

Appeal Decision

Site visit made on 20 October 2020

by K E Down MA(Oxon) MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date:

Appeal Ref: APP/H1515/W/20/3252590
27 Hampden Crescent, Warley, CM14 5BD

- 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 Ben Main, Saren Homes Ltd against the decision of Brentwood Borough Council.
 - The application Ref 20/00146/FUL, dated 3 February 2020, was refused by notice dated 26 March 2020.
 - The development proposed is demolition of existing outbuildings and garage. Replaced with bungalow in same location including parking, private amenity, bin store and secure garden storage for bikes
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing outbuildings and garage. Replaced with bungalow in same location including parking, private amenity, bin store and secure garden storage for bikes at 27 Hampden Crescent, Warley, CM14 5BD in accordance with the terms of the application, Ref 20/00146/FUL, dated 3 February 2020 subject to the following conditions:
 - 1) The development hereby permitted shall begin not 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 and specification: 1018.100, 1018.001, 1018.201 rev 03, 1018.202 rev 05, Topographic Survey, 600-02 Design Appendix.
 - 3) No development shall take place until details of the materials to be used in the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
 - 4) The development shall not be occupied until details of the treatment of all boundaries including any gates, fences and walls or other means of enclosure have been submitted to and approved in writing by the local planning authority. The approved boundary treatments shall be provided prior to the occupation of the dwelling and shall thereafter be retained.
 - 5) Prior to the first occupation of the dwelling hereby permitted a scheme of hard and soft landscaping to the front and side of the dwelling shall be
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submitted to and approved in writing by the local planning authority. The scheme shall indicate existing vegetation to be retained, the location, species and size of all new plants, areas to be grassed and areas of hard landscaping and shall set out a programme for the works. Following approval the scheme shall be implemented in accordance with the approved programme.

- 6) Prior to the first occupation of the dwelling hereby permitted secure, covered cycle parking shall be provided within the curtilage of the dwelling and shall thereafter be retained.

Main Issue

2. There is one main issue which is the effect of the proposed bungalow on the character and appearance of Hampden Crescent and the surrounding area with respect to design, form and layout.

Reasons

3. Hampden Crescent is a quiet, residential cul-de-sac of similar semi-detached and terraced dwellings set behind small front gardens around a large grassed open space. The setting is green and spacious. A narrow vehicular access leads from the south west corner of the crescent towards a block of prefabricated garages and continues as a footpath, providing pedestrian access to Warley Hill. The side and rear gardens of No 27 lie adjacent to the access and the forecourt of the garages. An irregular portion of the garden has been fenced off from No 27 to create a separate parcel of land which forms the appeal site.
4. The outbuildings and garage referred to in the description of development had been removed at the time of my site visit and work had commenced on site under a planning permission for an alternative dwelling that is understood to have been permitted by the Council. Scant evidence relating to the details of this permission has been submitted. In any case, I have judged the appeal proposal on its own merits.
5. The proposed dwelling would be a modest two bedroom bungalow. It would be set close to the boundary with the garage forecourt and would have a narrow set-back from the vehicular access. A driveway adjacent to the dwelling at No 27 would provide off-street parking.
6. The Council considers that the proposed bungalow would appear cramped, contrived and unduly prominent, detracting from the street scene. However, there would be a small setback from the street edge, sufficient to allow some planting, and a noticeable gap between the dwelling and the main façade of No 27. Although it would lie close to the boundary with the garage forecourt I am not persuaded that the layout would appear unduly cramped.
7. The footprint of the bungalow would be deep and narrow. However, I find this an imaginative response to an awkward plot which would enable the provision of one small dwelling in a sustainable location. Whilst clearly larger than the original outbuildings the dwelling would be smaller and lower than the houses in Hampden Crescent and would therefore create a visual transition between the crescent and the garages and would sit comfortably between the two.

8. Although the proposed bungalow would be of a markedly different form and design to the dwellings in Hampden Crescent its location, separated from and obliquely visible from the crescent, adjacent to the access and tucked away to the side of No 27, would give it the character of a stand alone development. The difference in form and design would thus not harm the generally uniform and well established character or appearance of Hampden Crescent.
9. It is concluded on the main issue that the proposed dwelling would have no materially detrimental effect on the character or appearance of Hampden Crescent or the surrounding area with respect to design, form and layout. In consequence it would comply with Policy CP1 i) and iii) of the Brentwood Replacement Local Plan, 2005, and with the National Planning Policy Framework which, taken together, expect new development to be well designed, visually attractive and sympathetic to local character such that it has no unacceptable detrimental effect on visual amenity or the character and appearance of the surrounding area and is compatible with its location.
10. Turning to other matters, whilst not a reason for refusal, the second bedroom would be marginally smaller than the 11.5m² size set out in the "Technical Housing Standards – nationally described space standard, 2015" for a two bedspace room. However, the first bedroom does comply and so the second bedroom need only comply with the single bedspace standard of 7.5m² for the dwelling as a whole to be compliant. This standard would be exceeded and the dwelling overall would be well in excess of the floorspace required for either a three or four person two bedroom single storey dwelling. I am therefore satisfied that the dwelling would provide a high standard of amenity for future occupiers.
11. In addition to the statutory commencement condition, the Council suggests nine other conditions. I agree that in order to protect the character and appearance of the area and for the avoidance of doubt, the proposed extension should be carried out in accordance with the approved plans and that external materials should be approved prior to commencement. In addition, a scheme of hard and soft landscaping should be approved and implemented. The proposed boundary treatment to the west is not specified and so this and any other boundary treatments should be approved and provided prior to the first occupation of the dwelling in order to protect the living conditions of existing and future occupiers and the appearance of the area. Secure cycle parking should also be provided and retained, as suggested, in order to promote sustainable transport. I have varied the suggested wording of some conditions, having regard to national planning policy and guidance relating to planning conditions and to ensure compliance with the Six Tests.
12. I am not persuaded that a condition relating to storage of building materials for this small scale development is necessary since the driveway area would provide an obvious and convenient space for such storage. I do not consider that the provision of a residential travel pack is necessary to make the development acceptable and such a condition is therefore not reasonable. Finally, permitted development rights should only be withdrawn in exceptional circumstances. No such circumstances have been brought to my attention and the limitations of permitted development rights would protect the living conditions of occupiers of neighbouring dwellings. The withdrawal of permitted

development rights would thus be unreasonable and I shall not impose the suggested conditions.

13. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be allowed.

KE Down
INSPECTOR