
Appeal Decision

Site visit made on 1 December 2020 by Emma Worby BSc (Hons) MSc

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 February 2021

Appeal Ref: APP/H1515/W/20/3250175

Kelby, The Green, Blackmore CM4 0RR

- 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 Martin Brown of MRB Executive Pension Scheme against the decision of Brentwood Borough Council.
 - The application Ref 19/01438/FUL, dated 11 October 2019, was refused by notice dated 16 December 2019.
 - The development proposed is the erection of 1no. 3 bedroom dwelling and 1no. 4 bedroom dwelling.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeals Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on the character and appearance of the surrounding area and the Blackmore Conservation Area.

Reasons for the Recommendation

4. The appeal site is an area of land at the end of a row of properties which front The Green. The land is currently surrounded by hoarding with a large cart lodge to the rear and was previously occupied by a detached dwelling. It is located within a rural residential environment as well as within the Blackmore Conservation Area (the Conservation Area), which is a designated heritage asset. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
5. The majority of the properties surrounding the appeal site are detached dwellings located on relatively spacious plots and although there are some semi-detached dwellings in the wider area, they are typically traditional in design. This is representative of the Conservation Area as a whole and is the basis for its significance. The appeal site is located adjacent to a green and due

to its largely unoccupied nature, it currently makes a neutral contribution to the significance of the Conservation Area.

6. The proposal would introduce two, two-storey semi-detached dwellings onto the plot with parking in the existing cart lodge to the rear and an access road to the side. The proposed dwellings are modern in appearance and have been designed to appear as one single dwelling. However the separation of the site into two dwellings on two small plots and the intensified use of the site, by way of additional domestic paraphernalia, additional vehicles and the position of a front door on the side elevation, would be apparent from the public realm, especially due to the prominent positioning of the site adjacent to the publicly used green. Therefore, the number of dwellings on site and their semi-detached nature would be out of character with the surrounding area and would disrupt the general grain of development along The Green. Also, although the site would meet spatial requirements, the two dwellings would appear cramped in comparison to other dwellings in this section of the Conservation Area with rear gardens and parking areas that are significantly smaller than the adjacent properties.
7. Although the surrounding properties are generally traditional in design, the neighbouring dwelling, Pebbles, is a rare example of a house which is more modern in appearance. The modern design of the two proposed dwellings would be more akin to this neighbouring property. However due to the division of the site and the smaller size of the resultant two dwellings, they would have a more urban appearance than both Pebbles and the surrounding dwellings, which would be out of keeping with the rural area and informal arrangement of the surrounding dwellings, to the detriment of the Conservation Area.
8. The Council have stated in the reasons for refusal that the proposal would be contrary to Policy T5 of the Brentwood Replacement Local Plan (2005). However, this policy relates solely to vehicle parking standards with which the Council have not stated that the proposal would conflict. It is also noted that the Highways Authority have also not objected to the proposal. Although there would only be one access to the four parking spaces on the site, this would not be sufficiently impractical to result in off-site parking along the highway where space for parking is limited. Therefore, as parking would be contained on the site there would be no impact on the character and appearance of the area from off-site parking.
9. Nevertheless, I conclude that the proposed development fails to preserve the character and appearance of the site, surrounding area and the Conservation Area. Therefore, it conflicts with Policies CP1 and C14 of the Local Plan. These two policies collectively seek to ensure new development is a high standard of design and layout which is compatible with its location and any surrounding development, and preserves or enhances the character of the Conservation Area. It would also be contrary to the general design objectives of Section C1 of the National Design Guide (2019).
10. Although it has been found that the proposal would not preserve the character and appearance of the Conservation Area, due to the current neutral contribution of the site to the significance of the Conservation Area, the harm to its significance from the proposal would be less than substantial. The National Planning Policy Framework requires, where there would be less than

substantial harm, for it to be balanced against the public benefits of the scheme.

11. There would be a limited public benefit in that the proposal would provide two dwellings, of different sizes, to contribute to the local supply of dwellings. However due to the small scale of the development I give these public benefits limited weight and they do not outweigh the less than substantial harm to the heritage asset previously identified.

Other Matters

12. The appellants comments regarding the Council's lack of communication and lack of opportunity to revise the plans are noted, along with the lack of objections from the Parish Council. However, these factors would not overcome the harm found.

Conclusions and Recommendation

13. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal is dismissed.

Emma Worby

APPEALS PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR