The Planning Inspectorate

Appeal Decision

Site visit made on 6 January 2020

by O S Woodwards BA(Hons.) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2020

Appeal Ref: APP/H1515/W/19/3237743
Bishops Gate, William Hunter Way, Brentwood CM14 4EP

- 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 Med C Limited against the decision of Brentwood Borough Council
- The application Ref 18/00799/FUL, dated 18 May 2018, was refused by notice dated 31 May 2019.
- The development proposed is the erection of a building to provide 5 units of accommodation.

Decision

1. The appeal is allowed, and planning permission is granted for the erection of a building to provide 5 units of accommodation at Bishops Gate, William Hunter Way, Brentwood CM14 4EP in accordance with the terms of the application Ref 18/00799/FUL, dated 18 May 2018, subject to the conditions as set out in Schedule 1 - Conditions.

Preliminary Matters

2. The site address is different on the decision notice to the application form. I have adopted the address from the application form, which in the absence of a specific building to directly reference, and read in conjunction with the site location plan, is suitably accurate.

3. During the course of the application a revised design was submitted to the Council by the appellant. This was accepted by the Council and formed the basis of the refusal that is now before me. However, the decision notice erroneously included drawing references referring to superseded designs. This has been rectified and agreed between the appellant and the Council and the confirmed drawing list is Refs 17-049-PL-01C; 02C; 03A; and 04. This included the introduction of one revised drawing Ref 02C during the appeal process, but this was only to remove an inconsistent elevation. No new information has been introduced and therefore no parties have been disadvantaged.

4. The emerging Brentwood Local Plan underwent Pre-Submission (Publication Draft) stage consultation in 2019 and is programmed to be submitted to the Secretary of State in 2020 for the Examination in Public. As it has not yet been examined, it has limited weight at this time.

Main Issues

5. The two main issues are the effect of the development on:

   - The character and appearance of the area; and
   - The living conditions of the future occupiers of the development, with particular regard to light and outlook.

Reasons

Character and appearance

6. The site is a small, vacant, hardstanding car park in a poor state of repair. It lies in a transitional character area, moving away from the commercial area of the High Street to the residential streets to the north. It is primarily viewed in the context of the rear of the High Street buildings, especially from the junction of William Hunter Way and Bishops Gate road. These buildings lie in Brentwood Town Conservation Area, but their rear elevations are clearly secondary elevations with poorly kept service yards at ground floor and poorly detailed upper levels. The wider area provides an incoherent mixture of architectural styles, comprising relatively modern 3-storey blocks of flats and utilitarian 1 and 2-storey commercial buildings, with brick and render the predominant materials.

7. The proposed building would be predominantly brick with some plainer elevations (material not confirmed) and a contemporary aluminium fenestration pattern. It is to be part 2/part 3-storeys with a mixture of pitched and flat roofs, albeit the majority pitched. The footprint includes an inset north-east corner, responding to the shape of the site. The mixture of building footprint, elevation materials, storey heights, fenestration styles, and roof styles add articulation and visual interest to the building. Importantly they are also well resolved and coherent with the flat roof areas and alternative facing material accentuating the inset and rear wing elements, and the fenestration style and shape responding to the overall silhouette of the elevations. The proposed roof design is appropriate in the surrounding context as there are a variety of roofscapes in the area, including several examples of flat roofs.

8. The proposed building sits well in the surrounding context, being of similar height, bulk and mass and using similar materials to neighbouring buildings, whilst adding a modern architectural design twist. The quality of the detailed design will be necessary in ensuring a high design quality in the finished building, and this can be controlled by condition.

9. The footprint of the building would take up the majority of the site. This is an appropriate design response to a small, hard-standing site located in close proximity to other buildings. In fact, using the building to help define the boundaries of the site is a successful architectural response to the constraints of the site. It is also similar to the approach taken in neighbouring developments, such as Silkweaver Heights. There is a small element of defensible space where it is most needed around the main entrance door. A small amount of landscaping and boundary walls are proposed to the west and south boundaries and it is difficult to see how these areas could be used otherwise. Only hard landscaping is required due to the small scale and the nature of the areas, and the proximity to the proposed building. The details of this can be controlled by condition.

10. The existing site is a poorly kept, vacant car park and the proposed development of high design quality would enhance the character and appearance of the site and area, complying with the relevant parts of Policy CP1 (General Development Criteria) of the Brentwood Replacement Local Plan 2005 (LP), the Brentwood Design Guide SPD (DG), and Paras 127 and 200 of the National Planning Policy Framework (the Framework).

