



Appeal Decision

Site visit made on 17 December 2019

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 December 2019

Appeal Ref: APP/H1515/W/19/3237327

12 Bournebridge Close, Hutton, Essex CM13 1RJ

- 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 Nokes against the decision of Brentwood Borough Council.
 - The application Ref 19/00680/FUL, dated 9 May 2019, was refused by notice dated 4 July 2019.
 - The development proposed is the erection of 2 No 2 bed dwellings.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development given on the Council's decision notice differs from that provided on the application form and used in the banner heading above, referring to 'construction of 2 No. detached dwellings and alterations to fenestration pattern of existing dwelling'. I note that the submitted plans indicate windows and a door at ground floor level within the side elevation of 12 Bournebridge Close would be omitted as part of the proposed development, but I saw at my visit that the door and windows were no longer present in either the ground or first floor level of the side elevation. 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) the effect of the proposed development on the living conditions of the occupiers of neighbouring dwellings; and
 - iii) whether or not parking provision would be adequate to serve future occupiers.

Reasons

Character and Appearance

4. Bournebridge Close is a cul-de-sac characterised by two-storey semi-detached and terraced dwellings with pitched roof forms and brick external finishes. For the most part, dwellings face the street with relatively generous gardens to their rear and areas of parking and landscaping to their frontages. However, the terrace of dwellings at 7 to 10 Bournebridge Close is set forward of the

front elevations of the adjacent dwellings at 1 to 6 Bournebridge Close and have no vehicular access to their fronts. Instead, they face onto a small triangular green with an area of relatively dense trees behind. In addition, 11 and 12 Bournebridge Close are a semi-detached pair which are orientated to be perpendicular to the street. These dwellings face onto the green and have footpath access from the main part of the street to their frontages.

5. The appeal site includes the dwelling at 12 Bournebridge Close as well as land to its side. There is a turning head on Bournebridge Close broadly in line with the side 12 Bournebridge Close resulting in an irregular boundary to the site frontage with the street. At the time of my visit, fencing within the site separated the dwelling and areas of garden to its front and rear from the land to the side which appeared overgrown. Fencing was also present along the boundary with 13 Bournebridge Close, with further lower level fencing along the footway of Bournebridge Close and facing the green to the side of the site.
6. The proposed development would result in 2 additional dwellings on the appeal site. These would face Bournebridge Close, one either side of the turning head. Given the mix of semi-detached and terraced dwellings with runs of differing lengths present on the street, I see no reason that detached dwellings would be inappropriate here. Furthermore, their two-storey height, pitched roof design and facing brick to match adjacent properties would reflect common design elements of dwellings on Bournebridge Close and would be sympathetic to the area's character and appearance.
7. The dwellings would alter the existing open appearance of the appeal site and would be apparent including in views from Bournebridge Close towards the green and woodland beyond, but change is not necessarily harmful. In this case, the site's visual contribution to the street scene is muted somewhat by the existing fencing around the site and its overgrown appearance. Although the Council and third parties refer to vegetation previously present on the appeal site complimenting the adjacent green, this is no longer in situ.
8. The existing plot of 12 Bournebridge Close is larger than is typical nearby. The proposed dwellings would be relatively modest in their scale and while they would be positioned fairly close to some of their boundaries, separation would nevertheless be provided sufficient to ensure that the dwellings would sit comfortably on their plots. The layout and this spacing would also enable views from the street scene through to the green and woodland backdrop to the front and rear of the dwelling on Plot 1. Moreover, the spacing between buildings nearby varies, and in many cases, plots are narrow such that there is no characteristic sense of openness that would be harmed by the development.
9. Each dwelling would be provided with a garden. The garden to Plot 1 would have a greater width than the dwelling, and the garden to Plot 2 would be positioned to its side. The Plot 1 dwelling would also be positioned closer to the street than the dwelling on Plot 2. However, there is no prevailing pattern, layout or orientation to nearby development and in this context the layout of the proposed plots and dwellings would not appear discordant or jarring.
10. For all of the reasons given above, I conclude on this main issue that the proposed development would not appear cramped or incongruous, and would not cause unacceptable harm to the character or appearance of the area. I therefore find no conflict with saved Policy CP1 of the Brentwood Replacement Local Plan 2005 (BRLP). This policy requires, amongst other things, that

development is of a high standard of design and layout compatible with its location and that it does not have an unacceptable detrimental impact on visual amenity or the character and appearance of the surrounding area. Similarly, it would accord with the requirement within the National Planning Policy Framework (the Framework) for creation of well-designed places.

