impact on the character and appearance of the area and the outlook of neighbouring residents.
18. Having visited Alexander Lane, this housing development has a main road frontage and is within a different part of Shenfield and therefore, there are differences between this development and the proposal before me. In any case, every proposal has to be considered on its particular planning merits as I have done here.

Planning balance

19. The Council cannot demonstrate a 5 year land supply (5YHLS). The proposal would boost housing supply by providing 14 small residential flats on a windfall site. The development would be within an urban area and future flat residents would be well served by services and facilities, including public transport. The principle of increased density is acceptable and national planning policy supports opportunities to use airspace above existing residential properties for new homes to make more efficient use of land. Where there is an existing shortage of land to meet identified housing needs, it is especially important that planning decisions avoid homes being built at low densities. Additionally, the development would improve the living conditions of residents by the provision of lifts. Such economic, social and environmental considerations would accord with national policies of the NPPF that require decisions to build a strong competitive economy, promote sustainable transport and make effective use of land. Such benefits would weigh heavily in favour of the proposal.
20. However, the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development. The development would not be sympathetic to local character and history of the site, including the existing built development and landscape setting, which there would be a conflict with, due to the towering and intrusive built form of the additional storey. There would not be a high standard of amenity for neighbouring residents. Such design failings would be determinative for this particular proposal. Thus, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies taken as a whole.
21. There has been local support for the proposal, including from the Residents Association of Ardleigh Court and its residents. The flat roofed blocks require maintenance and updating which could be achieved through this development. However, the harm to the character and appearance of the area would be significant for all the reasons indicated and permanent. The proposal would conflict with policy CP1 of the RLP and the development plan, as a whole.

Material considerations would not be of sufficient weight or importance to determine that the decision should be taken otherwise than in accordance with the development plan and therefore planning permission should be refused.

Conclusion

22. For the reasons given above and having regard to all other matters raised, I conclude that appeal should be dismissed.

Jonathon Parsons

INSPECTOR

APPEARANCES

FOR THE APPELLANT

J Dagg MRTPI Barrister	Trinity Chambers
B Willis MRTPI	Wingfield Planning
M Hale	LAP Architects
P Mecklenburgh	MCC Developments Ltd

FOR THE LOCAL PLANNING AUTHORITY

N Dawney	Brentwood Borough Council
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OTHER INTERESTED PARTIES

G Cooper MRTPI	Planning Consultant (acting for residents)
S Burrell	Local resident
B Stanes	Local resident
R van Zyl	Local resident
D King	Local resident
J Campbell	Local resident
F Brown	Local resident
D Delaney	Local resident
M Beaver	Local resident
G Gibbs	Local resident
W Jackson	Local resident

DOCUMENTS SUBMITTED AT HEARING

1. Statement of Common Ground dated 15 10 2019.
2. Resident's Site Visit schedule (Photographs of Sawyers Court, 7/6 Shorter Avenue, 34/36 Hutton Rd, 26-30 Hutton Road).
3. Set of 8 cross section plans showing comparison of appeal scheme with two previous appeal schemes.

4. Set of 2 site plans showing distances of development to neighbouring properties on Hutton Road and Sawyers Court.
5. Proposed street scenes/site sections plans for Eagle and Child Public House re-development.