



Appeal Decision

Site visit made on 12 February 2020

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th March 2020

Appeal Ref: APP/H1515/W/19/3241377

To the rear of 12 Worrin Road, Shenfield, Brentwood, Essex, CM15 8DE

- 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 David Longhurst against the decision of Brentwood Borough Council.
 - The application Ref 19/00134/FUL, dated 15 January 2019, was refused by notice dated 2 July 2019.
 - The development proposed is the erection of a detached house and garage.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr David Longhurst against Brentwood Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. Interested parties reported that documentation relating to the appeal was not made available for public inspection from the start of the consultation period notified by the Council. As a consequence, the period for submission of representations on the appeal was extended and I have taken all representations received into account.
4. The appellant included additional documents and information as part of the appeal¹. While not before the Council at the time of their decision, they were submitted at the outset of the appeal and therefore parties have had the opportunity to comment. The submitted arboricultural information provides for the retention of some trees that were originally to be removed and suggests planting of some new trees. However, the additional documents and information do not alter the main elements of the development on the site from that originally proposed and upon which consultation took place. I am therefore satisfied that no injustice would be caused to any party by my taking this information into account and I have considered the appeal on that basis.

Main Issues

5. The main issues in this appeal are (i) the effect of the proposed development on the character and appearance of the area and (ii) the effect of the proposed

¹ Transport Technical Note (Ref DALO/19/5053/TN01 dated October 2019), Noise Impact Assessment (Ref 9705.LE01.0 dated 10 October 2019), Arboricultural Impact Assessment & Method Statement (Ref PR119350ala-ams appeal dated 15 November 2019), and Arboricultural Appeal Statement (dated 15th November 2019)

development on the living conditions of the occupiers of neighbouring dwellings with particular regard to noise and disturbance.

Reasons

Character and Appearance

6. The appeal site is located on Worrin Road which is characterised by two-storey detached and semi-detached dwellings situated on a reasonably uniform building line fronting the street. The typically generous separation between buildings gives the street scene a somewhat spacious character, and affords views towards rear gardens where mature trees are often notable features. Together with prominent trees within a number of front gardens and the backdrop of significant tree cover between the Brentwood Community Hospital and dwellings located on Worrin Road and Glanthams Close, these contribute a verdant character to the area around the appeal site.
7. The site forms part of the rear garden of 12 Worrin Road which includes a number of trees within and on its boundaries, including some protected by a Tree Preservation Order (TPO). It is proposed to construct a detached dwelling and garage towards the rear of the site. Access from Worrin Road would be provided by a gated driveway running close to the boundary of the site with the neighbouring dwelling at 8 Worrin Road.
8. Given the diverse architectural styles of other dwellings on Worrin Road, the indicated materials and appearance of the proposed development would not be unsympathetic. Adequate separation would be maintained around the proposed dwelling and garage in keeping with the spacious character of the area. The scale of the buildings and the plots to serve both the proposed dwelling and No 12 would also be compatible with those nearby.
9. The updated arboricultural information submitted with the appeal proposes to retain some trees that were originally proposed to be removed, although a number of trees and groups of trees would still be removed to make way for the proposed development.
10. Notwithstanding this, all trees identified within the arboricultural report as 'Category B' indicating that they are of moderate quality would be retained. All except one of the trees protected by TPO would also be retained. The appellant's arboricultural information advises that the tree to be removed is of low quality and that it is proposed to be removed on grounds of its poor health. The Council have not disputed this assessment, and it seems to me that its removal is sufficiently justified in the context of the proposed development.
11. Some of the trees which would be removed are visible from the street scene. However, for the most part the trees to be removed are small and I saw that they make a limited contribution to the character and appearance of the area beyond the appeal site. Those trees which are most visible from outside of the site and which make the most significant contribution to the verdant quality of the site and area would be retained. While I acknowledge the number of trees that would be removed, given this context I am satisfied that the proposed tree removals would not result in any significant adverse impact on the character or appearance of the site or wider area. Furthermore, protection for retained trees during construction, as well as provision for landscaping around the proposed development could be suitably secured by condition.

