



Appeal Decision

Site Visit made on 10 November 2020

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th November 2020

Appeal Ref: APP/H1515/W/20/3254852

41 Danes Way, Pilgrims Hatch, Essex, CM15 9JS

- 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 Sam Atanlusi against the decision of Brentwood Borough Council.
 - The application Ref 20/00459/FUL, dated 23 March 2020, was refused by notice dated 16 June 2020.
 - The development proposed is demolish side derelict store. Construct single storey rear extension and part double storey part single storey side extension to form a new dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are:
 - the effect of the proposed dwelling on the character and appearance of the area; and
 - the effect of the proposed parking arrangement on both highway and pedestrian safety.

Reasons

Character and appearance

3. The appeal site comprises the side garden of 41 Danes Way, a semi-detached two storey dwelling. Danes Way comprises a mix of single and two storey dwellings and is predominately residential in character. The majority of Danes Way is characterised by semi-detached dwellings evenly spaced in a generally linear pattern. However, no's 35-43 (odd) are arranged in a horseshoe shape in a departure from this linear pattern.
4. The proposed dwelling would be sited within the side garden of 41 Danes Way and would replace the single storey extension. The proposed dwelling would be set back from the front elevation of the host dwelling and this would result in a staggered arrangement. The degree of set back leads to an exaggerated stagger which is at odds with the form and appearance of the existing pairs of semi-detached dwellings, even those which have been extended to the side, such as no 43. The introduction of a dwelling in this location would disrupt the

overall rhythm of the area, resulting in a contrived and incongruous form of development.

5. The proposed change from a hip to gable roof on the original dwelling and the introduction of a gable roof on the proposed dwelling would also be at odds with the general form of the development within Danes Way. Whilst there are examples of gabled roofs within the estate, the predominant character is that of hipped roofs and the gable roof would appear incongruous when viewed against the dwellings within this horseshoe and in particular the adjoining semi, no 43. This adds to my concern with regard to the impact on the character and appearance of the area.
6. The size of the plot is reasonable given the scale of the dwelling and the plot is of sufficient size to provide amenity space and a degree of parking. The proposed dwelling would not appear cramped within the plot with spacing available to the side and rear.
7. I have had regard to the other dwellings in the vicinity of the site which have been extended to form a terrace dwelling. However, I have not been provided with detailed plans, but it appears that the degree of set back is not the same as that before me and the hipped roof has been maintained. In any event, I am not bound by other decisions of the Council and I give this minimal weight.
8. I therefore conclude that the proposed development would be harmful to the character and appearance of the area. It would conflict with Policy CP1 which requires development to satisfy general development criteria, including not resulting in an unacceptable detrimental impact on visual amenity, or the character and appearance of the area.

Parking

9. The site does not currently benefit from any on-site parking and the proposal would result in the addition of two parking spaces for the existing dwelling and one for the proposed dwelling.
10. Policy T2 of the LP sets out the parking standards required for all development, which should meet the requirements set out within two publications, neither of which are referred to by the Council in their statement. The Council have relied upon the Essex Parking Standards: Design and Good Practice Guide (2009) which was published after the Local Plan and represents the most up to date position with regard to parking and therefore I have given consideration to the standards set out within this document. These require that both dwellings should be provided with two parking spaces and therefore the development conflicts with these requirements.
11. The appellant has indicated that it would be possible to park 4 cars in total within the site. However, I have not been provided with a plan to demonstrate that this is achievable, and I am therefore not convinced it would be possible to provide spaces which would meet parking space standards. Therefore, I have considered the appeal on the basis that the proposed dwelling would benefit from one off road parking space.

12. The proposal would result in an additional dwelling within Danes Way and therefore increase demand for parking on the street. Due to the number of dropped kerbs within Danes Way, opportunities for off-street parking are limited. Increased parking demand in instances of limited supply may lead to additional congestion as drivers seek parking spaces, or park illegally, which would be detrimental to highway safety. There is no evidence to suggest that such circumstances could be avoided by the appeal proposal.
13. Whilst the existing dwelling does not benefit from a formal parking space and the proposal would result in the provision of two additional spaces, the development proposed would not be the only option open to the appellant to provide parking on the site and therefore I have given this consideration limited weight.
14. I therefore conclude that the proposed development would have a potentially harmful impact on highway safety and would conflict with policy T2 of the LP which sets out the need for developments to meet parking standards. The lack of appropriate parking would lead to inappropriate parking within the vicinity of the site harmful to highway safety.

Other matters

15. The Council states in its Committee Report that it is unable to demonstrate a deliverable 5 year supply of housing. Paragraph 11 of the Framework is engaged, whereby there is a presumption in favour of sustainable development. 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.
16. The site is well located in terms of its proximity to services and is of a scale appropriate to the size of the existing area and as such lies within a sustainable location. There is no evidence that local infrastructure would be unable to meet the needs of the development.
17. The site would give rise to some economic benefits during the construction phase and beyond in supporting the services within Pilgrims Hatch. I consider that there would be modest 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.
18. I am required to determine the appeal in line with the relevant policies of the development plan, unless material considerations indicate otherwise. For the reasons given, the proposal would be contrary to the relevant policies of the development plan with regard to its effect on the character and appearance of the area and lack of policy compliant parking provision.
19. The absence of a five year housing land supply engages the presumption in favour of development and the combined social and economic benefits arising from the development which I have considered above, given the scale of development would be modest, and would not outweigh the harm I have identified to character and appearance and highway safety.

20. As such whilst the framework is a material consideration that weighs in favour of the scheme, in this case the totality of other material considerations do not outweigh the conflict with the development plan.

Conclusion

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

G Pannell

INSPECTOR