



Appeal Decision

Site visit made on 10 November 2020

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 December 2020

Appeal Ref: APP/H1515/W/20/3250304

37A Hanging Hill Lane, Hutton, CM13 2HS

- 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 Mick Wright against the decision of Brentwood Borough Council.
 - The application Ref 19/01551/FUL, dated 4 November 2019, was refused by notice dated 17 March 2020.
 - The development proposed is Demolition of existing chalet dwelling and construction of 1 pair of semi-detached houses.
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Decision

1. The appeal is allowed and planning permission is granted for Demolition of existing chalet dwelling and construction of 1 pair of semi-detached houses at 37A Hanging Hill Lane, Hutton, CM13 2HS in accordance with the terms of the application, Ref 19/01551/FUL, dated 4 November 2019, subject to the conditions in the attached Schedule.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal concerns a proposal for the demolition of an existing chalet dwelling and the construction of a pair of semi-detached houses together with a new vehicular access.
4. The area surrounding the appeal site is mixed in character and appearance, comprising mainly of detached or semi-detached chalet style dwellings and two storey dwellings. The appeal site is adjacent to a two storey dwelling located on the corner of Hanging Hill Lane; on the other side of the appeal site are several chalet style dwellings which are fairly uniform in appearance. On the opposite side of Hanging Hill Lane there is a mix of chalet dwellings and two storey houses.
5. The proposal would replace the existing chalet dwelling with a pair of two storey semi-detached houses. The proposed dwellings incorporate a hipped roof design and would be of an overall height that is not dissimilar to the adjacent dwelling, 37 Hanging Hill Lane. No 37 is located on the corner and whilst it presents its side elevation to the section of Hanging Hill Lane on which

the appeal site is located, the proposed new dwellings would nonetheless be viewed in the same context as No 37. The proposed new dwellings would be higher and of a different design and appearance to the adjacent run of chalet dwellings. However, overall, I find that the height of the proposal would not be at odds with the mixed character and appearance of the area. Furthermore, the hipped roof design of the dwellings would further limit the overall bulk and mass of the proposal and would help to retain the spacious character of the street scene.

6. The proposed semi-detached dwellings would be set in from the flank boundaries of the site a similar distance to that of other houses in the area. The front elevation of the dwellings would be broadly level with the neighbouring dwelling, 39 Hanging Hill Lane, and as such would be well set back from Hanging Hill Lane, enabling parking spaces to be provided to the front. Furthermore, I note that the proposed dwellings would not extend as far into the site as the adjacent dwelling. Whilst the proposed dwellings would be provided with modest rear gardens, overall, I conclude that the proposal would not lead to an overdevelopment of the site or a cramped form of development. I also find that the proposal is of an appropriate design with the proposed front gable and oriel projecting window providing an appropriate design reference to the adjoining chalet style dwellings.
7. In conclusion on the main issue, the proposal would not have a harmful effect on the character and appearance of the area. As such it would comply with Policy CP1(i) and (iii) of the adopted Brentwood Replacement Local Plan 2005 which seek to ensure that proposals would not have an unacceptable detrimental impact on visual amenity or the character and appearance of the surrounding area and are of a high standard of design, compatible with its location and surrounding development.

Other matters

8. With regard to third party comments concerning parking and highway safety, I note that the Highway Authority were consulted and raised no objection to the proposal. In the absence of any substantive evidence to the contrary, I find that the proposal is acceptable in terms of parking provision and highway safety. Furthermore, there is space within the site layout for additional planting to be provided which would soften the appearance of the new areas of hardsurfacing.
9. Regarding comments received concerning the living conditions of neighbouring occupiers, I note that the side facing windows at first floor level would serve non habitable rooms and could be obscure glazed. This could be secured by a planning condition. Having regard to the siting of the proposed dwellings in relation to adjacent dwellings, I am satisfied that the proposal would not have a material impact on the living conditions of the occupiers of adjoining properties as a result of loss of light or overlooking.

Conditions

10. I have had regard to the conditions suggested by the Council, including pre-commencement conditions already agreed by the appellant. In addition to the standard implementation condition, the approved plans condition is imposed for clarity. I have imposed conditions relating to the provision of the access, visibility and parking in the interest of highway safety. A condition requiring the

submission of a Construction Management Plan commensurate with the size of the development is also necessary in the interest of highway safety. I have imposed a condition requiring side facing first floor windows to be obscure glazed to safeguard the living conditions of adjoining occupiers. I have imposed conditions relating to materials and landscaping in the interests of visual amenity of the site. A further condition is included to encourage sustainable travel and transport.

11. I have also imposed a condition removing permitted development rights for development falling within Classes A, B and E of Schedule 2, Part 1, of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) in order for the Council to retain control of further built form in the interests of protecting the living conditions of future residents and the occupiers of neighbouring dwellings. Notwithstanding paragraph 53 of the National Planning Policy Framework and advice contained within National Planning Policy Guidance, this condition is necessary in this particular case due to the constrained size of the site.

Conclusion

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

J Davis

INSPECTOR

Schedule

- 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: 2252/01C; 2252/02, 2252/03 and 2252/04.
- 3) No development above existing ground level shall commence until details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted 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) The side facing windows at first floor level shall be:-a) glazed using obscured glass to a minimum of level 3 of the "Pilkington" scale of obscuration and b) non opening below a height of 1.7m above the floor of the room in which the window is installed. The windows shall be installed prior to the first occupation of the dwelling. Those windows shall remain so glazed and non-openable.
- 5) No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The

Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) The parking of vehicles of site operatives and visitors
 - ii) Loading and unloading of plant and materials
 - iii) Storage of plant and materials used in constructing the development
 - iv) Wheel and underbody washing facilities.
- 6) As shown in principle on planning drawing 2252 01 Rev C, prior to first occupation, the new vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall be no more than 3.6 metres. The access shall be provided with an appropriate dropped kerb vehicular crossing of the footway and both highway verges.
 - 7) No unbound material shall be used in the surface treatment of the vehicular accesses within 6 metres of the highway boundary.
 - 8) There shall be no discharge of surface water from the development onto the highway.
 - 9) Notwithstanding the details shown on the planning drawing 2252 01 Rev C, prior to first occupation, each dwelling shall be provided with 2 parking spaces which shall have minimum dimensions in accordance with the current parking standards and shall be retained in the agreed form at all times.
 - 10) No development above existing ground level shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
 - 11) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
 - 12) Notwithstanding the details shown on the planning drawing 2252 01 Rev C, the proposed new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.
 - 13) Prior to first occupation of the proposed development, the developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by the Local Planning Authority to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) shall be provided to the first occupiers of each of the new dwellings free of charge.
 - 14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), the new dwellings hereby permitted shall not be enlarged under the

provisions of Schedule 2, Part 1, Class A or B of that Order, nor shall any building or enclosure be constructed within the curtilage of the dwellings hereby permitted under provisions of Schedule 2, Part 1, Class E of that Order.