



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/20/3253925

2 Danes Way, Pilgrims Hatch, BRENTWOOD, 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 Chris Commons against the decision of Brentwood Borough Council.
 - The application Ref 20/00338/FUL, dated 9 March 2020, was refused by notice dated 1 June 2020.
 - The development proposed is demolition of existing side extension & garage, construction of detached single storey bungalow.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing side extension & garage, construction of detached single storey bungalow at 2 Danes Way, Pilgrims Hatch, Brentwood, CM15 9JS in accordance with the terms of the application, Ref 20/00338/FUL, dated 9 March 2020, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1821-01 Location Plan; 1821-02A Block Plan; 1821-03A Floor Plan and Roof Plan; 1821-04 Proposed Bungalow Elevations
 - 3) No development above slab level shall take place until details of the materials to be used in the construction of the dwelling hereby permitted and the surfacing materials of footpaths, driveways and parking areas have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - the parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - wheel washing facilities;

- measures to control the emission of dust and dirt during construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works;
- delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 5) The building shall not be occupied until the area to be provided for parking of vehicles and cycles has been drained and surfaced in accordance with details that shall first have been submitted to and approved in writing by the local planning authority, and that area shall thereafter be kept available at all times for the parking of vehicles and cycles.
- 6) The building shall not be occupied until a means of access for vehicles/pedestrians/cyclists shall have been constructed in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. The access shall be retained thereafter.

Main Issues

2. The main issues are:

- the effect of the proposed dwelling on the character and appearance of the area; and
- whether the development would provide acceptable living conditions for future occupiers, with particular reference to internal living standards.

Reasons

Character and appearance

3. The appeal site comprises the side garden of 2 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, adjacent to the appeal site is a number of detached chalet bungalows, including those within Priory Close which is linked to Danes Way by a footpath which runs along the boundary of the appeal site.
4. The proposed dwelling would be sited within the side garden of 2 Danes Way and would replace the single storey extension and garage. The size of the plot is reasonable given the scale of the dwelling. The proposed dwelling would have its frontage and vehicular access onto Danes Way and therefore would be read within the context of the existing dwellings, including those single storey dwellings closest to the appeal site.
5. The existing single garage would be demolished in order to facilitate the development. The existing garage has eroded the original spacing between the dwellings which is exhibited elsewhere along Danes Way, and in combination with the close boarded fence which runs along the boundary with the footpath, I do not consider that the site contributes positively to the spatial quality of the area.

6. The plot is of sufficient size to provide an appropriate level of parking and amenity space and the proposed dwelling would not appear cramped within the plot with spacing available to the side and rear. The plot is of a similar size to that of the existing bungalows within Danes Way and Priory Close and therefore would not be out of character with the wider area.
7. I therefore conclude that the proposed development would not harm the character and appearance of the area. It would not 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.

Living Conditions – Future Occupiers

8. The proposed layout indicates 2 bedrooms, however there is some dispute between the parties as to whether the dwelling should be treated as a 2 bedroom 3 person dwelling or a 2 bedroom 4 person dwelling. The nationally described space standards require a floor space of 61 sqm for a 3 person dwelling or 70 sqm for a 4 person dwelling, and the proposed dwelling would have a floor space of approximately 68 sqm.
9. The proposed floor plan shows a double bed within each room and therefore could be considered of a sufficient size to accommodate 4 persons, and therefore the evidence before me indicates that the dwelling does not provide sufficient internal space to comply with the nationally described space standards.
10. However, Policy CP1 of the Brentwood Replacement Local Plan 2005 requires development to be of a high standard of design and layout but does not set out specific internal space standards and therefore I can not have regard to the nationally described space standards. The guidance within Housing: optional technical standards¹ is clear that these can only be applied by reference within a Local Plan to the nationally described space standard.
11. Whilst evidence has been provided which indicates that the emerging local plan will contain reference to the nationally described space standards, this document has not yet been subject to public examination and as such it may be subject to change. Consequently, it carries limited weight.
12. The layout indicated within the submitted plans demonstrates that the proposal would provide a dwelling with rooms of an adequate size to accommodate three or four persons, without it being oppressively confined such that it would be significantly harmful to its occupants, having regard to the lack of conflict with any adopted space standards.
13. In conclusion, the development provides acceptable living conditions for future occupiers, with particular reference to internal living standards, in accordance with policy CP1 of the LP.

Conditions

14. The Council has suggested 12 conditions. I have considered these in light of the Planning Practice Guide and the tests of the Framework and where necessary amended them for clarity. In addition to the standard

¹ <https://www.gov.uk/guidance/housing-optional-technical-standards>

implementation condition it is necessary, for the avoidance of doubt, to define the plans with which the scheme should accord. In the interests of the character and appearance of the area a condition requiring the submission of samples of the materials is necessary and reasonable.

15. Given the proximity to other dwellings, I have imposed a condition requiring the submission of a Construction Method Statement to protect the living conditions of the occupiers of such properties.
16. In order to ensure an appropriate level of on-site parking provision for vehicles and cycles, I have imposed a condition requiring space to be provided prior to occupation of the dwelling and retained for the life of the development.
17. I have not found it necessary to impose a condition requiring the submission of a travel pack as I have not been provided with any detailed justification for this requirement and Policy T1 refers only to the requirement for Travel Plans for commercial uses.

Conclusion

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

G Pannell

INSPECTOR