Living Conditions

11. The Council raise concerns that the dwelling proposed on Plot 1 would result in overlooking to 6 Bournebridge Close and would be overbearing to occupiers of 7 Bournebridge Close; and that the garden to the rear of 12 Bournebridge Close would be dominated by the dwelling proposed on Plot 2.
12. Considering first the dwelling proposed on Plot 1, I note that this would be relatively close to the nearest corner of the front elevation of 7 Bournebridge Close. However, while this neighbour is at a lower land level than the appeal site, views towards the proposed dwelling would be at an oblique angle rather than a direct facing relationship. The primary outlook from windows to the front of 7 Bournebridge Close would remain towards the green which is open, and although it would be visible, the width and depth of the proposed dwelling would be relatively modest, limiting its overall bulk. Given these factors, I am satisfied that the development would not be overbearing to cause unacceptable harm to the living conditions of the occupiers of 7 Bournebridge Close.
13. Plot 1 would have a more direct facing relationship with 6 Bournebridge Close, but there would be greater separation owing to the set back of this neighbour. The Council suggest that there would be approximately 17m between the dwellings, and have referred to a 35m window to window standard for privacy but note this is normally applied between rear elevations. I have not been directed to any policy requirement or guidance which indicates a specific standard relevant to achieve privacy between facing front elevations, and in a residential area such as this where windows face onto the street, there would not be such an expectation of privacy to the front of dwellings.
14. While I note the change in land levels between the sites, windows within the first floor of the proposed dwelling on Plot 1 would be limited to two windows serving a bedroom, and a good level of spacing would be provided by the street and the frontage to 6 Bournebridge Road. Given the context and relationship between the dwellings, I find that the separation would be sufficient to ensure that the development would not result in overlooking or loss of privacy to 6 Bournebridge Close so as to cause harm to the living conditions of occupiers.
15. Turning to consider the dwelling proposed on Plot 2, this would extend along a significant part of the length of the rear garden of 12 Bournebridge Close. While set apart from its rear elevation, the proposed dwelling would be a two-storey building set close to the boundary. The rear elevation of the dwelling on Plot 1 would include one small window at high level to the first floor, but would otherwise present an unrelieved expanse of brickwork and roof, with little detailing to notably break up the visual bulk of the building as seen from the garden of 12 Bournebridge Close.
16. Given its height, width and proximity to the boundary as well as its design, I find that the proposed dwelling would be a dominant and intrusive feature which would have an unacceptable overbearing and enclosing effect on the garden of 12 Bournebridge Close.

17. Third parties have raised additional concerns regarding the impact of the development on living conditions beyond those identified by the Council. Nevertheless, subject to the use of obscure glazing as is indicated on the proposed plans, on the basis of the relationship with nearby dwellings I am satisfied that the arrangement of windows would ensure no unacceptable overlooking from the development. Aside from the harm to 12 Bournebridge Close identified above, I am also satisfied that the scale and layout of the development and the spacing provided would not give rise to unacceptable loss of light or outlook to neighbouring dwellings.
18. Nevertheless, in light of my findings above, I conclude on this main issue that the proposal would result in an overbearing effect to the garden of 12 Bournebridge Close which would cause unacceptable harm to the living conditions of the occupiers of this dwelling. In this regard, the proposal would conflict with saved Policy CP1 of the BRLP. This policy includes, amongst other things, a requirement that development should not have an unacceptable detrimental impact on nearby occupiers including by way of overbearing effect. For similar reasons, there would be conflict with the Framework which requires at paragraph 127 a high standard of amenity for existing and future users.

Parking Provision

19. Saved Policies T2 and T5 of the BRLP together require provision for vehicle parking and that proposals do not result in unacceptable detrimental impacts on the transport system. The appellant has drawn my attention to guidance within Essex County Council's 'Parking Standards Design and Good Practice 2009' (PSDGP) which indicates a minimum requirement of 2 parking spaces per dwelling with 2 or more bedrooms. The proposed dwellings would each have 2 bedrooms, and the application form indicates that 12 Bournebridge Close has 3 bedrooms. Accordingly, the PSDGP indicates a minimum requirement for 6 parking spaces in total on the site to serve the development.
20. I note that fencing currently present to the boundaries of the appeal site would restrict parking, but I saw that there is crossover access adjacent to the turning head that would enable the possibility of parking within the existing site to serve 12 Bournebridge Close, and indeed the appellant's Planning Statement includes a photo showing an informal parking area on the site.
21. The proposed development includes 4 parking spaces on the site. The submitted plans indicate that 2 spaces would serve each of the proposed dwellings, with no provision shown for the existing dwelling, although the appellant's appeal submission contradicts this and suggests that while 2 spaces would serve Plot 2, Plot 1 and the existing dwelling would each be served by one space. However, notwithstanding the exact allocation of spaces between the dwellings, there would be a shortfall of 2 spaces on the site against the minimum standards suggested by the PSDGP.
22. I note that several properties on Bournebridge Close do not benefit from off-street parking. At the time of my visit, there were a number of vehicles parked within the close and on the surrounding roads. Often, I saw that vehicles were parked either partly or fully on the footway resulting in varying degrees of obstruction to pedestrians and vehicular traffic. Vehicles were also parked in the turning head adjacent to the site.

