



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: 1st December 2020

Appeal Ref: APP/H1515/W/20/3253831

14-16 Crown Street, Brentwood , CM14 4BA

- 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 & Mrs Penman against the decision of Brentwood Borough Council.
 - The application Ref 19/01460/FUL, dated 16 October 2019, was refused by notice dated 20 December 2019.
 - The development proposed is Installation of a new shop front in association with the subdivision of the existing ground floor shop unit, the construction of a two storey rear extension, replacement windows, the formation of 2no. one bedroom flats to the first floor and a commercial unit to the rear at ground floor.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are the effect of the development on
 - the character and appearance of the Brentwood Town Centre Conservation Area; and
 - the living conditions of 12 Crown Street, with particular reference to overbearing impact and loss of light.

Reasons

Character and appearance

3. The appeal site comprises an end of terrace Victorian building which is located within the historic thoroughfare of Crown Street and within the Brentwood Town Centre Conservation Area (CA). The appeal site is identified within the Brentwood Town Centre Conservation Area Appraisal (CAA) as making a neutral contribution to the CA, with Crown Street having a high proportion of 19th Century buildings.
 4. I consider that the character of the CA is derived from the historic Town Centre, which benefits from a number of listed and non-listed buildings which provide both historic and architectural interest. Crown Street is part of the historic and architectural interest which makes up its significance. In particular Crown Street has a distinct character from the High Street and is favoured by a number of smaller independent shops.
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5. The Council have not raised any objection to the installation of the new shop front, associated with the subdivision of the existing ground floor shop unit. I consider that this part of the proposal would not result in harm to the CA and it will be an improvement of the existing façade and enable the subdivision of the unit into two smaller retail spaces which would be in keeping with the overall character of Crown Street.
6. The rear of the site is a mix of parking and service areas for properties in both Crown Street, High Street and South Street. However, the area also contains a personal training studio, and therefore despite the backland location there is a modest element of footfall within this area. With the introduction of a further commercial unit it would be expected that this footfall would increase.
7. The Brentwood Town Centre Design Guide, includes a detailed analysis of the Crown Street typology and this confirms that infill development can activate currently inactive areas of the street, which would seem to encourage development of the backland areas but requires development to respond appropriately to its surroundings, even where a proposal is seeking to densify the area.
8. Whilst the backland area as a whole is not particularly attractive being dominated by hardsurfacing and parking, the rear of the existing building is visible, and this enables an appreciation of the original form of the terrace. Therefore, I consider that despite its backland location the site does contribute to the character of the Conservation Area.
9. The proposed development would result in the infilling of the historic terraces which would significantly detract from the character and form of the historic Victorian terrace, eroding much of the original plan form that is currently evident. This has occurred along much of the existing and adjoining terraces resulting in an overall loss of significance and therefore does not provide an appropriate justification for similar development. In addition, I am not bound by other decisions of the Council and I give this minimal weight.
10. For the above reasons, the proposed development would result in less than substantial harm to the Conservation Area. Paragraph 193 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Given that the proposal would be of a relatively small scale, I find the harm to the setting of the Conservation Area to be less than substantial in this instance but nevertheless of considerable importance and weight.
11. Under such circumstances, paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal. In this case, the proposed development would lead to the provision of two dwellings located within a sustainable location and an additional commercial unit, which would support the local economy. However, these benefits would be modest having regard to the scale of development proposed and therefore, there is no public benefit sufficient to outweigh the harm.

- 12.I conclude that the development proposed would fail to preserve or enhance the character or appearance of the Brentwood Town Centre Conservation Area. This would be contrary to policies C14 and CP1 of the Brentwood Replacement Local Plan 2005 (LP) which requires development to preserve or enhance the character or appearance of the Conservation Area and 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

- 13.The proposed two storey rear extension would be adjacent to the boundary with 12 Crown Street and this neighbouring unit includes a window at first floor level located on the boundary which currently serves a bathroom in association with a commercial property. Given the use of this room any effect of the proposed development on this window would not materially harm the conditions of the occupiers.
- 14.I note that the Council considers that the use of 12 Crown Street may be changed in the future as part of any redevelopment of the site, which is currently vacant. However, I have no substantive evidence before me which indicates that the window closest to the boundary would be required to serve a habitable room and it would not be appropriate to restrict development on the appeal site on this basis.
- 15.I therefore conclude on this main issue that the proposed development would not cause unacceptable harm to the living conditions of 12 Crown Street, with particular regard to overbearing impact or loss of light and would be in accordance with policy CP1 of the LP.

Other Matters

- 16.The Council accepts that it cannot demonstrate a five-year housing land supply at present. Paragraph 11 of the Framework states that where the policies that are most important for determining the application are out of date, permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Footnote 6 sets out that these policies include those relating to designated heritage assets. Given my findings in relation to the Brentwood Town Centre Conservation Area there is a clear reason for refusing the development proposed and I am not required to apply the tilted balance in this respect.

Conclusion

- 17.In conclusion, whilst I have found that the development would not result in harm to the occupiers of 12 Crown Street, the effect of the development on the Brentwood Town Conservation Area leads me to conclude that the appeal should be dismissed.

G Pannell INSPECTOR