12. With regard to potential future pressure for tree works, the arboricultural information suggests that the trees which would be retained on the site would not cause excessive shading of the proposed dwelling. No convincing evidence has been provided to contradict this assessment, and I am satisfied that sufficient space would be afforded within the site to ensure that trees would not dominate the proposed dwelling or its garden.
13. For these reasons, I find that the verdant character of the area would not be harmed by the proposed development.
14. However, while I saw a number of small cul-de-sac developments nearby, individual dwellings positioned behind dwellings fronting the street are not a characteristic of the area. There is development to the rear of the appeal site, but the dwellings here front Worrin Close and Worrin Place and have a relationship with those streets. The proposed dwelling would be aligned to be broadly parallel with the adjacent dwellings on Worrin Place. However, it would face away from them and would be detached from the private access road which serves them with significant boundary vegetation providing for further segregation of the development. As a result, the proposed dwelling would have little tangible connection to those behind and I am not persuaded by the appellant's suggestion that it would be read as an extension to Worrin Place.
15. The access to the site and presence of the proposed dwelling would be apparent from the street scene of Worrin Road. However, the significant length of the driveway and the position of the development to the rear of No 12 mean that it would have a very limited relationship with Worrin Road. The development would therefore be bereft of any street frontage and would be an isolated and incongruous feature.
16. Together with the orientation of the dwelling which would be set at an angle to No 12 and neighbouring dwellings, the development would therefore have an awkward relationship with surrounding development and would be visually intrusive. For these reasons, I find that the proposal would detract from the prevailing character and appearance of the area.
17. I have considered the examples of other developments in the area which the appellant has referred to in support of the appeal. However, I saw that Glanthams Close, Bishops Walk, Thomas Close and The Cobbles are developments of multiple dwellings laid out around street frontages. These examples are not therefore directly comparable to the appeal proposal. While 61a Priests Lane is a single dwelling accessed via a driveway between 61 and 63 Priests Lane, I do not know the circumstances that led to this development being accepted. Moreover, given the distance from the appeal site and differing context and street scenes around these examples, I do not find that they offer significant support for development that would result in harm to the character and appearance of this part of Worrin Road.
18. In conclusion on this main issue, while I am satisfied that the proposal would not conflict with Saved Policy C5 of the Brentwood Replacement Local Plan 2005 (BRLP) which requires protection for landscape features, the development would fail to integrate sympathetically with its surroundings. Accordingly, I find that the proposal would cause unacceptable harm to the character and appearance of the area and would conflict with Saved Policy CP1 of the BRLP. Amongst other things, this policy requires that development does not have an unacceptable detrimental impact on the character and appearance of the

surrounding area and that proposals are compatible with their location and any surrounding development.

Living Conditions

19. The access to the proposed dwelling from Worrin Road would be positioned between the side of the existing dwelling at No 12 and the boundary of the site with the neighbour at No 8. The Council's evidence refers to concerns that this arrangement would result in uncharacteristic noise and disturbance to the occupiers of No 8. Potential for harm to the occupiers of No 12 has additionally been raised by an interested party.
20. I acknowledge that there would be no restriction on the number of vehicles owned by occupiers of the proposed dwelling or on movements to or from the site. Even so, the access would serve only a single dwelling. Given the scale of the development, the levels of traffic using the access and the frequency of vehicle movements are therefore unlikely to be significant.
21. The separation of No 8 from the boundary with the appeal site, and the detached garage sited between the site and neighbouring dwelling would further reduce the potential for noise or disturbance arising from use of the access to impact harmfully on this neighbouring dwelling. Although No 12 would be closer to the access and includes windows to its side, there would nevertheless be some separation and the proposed boundary hedge and fence would further provide for screening.
22. The access would run along part of the rear garden to No 8. However, the garden is one of the largest on this part of Worrin Road and the swimming pool within it is set away from the boundary. Any impacts on this space would therefore be relatively limited. The garden remaining to serve No 12 would be smaller, but the overall size and width would nevertheless be sufficient to avoid a disproportionate impact on users of the space.
23. Taking account of the likely levels of use of the access and its relationship with neighbouring dwellings, I am not persuaded that the development would result in noise or disturbance so as to impact significantly on the living conditions of neighbouring occupiers. I note the transport and noise information submitted with the appeal, but this does not lead me to any different conclusion.
24. On this main issue, I therefore find that there would be no unacceptable harm to the living conditions of the occupiers of neighbouring dwellings. In this regard, I find no conflict with Policy CP1 which includes a requirement that development does not impact detrimentally on nearby occupiers. including by way of general disturbance.

Other Considerations

25. I have had regard to the representations of interested parties on the appeal proposals. However, none of the matters raised either individually or collectively alter my conclusions on the main issues.
26. The National Planning Policy Framework (the Framework) seeks to boost significantly the supply of housing, although it also seeks well designed places which are sympathetic to local character and the surrounding built environment and the proposed development would conflict with this requirement. While the

proposal would provide for a new dwelling within an existing residential area, the benefit to the supply of housing of one additional dwelling would be limited.

27. The appellant suggests that biodiversity enhancements could be sought by condition, but no details have been provided to demonstrate the potential contribution of any such enhancements. The weight I afford to this as a benefit of the proposal is therefore limited. I have no reason to find that the development would cause harm to the living conditions of future occupiers of the dwelling, traffic or highways or through overlooking to neighbouring occupiers. Nevertheless, the absence of harm is a neutral consideration in the planning balance.
28. In this context, I find that there are no other considerations which would outweigh the harm that I have identified would be caused to the character and appearance of the area and the conflict with the development plan.

Conclusion

29. While I have found no harm in relation to the living conditions of neighbouring occupiers, the proposed development would cause unacceptable harm to the character and appearance of the area. Accordingly, the proposal would be contrary to the development plan when read as a whole. For the reasons given above, I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR