



Appeal Decision

Site visit made on 17 March 2020

by J E Jolly BA (Hons) MA MSc CIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 April 2020

Appeal A Ref: APP/H1515/W/19/3242353

9 Shenfield Road, Brentwood CM15 8AH

- 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 Tempus Capital Limited against the decision of Brentwood Borough Council.
 - The application Ref 19/00644/FUL dated, 3 May 2019, was refused by notice dated 9 August 2019.
 - The development proposed is the erection of a roof extension at second-floor level to provide additional floor space to units 7 and 9.
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Appeal B Ref: APP/H1515/W/19/3242366

9 Shenfield Road, Brentwood CM15 8AH

- 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 Tempus Capital Limited against the decision of Brentwood Borough Council.
 - The application Ref 19/00645/FUL dated, 3 May 2019, was refused by notice dated 9 August 2019.
 - The development proposed is the erection of part and second floor roof extension to the rear building to provide additional floor space to flat B.
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Decisions

Appeal A:

1. The appeal is dismissed.

Appeal B:

2. The appeal is allowed and planning permission is granted for the erection of part and second floor roof extension to the rear building to provide additional floor space to flat B at 9 Shenfield Road, Brentwood CM15 8AH in accordance with the terms of the application, Ref 19/0645/FUL, dated 3 May 2019, and the plans submitted with it, subject to the conditions set out in Annex A.

Procedural Matters

3. As set out above there are two appeals on this site. They differ in that application 19/00644/FUL seeks changes to units 7 and 9, both of which are located in the main building, and application 19/00645/FUL seeks changes to Flat B, including a second-floor extension. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.

Main Issue

4. The main issue for both appeals is:

- whether the proposal would preserve or enhance the character or appearance of the Brentwood Town Centre Conservation Area (Conservation Area).

Reasons

Character and appearance of the Conservation Area

5. The appeal site is located to the rear of Landon House in the Conservation Area. The special character and significance of this specific location is derived from large period buildings of high architectural quality that includes Georgian and 'Dutch House' style properties. Buildings in this part of the Conservation Area generally face directly onto the road behind paved or public grass setbacks, which provides a spacious feel to the relatively dense built environment.
6. Most of the buildings in this particular section of Shenfield Road appear to be in use as commercial buildings such as dental and doctors' surgeries; although there are some residential dwellings to the upper floors. Landon House is a detached 3-storey brick and tile, Georgian style property with timber sash windows and doors, and visually typical of the immediate area.
7. The appeal site is accessed via a gated service road to the side of Landon House. To the rear there is a small, open parking garage associated with the neighbouring property. Opposite there is a part one storey, part two-storey ancillary building that contains flats 'A & B'. The ground floor accommodates flat A, which extends the full width of the structure. Flat B is a first-floor dwelling that is accessed to the left-hand side and has an open flat roof section to its right flank. Flats 7 and 9 are located to the rear of the main building and are adjacent to a railed open 'bay' area that overlooks the lower ancillary building that includes flats 'A & B'.
8. Proposal A would add a second-floor roof extension across the existing 'bay' to increase the floor space of flats 7 & 9. Proposal B would extend across the first storey of the ancillary building, including a new window, and add a second-floor mansard style extension in order to increase the floor space of flat B. Both developments would be constructed to correspond visually with the host dwelling and be finished in matching materials.

Proposal A

9. Flats 7 and 9 are located within, and to the rear of Landon House. The 'schedule of accommodation' on the proposed drawings shows that the development would not meet nationally prescribed space standards for dwellings of this size. Nonetheless, the Council concede that the proposal has been permitted as a 'prior notification' for a change of use¹, and therefore refusal cannot be made on this basis.

¹ 19/00267/PNCOU

10. However, the proposal is for an extension of considerable size and mass that, despite the use of matching materials and a similar design style, would be incongruous with this open style 'back-yard' location to the rear of the main building. Indeed, the proposal would lead to the loss of the railed open 'bay' which provides architectural interest to this specific section of the host dwelling.
11. Further, despite the limited views from Shenfield Road, the proposal would be overly prominent, and visually cramped, and hence appear out of place in its very immediate setting. As such, as a result of its scale and mass, the proposed development would fail to preserve or enhance the character or appearance of the Conservation Area.
12. Moreover, Paragraph 193 of the National Planning Policy Framework (the Framework) and the statutory duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are matters of considerable importance and weight. In this respect, Proposal A would result in 'less than substantial harm' to the significance of the Conservation Area as a designated heritage asset. It is important to note the 'less than substantial harm' does not equate to a less than substantial planning objection. Furthermore, Paragraph 196 of the Framework requires that 'less than substantial harm' should be weighed against public benefits of the proposal. Whilst I acknowledge the proposal would result in some limited public benefit, i.e. the provision of two larger flats towards the Council's Housing Land Supply and efficient use of land, it does not outweigh the 'less than substantial harm' to the significance of the Conservation Area.
13. Therefore, Proposal A is in conflict with Policies CP1 and C14, of the Brentwood Replacement Local Plan 2005 (BRLP), which say, amongst other things, that development should not have an unacceptable detrimental impact on the visual amenity, or the character and appearance of the surrounding area; and Paragraph 192 of the Framework which requires that the desirability of new development makes a positive contribution to local character and distinctiveness.

Proposal B

14. The infill extension of Flat B across the flat roof of the rear ancillary building, in combination with a second-floor extension, would result in an enlarged dwelling that meets with nationally prescribed space standards. Nonetheless, the Council contend that the proposal would encroach on the host dwelling and compromise its architectural merit including the adjacent 'bay'.
15. To the contrary, the similar ridge line, appearance, and the Georgian style detail of the two-storey proposal would bring a level of cohesion with the main building of Landon House in this mostly hidden 'back-yard' location. Moreover, the 'bay' provides a level of separation that avoids a cramped relationship with the main building. As such, in consideration of the statutory duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which seeks to preserve or enhance the character or appearance of the Conservation Area, I conclude that the proposal would preserve the character and appearance of the Conservation Area.

16. Therefore, Proposal B accords with Policies CP1 and C14, of the Brentwood Replacement Local Plan 2005 (BRLP), which say, amongst other things, that development should not have an unacceptable detrimental impact on the visual amenity, or the character and appearance of the surrounding area; and Paragraph 192 of the Framework, which requires that the desirability of new development makes a positive contribution to local character and distinctiveness.

Appeal B Conditions

17. I have considered the suggested conditions for Proposal B against Paragraph 55 of the Framework, and the national Planning Practice Guidance and imposed the following conditions: a standard time limit condition, and a condition requiring that the development is carried out in accordance with the approved plans in the interests of certainty. I have also imposed a condition requiring the external materials used in the construction to match those of the existing building to ensure that the character and appearance of the Conservation Area would be preserved.

Conclusions

18. For the reasons given above I conclude that Proposal A should be dismissed, and Proposal B should be allowed subject to the conditions set out in Annex A.

J E JOLLY

INSPECTOR

Annex A – 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: U-TC-LP001 (existing site plan), U-TC-PE001 (existing elevations 1 & 2), U-TC-PE002 (existing elevations 3 & 4), U-TC-PP001 (existing ground floor and existing first floor plans), U-TC-PP002 (existing second floor plans), U-TC-PE001 (proposed elevations 1 & 2), U-TC-PE002 (proposed elevations 3 & 4), U-TC-PP001 (proposed ground floor and existing first floor plans), and U-TC-PP002 (proposed second floor plans).
- 3) The development shall be carried out in accordance with the details of external materials specified in the application.

*****End of Conditions*****