
Appeal Decision

Site visit made on 7 January 2020

by J Gibson BUEP MPIA

an Inspector appointed by the Secretary of State

Decision date: 21 April 2020

Appeal Ref: APP/H1515/W/19/3239038

191 Ongar Road, Brentwood, Essex CM15 9DU

- 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 Ebel One Limited against the decision of Brentwood Borough Council.
 - The application Ref 19/00975/FUL, dated 10 July 2019, was refused by notice dated 27 September 2019.
 - The development proposed is to demolish existing bungalow and construct 1 pair of semi-detached houses and extend vehicular crossover.
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Decision

1. The appeal is allowed and planning permission is granted for the proposal to demolish existing bungalow and construct 1 pair of semi-detached houses and extend vehicular crossover at 191 Ongar Road, Brentwood, Essex CM15 9DU in accordance with the terms of the application, Ref 19/00975/FUL, dated 10 July 2019, subject to the conditions in the attached schedule.

Procedural Matters

2. The above description has been taken from the Council's decision notice as it more accurately represents the proposed development. I have determined the appeal on this basis.
3. 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

4. The main issues are the effect of the proposed development on
 - the character and appearance of the surrounding area; and
 - the living conditions of the occupants at 189 and 195 Ongar Road, with particular regard to enclosure.

Reasons

Character and appearance

5. The appeal site is a residential plot located along the northern side of Ongar Road. The site currently comprises a single storey bungalow dwelling, a generous rear garden area and a small front garden with space for on-site parking. The northern extent of Ongar Road is predominantly characterised by two storey semi-detached dwellings with a linear built form and varied architectural design.
6. The appeal proposal seeks to replicate the built form established by the semi-detached dwellings which characterise this section of Ongar Road. The Council have specifically expressed concerns with the roof design of the proposal, which would have gable ends, on the basis that the hipped roof design of neighbouring properties 189 and 195 Ongar Road, either side of the appeal site, serve as unifying features which contribute towards the overall character of the street scene.
7. I observed during my site visit that the roof designs along the northern section of Ongar Road are varied in design and style, with no single roof design characterising the collective street scene. I noted multiple examples of gable end roofs near the appeal site which did not appear out of keeping with the wider street scene characteristics nor detrimental to any dwellings with hipped roof designs. In my view the appeal proposal adheres to the historical context and narrative of built form along Ongar Road whilst reflecting the emerging characteristics of more modern roof designs in the area.
8. Accordingly, the proposed development would not harm the character and appearance of the surrounding area. It would comply with Policy CP1 of the Brentwood Replacement Local Plan (RLP) (adopted August 2005) which seeks, 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

9. The appeal proposal extends into the rear garden to establish a built form that is consistent with the rear building line of No 189, and which is prevalent along the wider pattern of development to the north of Ongar Road. Of note, the neighbouring dwelling at No 195 has a smaller building footprint occupying a lesser extent within the rear garden area. The Council consider the depth and bulk of the proposed rear projection to amount to a harmful sense of enclosure which would be detrimental to the living conditions of neighbouring occupiers of both No 189 and 195 respectively.
10. The appeal proposal incorporates a small recess along the rear projection which offsets the visual bulk of the built form and roof line of the proposed dwelling. This combines with the separation distance between the proposal, each respective side boundary, and the neighbouring dwellings at No 189 and 195, to preserve a level of openness appropriate within this residential context.
11. Although the appeal proposal would have a greater rear extent compared to the dwelling at No 195 the evidence before me does not substantively demonstrate that this would unduly obstruct the rear facing windows of the dwelling amounting to unacceptable harm. Similarly, the rear facing windows

serving No 189 angle away from the common boundary with the appeal site reducing the visual prominence of the proposal. Whilst there are some side windows along the rear projection of No 189 which face the appeal site the separation distance is such that it would preserve an appropriate level of openness between the dwellings.

12. Further concerns were raised by interested parties regarding the potential loss of light and privacy as a result of the proposal. Both main parties agreed that the development would not amount to a harmful loss of light in this regard. Based on the evidence provided and my observations I have reached the same conclusion. With respect to privacy, the appeal proposal does not result in any habitable windows overlooking the neighbouring properties at No 189 or 195. Any windows present would be obscured, either with fixed glazed windows or by the dividing boundary fence. As such there would be no harm to the privacy of neighbouring occupants.
13. Accordingly, it is my view that the proposed development would not amount to a harmful sense of enclosure that would affect the living conditions of occupants at 189 and 195 Ongar Road. It would comply with Policy CP1 of the Brentwood RLP which seeks to protect the living conditions of existing occupants from any potentially detrimental effects of development.

Other Matters

14. The Council cannot currently demonstrate a five year housing land supply. As such, Paragraph 11(d) of the Framework applies and I have attributed moderate weight to the contribution of the proposed development towards the Council's housing short fall, acknowledging the modest scale of the proposal.
15. Parking and highway safety concerns were raised by interested parties to the appeal. Essex County Council as the Highway Authority reviewed the proposal and had no objection to the development, recommending conditions should the development be allowed. No substantive evidence has been provided that suggests I should reach a different conclusion. The recommended conditions are considered further in the section below.

Conditions

16. In allowing the proposed development I have had regard to the conditions suggested by the Council, which the appellant has had the opportunity to comment on. Where necessary I have amended the wording of the suggested conditions, in the interests of precision and clarity, and in order to comply with advice in the Planning Practice Guidance (PPG) and the Framework.
17. The standard conditions setting out the time limit for implementation and the approved plans are necessary to provide certainty. The relevant external building material details are shown on the approved plans of development. As such, it is not necessary to impose a condition requiring subsequent approval of the proposed external building materials as this would be secured by the condition relating to approved plans.
18. The Council has suggested a condition withdrawing permitted development rights. However, I am not satisfied that there is exceptional justification for removing such rights in this case.

19. The Council's suggested highway safety conditions, regarding the surface material of the driveway and discharge of surface water towards the highway, are not considered reasonable or necessary in this instance. Of note, the driveway surface material details are shown on the approved plans of development and would be subsequently secured by the related condition. A CMS is considered appropriate in this instance having regard to the traffic characteristics and lack of on-street parking along Ongar Road and therefore necessary that this be a pre-commencement condition. Both parties have accepted the condition in accordance with the procedure under section 100ZA(5) of the Town and Country Planning Act 1990.
20. A condition requiring the windows facing the neighbouring dwelling at No 189 to be obscured glazed and fixed shut was suggested by an interested party. Such a condition is not considered necessary as the approved plans of development show these details and as such is already secured by the conditions relating to the approved plans.

Conclusion

21. For the reasons given above I conclude that the appeal should be allowed.

J Gibson

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begin no later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Elevations, Site Location Plan Aerial Photograph (Dwg No PL001, dated Apr 2019); Ground Floor Plan Roof Plan (Dwg No PL002, dated Apr 2019); First and Second Floor Plans (Dwg No PL003, dated Apr 2019); Site Plans (Dwg No PL004, dated Apr 2019); and Elevations, Neighbouring Dwelling Elevations (Dwg No PL005, dated Apr 2019).
- 3) No development shall take place, including any ground works or 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 construction period. The Statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development

End of Schedule