Living conditions (future occupiers)

11. The flats are either dual or triple aspect and are suitably laid out with appropriately shaped and sized rooms. Units 1 to 4 at ground and first floor levels all meet the minimum sizes as set out in the National Housing Standards and have internal floor-to-ceiling heights in excess of 2.3m. Unit 5 is set partially in the eaves and it has been confirmed by the appellant that 42 sq m of the 62 sq m are at an internal floor-to-ceiling height of 2.3m or above. This is slightly below the policy standard of 75% of the floor area, at 68%. However, the flat overall would be of sufficient size and volume given that it is comfortably in excess of the overall minimum size standards.

12. Although the flats would be in close proximity to the boundaries of the site, there is a fairly open aspect to the west, north and east elevations as these all at least partially front onto Bishops Gate road, or onto open land. The outlook to the south is more restricted due to the blank flank wall immediately adjacent and the taller High Street buildings set slightly further back. This has been considered as part of the proposed layouts and fenestration patterns, which propose bathroom windows immediately adjacent to the blank flank wall, secondary windows to living rooms, and use the natural chamfer of the site in the south east corner to provide windows angled away from the buildings. All rooms benefit from suitably sized and located window(s) and/or rooflight(s), with the narrow windows also being tall and thereby being of suitable overall size.

13. The amount of defensible space and landscaping is small, but it creates an important separation by ensuring that none of the proposed windows or doors directly abut the site boundary. This should be seen in the urban context of the site. In this context and when the landscaping is combined with the naturally open aspect to the west, north and east and the careful design responses to the constraints to the south, the outlook, light and quality of internal accommodation in these respects would be acceptable.

14. No private amenity space is provided to any of the units but given that all units are 1-bed units and the urban, town centre location this is, on balance, acceptable. A Juliette balcony is proposed to Unit 3, which would provide some amenity value, if not outdoor space.

15. Overall, the development has been carefully designed to meet the challenges of the site and its location and would, on balance, create an acceptable living environment for future occupiers of the development. The proposal complies with the relevant parts of Policy CP1 (General Development Criteria) of the LP, the DG, and Para 117 of the Framework.

Other Matters

16. I have taken into consideration the effect on the living conditions of neighbouring occupiers, the sustainability of the location and access to public

transport, and the lack of car parking, and find no harm in this regard. I also note that the Council have raised no objection in respect of such matters.

17. The Council mention the proximity of grade II Listed buildings Nos 108-114 and 129/129a High Street. However, these are all some distance from the site and/or there are other buildings in-between. Therefore, there would be no harm to the settings of these listed buildings.

18. The Council state they would prefer that a collaborative approach be taken with neighbouring landowners, particularly of the buildings and land adjacent to the north side of the High Street. This is in order to prevent the proposal prejudicing surrounding development. The Council also mention two applications from 2014 at Nos. 111 and 113-155 High Street, but neither have been built out nor do I have the full details before me (it is not even clear if they were approved). The appellant has stated they approached adjoining land owners and did not receive a response. In the absence of stronger evidence of the likelihood of a comprehensive development of the wider area, I attach limited weight to this.

Conditions

19. In addition to the standard time limit condition, condition 2 (plans) specifies the relevant drawings as this provides certainty. Condition 3 (Construction Method Statement) is necessary in order to minimise the disruption during construction. Condition 5 (noise) is necessary in order to ensure that suitable noise mitigation is provided to create acceptable living conditions given that the site is surrounded by commercial uses. Condition 6 (materials) is necessary in order to ensure a high design quality in the finished product. Condition 7 (travel pack) is necessary in order to ensure sustainable transport opportunities are maximised.

20. I have adapted Condition 4 (landscaping) from the proposed wording by the Council to remove all references to soft landscaping, which is not required given the site constraints, and to specifically reference the proposed boundary walls and cycle parking, as requested by the Council to provide for alternative modes of travel. I have also added a clause to ensure that the works are carried out prior to occupation.

21. Conditions 3, 4 and 5 are all 'pre-commencement' conditions. In each case, it is necessary because the agreed details may influence the detailed design and therefore the construction process.

Conclusion

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

O S Woodwards

INSPECTOR

Schedule 1 – Conditions

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: 17-049-PL-01C; 17-049-PL-02C; 17-049-PL-03A; 17-049-PL-04.

3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the constriction period.

4) Prior to the commencement of the development hereby permitted a scheme of hard landscaping shall be submitted to and approved in writing by the local planning authority. The landscaping scheme shall indicate those areas to be paved and include details of all surfacing materials, existing and proposed ground levels, boundary treatments, and cycle parking. The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied.

5) No development shall take place until a scheme to protect the residential flats from internally and externally generated noise has been submitted to and agreed to in writing with the local planning authority. The development shall be completed and maintained in accordance with the approved details.

6) Prior to the above ground works, details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

7) Prior to first occupation of the proposed development, the developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling for sustainable transport, which shall have previously been approved by Essex County Council (to include six one day travel vouchers for use with the relevant local public transport operator).