23. Although some spaces were available on-street, my visit was in the middle of the working day at a time when it would be reasonable to expect comparatively low levels of parking assuming residents may be out at work or engaged in other daytime activities away from home. From the evidence before me including comments from local residents, I have no doubt that this is an area subject to parking pressure. This would be likely to be exacerbated by under-provision of parking on the appeal site, and pressure would not be mitigated by the existence of off-street parking to some existing dwellings nearby.
24. Consequently, I find that the development would be likely to result in additional parking outside of the site, increasing the likelihood of obstruction to pedestrians and the potential for conflict with other highway users, as well as frustration and inconvenience to residents seeking an available space to park.
25. The PSDGP indicates that a reduction to vehicle parking standards may be considered for main urban areas which are defined as those having frequent and extensive public transport and cycling and walking links, accessing education, healthcare, food shopping and employment. However, while I note that there would be some opportunities for travel by walking, cycling and public transport to reach local services, the site is within a predominantly residential area and from the information before me, I am not convinced that such links are so frequent and extensive to offer easy access to a range of services. I do not therefore find that this is a main urban area in the context of the PSDGP so as to justify a reduction in standards of parking provision. Accordingly, I consider it probable that there would be demand from occupiers on the site for private vehicles and associated requirements for parking, which would not be fully met by the 4 spaces proposed.
26. While the harm would be limited by the small scale of the development, I nevertheless conclude on this main issue that it has not been demonstrated that there would be adequate parking provision to serve future occupiers of the development. This would cause unacceptable harm to the safety and convenience of pedestrians and users of the highway. The development would therefore be contrary to saved Policies T2 and T5 of the BRLP.

Planning Balance

27. The Council indicates that they are unable to demonstrate a 5-year supply of deliverable housing sites and I have not been provided with any evidence to contradict this.
28. The lack of supply triggers the presumption in favour of sustainable development set out in paragraph 11(d) of the 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. In the absence of applicable policies in 11(d)(i), the proposal would fall to be assessed against 11(d)(ii) only.
29. I have found that the development would cause unacceptable harm to the living conditions of the occupiers of 12 Bournebridge Close and would fail to provide adequate parking. In light of my findings, saved Policies CP1, T2 and

T5 of the BRLP are most important for determining the proposal. Insofar as they are relevant to the appeal proposal, these policies are broadly consistent with the expectations of the Framework in seeking well designed places that function well and which provide a high standard of amenity for existing and future users as a key aspect of sustainable development. The conflict with these policies therefore carries a reasonably significant amount of weight.

30. In terms of benefits, the proposal would provide two additional dwellings towards local housing supply. The extent of the benefit is tempered by the small amount of development, but nevertheless and in light of the lack of 5 year supply I give it moderate weight in the overall planning balance. The development would also make effective use of the site which is encouraged by the Framework, and there would be some access to public transport and local services. While I do not consider this is to the extent that the site would be a main urban area for the purposes of the PSDGP, these would also be benefits.
31. The appellant indicates that following secure by design principles is one of the objectives of the development and that there would be opportunities for new tree planting and landscaping. However, no further details have been provided to demonstrate the development's security credentials or the contribution new landscaping would make which limits the weight I can afford to these factors.
32. While I have found that the development would not be detrimental to the character and appearance of the area, it would cause unacceptable harm to the living conditions of the occupiers of 12 Bournebridge Close and as a consequence of the inadequate provision for parking. I find that these adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The proposal would not therefore represent sustainable development, and the conflict with the development plan is not outweighed by other considerations including the Framework.

Other Matters

33. I have taken into account comments made by third parties, including regarding access for emergency services, ground conditions and drainage, the capacity of services and disruption during construction as well as impact on streetlighting and visibility to and from dwellings. However, none of these are matters that alter my findings on the main issues in this appeal.

Conclusion

34. Although I have found that there would be no harm to the character or appearance of the area, the development would cause unacceptable harm to the living conditions of the occupiers of 12 Bournebridge Close and would fail to provide adequate parking. The proposal would therefore be contrary to the development plan as a whole, and for the reasons given above, I conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR