



Appeal Decision

Site visit made on 29 September 2020

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th October 2020

Appeal Ref: APP/H1515/W/20/3254178

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 Ltd against the decision of Brentwood Borough Council.
 - The application Ref 20/00386/FUL, dated 13 March 2020, was refused by notice dated 12 May 2020.
 - The development proposed is construction of building to provide 7 residential accommodation units.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area and the Brentwood Town Centre Conservation Area.

Reasons

3. The site is a vacant hardstanding, previously used as a car park located behind the High Street and in an area which provides a transition from the commercial area and the residential streets to the north. The site is seen within the context of the rear of the buildings which front the High Street and is particularly visible from the junction of William Hunter Way and Bishops Gate Road.
4. The site is located outside but on the boundary of the Brentwood Town Centre Conservation Area (CA) and is adjacent to a number of service yards associated with the commercial units within the High Street. There are also a number of relatively modern 3-storey blocks of flats located off William Hunter Way.
5. I consider that the character of the CA is derived from the historic Town Centre, which benefits from a number of listed buildings which provide both historic and architectural interest. I consider that these buildings are a focal point and contribute to the special attributes of the CA. Therefore, whilst the development would be sited in close proximity to the CA, it is not part of the historic and architectural interest which makes up its significance and therefore the CA is not experienced from the appeal site. As such, I find no harm in this respect.
6. Planning permission has already been granted at appeal for the redevelopment of the site and the erection of a building to provide 5 units of accommodation

and I have been provided with a copy of the approved elevations. The Inspector found that the building would sit well in the surrounding context as a result of its similar height, bulk and mass and would enhance the character and appearance of the site and area.

7. The proposed development as a result of its overall height and scale would be a dominant feature within this backland location and result in a visually overriding feature which would compete with the surrounding buildings within William Hunter Way. The site is within an area which provides a transition in scale from the High Street to Bishop Gate Road, and the introduction of a four storey development on this small site would fail to adequately maintain this transition.
8. When viewed from William Hunter Way the development would appear a dominant feature in the street scene, harmful to the overall character of the area. This would be contrary to paragraph 118e of the National Planning Policy Framework (the Framework) which seeks to support upward extensions, where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene.
9. I have taken into account that the existing use of the site is not visually attractive. I have also taken into account the fallback position offered by the approved development, however, the overall scale of the previous scheme is such that it is subservient to the neighbouring developments and as such is less dominant within the street scene than that before me for consideration.
10. In conclusion the development would have an adverse impact on the character and appearance of the area and would conflict with policy CP1 and C14 of the Brentwood Replacement Local Plan 2005 (LP) which sets out general development criteria and requires development within the vicinity of Conservation Areas to ensure the mass of the building is in scale and harmony with the adjoining buildings and the area as a whole.

Other matters

11. It is not disputed that the Council is currently unable to demonstrate a 5 year supply of deliverable housing sites, albeit I have not been provided with details of the exact level of shortfall. Therefore, paragraph 11d of the Framework is engaged, whereby planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.
12. Taking into account the current shortfall, 7 dwellings, 5 of which already having been approved, would provide a limited contribution to housing supply in the area. There would be social benefits arising from the contribution to the Council's housing supply, noting the Framework highlights the contribution small and medium sized sites can make to meeting the housing requirement in the area. I also consider that the site is well located in terms of its proximity to services and as such consider that the appeal site lies within a sustainable location. The development would give rise to some economic benefits during the construction phase and provide limited support to local services.
13. However, a significant proportion of these benefits would be realised with the development of 5 dwellings which already has planning permission. The

additional benefits of another 2 dwellings would therefore be only modest. Similarly, any benefit arising from it being a site that could be delivered quickly will largely be realised with the smaller scheme.

14. Therefore, the identified adverse impacts of the development in respect of character and appearance would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, including its presumption in favour of sustainable development.

Conclusion

15. The proposal would be in conflict with LP Policies CP1 and C14. Therefore, it would be in conflict with the development plan as a whole. Therefore, in the circumstances of this appeal the totality of the other material considerations does not justify making a decision other than in accordance with the development plan.
16. For the reasons given above I conclude that the appeal should be dismissed.

G. Pannell

INSPECTOR