
Appeal Decision

Site visit made on 7 January 2020

by J Gibson BUEP MP

an Inspector appointed by the Secretary of State

Decision date: 9 April 2020

Appeal Ref: APP/H1515/W/19/3237783

Land adjacent to 3 The Cobbles, Brentwood, Essex CM15 8BP

- 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 I M Sinclair against the decision of Brentwood Borough Council.
 - The application Ref 19/00783/FUL, dated 23 May 2019, was refused by notice dated 9 August 2019.
 - The development is a proposed detached house.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council have referred to the National Design Guide (NDG) published October 2019 in their Statement of Case. The NDG represents planning practice guidance in accordance with the National Planning Policy Framework (the Framework). Although a copy of the NDG was not submitted for consideration I have given regard to the relevant provisions described in the Council's statement in my determination of this appeal.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the surrounding area; and
 - the living conditions of occupants at 3 The Cobbles, with regard for sense of enclosure.

Reasons

Character and appearance

4. The Cobbles is a small residential cul-de-sac characterised by a mix of detached and terrace dwellings, amongst a spacious setting, progressing along the western side of the road. The appeal site is located midway along The Cobbles and separates the current pattern of detached dwellings and terrace dwellings, of which the terrace dwellings frame the cul-de-sac end. The appeal site is currently vegetated and serves as a relieving buffer between the terrace dwellings and the surrounding built form. The eastern side of The Cobbles is densely landscaped to screen the residential development from the Hogarth and Lions Day Centre and Hogarth Primary School.

5. The appeal site is a triangular wedge of land forming a gap between No 3 to the north and an extant planning permission on land immediately to the south for semi-detached dwellings¹. At the time of my site visit it did not appear as though works had commenced on the extant planning permission. The vegetated characteristics of the appeal site and the gap it forms between development positively contributes towards the spacious characteristics of the area. Although the extant planning permission may erode this to some degree, the value of the appeal site as a beneficial gap would be preserved.
6. The appeal proposal has been designed in response to the irregular shape of the appeal site, and as such would result in a narrower built form at the front than is characteristic within The Cobbles street scene. By virtue of the narrow frontage of the appeal site and lopsided design of the proposed dwelling, with the entrance door located away from the front elevation tucked to the side, the appeal proposal would appear cramped within its plot and as an incongruous feature that would harm the established, and permitted, pattern of development from the street scene. The appellant has suggested the appeal proposal would consolidate the built form within the street scene. Notwithstanding this, the appeal proposal would result in the complete loss of a positive gap in development and would significantly harm the spacious character of the surrounding area.
7. Accordingly, the proposed development would harm the character and appearance of the surrounding area. It would conflict with Policy CP1 of the Brentwood Replacement Local Plan (RLP) (adopted August 2005) and Paragraph 127 of the Framework. These policies seek, amongst other things, to ensure development achieves a high standard of design that is compatible with the surrounding character and appearance of the area.

Living conditions

8. The rear extent of the proposed dwelling would project beyond the rear building line of neighbouring property No 3, following the cascading progression of the extant semi-detached dwellings to the south. The Council consider the combined bulk, mass and projection of the proposed dwelling rearwards to amount to a harmful overbearing effect on the living conditions of occupants at No 3.
9. I observed during my site visit that the side elevation of No 3 had a single window at the first floor level, towards the rear of the building, that overlooks the appeal site and may be affected. The proposed development would introduce a more prominent feature compared to the existing vacant characteristics of the appeal site. However, the design and orientation of the proposed building incorporates features which would visually reduce the bulk and mass as viewed from No 3.
10. The articulated design along the shared boundary punctuates the physical mass of the proposed dwelling reducing its overall scale and appearance from No 3. The rear extent of the dwelling incorporates a split level gable roof, which reduces the overall height for this part of the dwelling where it may be considered most sensitive, projecting beyond the rear building line of No 3. The divergent orientation of the appeal proposal compared to No 3 would

¹ LPA Application Ref: 17/01822/FUL

further reduce the prominence of the rear projection, progressively moving the built form away from the affected window.

11. I also observed during my site visit that the topography of the appeal site currently sits well below the ground level at No 3. While it is likely the ground level of the appeal site would be raised to more closely match the levels along The Cobbles, the progression of development along The Cobbles suggests that the finished ground level of the appeal site would likely sit below that of No 3. This would further reduce the prominence of the proposed dwelling from the effected window. Notwithstanding this, I am satisfied that the design features described adequately ensure that the proposed development would not have an overbearing effect upon No 3.
12. Accordingly, the proposed development would not amount to a harmful sense of enclosure that would affect the living conditions of occupants at 3 The Cobbles. It would comply with Policy CP1 of the Brentwood RLP, as it pertains to this matter, which seeks to protect the living conditions of existing occupants from any potentially detrimental effects of development.

Conclusion

13. Overall, the identified harm the appeal proposal would pose to the character and appearance of the surrounding area would not be outweighed by the conclusions reached on living conditions. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

J Gibson

INSPECTOR