



Appeal Decision

Site visit made on 16 February 2021

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th February 2021

Appeal Ref: APP/H1515/W/20/3261433

28 Wainwright Avenue, Hutton, Brentwood CM13 2ST

- 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 Mrs W Dove against the decision of Brentwood Borough Council.
 - The application Ref 20/00649/FUL, dated 18 May 2020, was refused by notice dated 15 July 2020.
 - The development proposed is new one bedroom dwellinghouse, new vehicular crossover and associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) the effect of the proposal on the character and appearance of the area;
 - ii) the effect of the proposal on the living conditions of the occupiers of 28 Wainwright Avenue with particular regard to whether or not it would be overbearing; and
 - iii) whether or not living conditions for future occupiers of the development would be acceptable with particular regard to the provision of amenity space.

Reasons

Character and Appearance

3. Dwellings near to the appeal site are predominantly terraced or semi-detached, and the typical brick external finishes, similar fenestration arrangements and common design elements including pitched roof forms lend a high degree of consistency to their appearance overall. The fairly regular layout of the dwellings on gently stepping building lines along streets and around corners further adds to the coherent character of the area. Gaps to the sides of buildings are in many cases limited, but there remains a sense of space as a result of their set back from the street and rear garden backdrops which are apparent in views between buildings, particularly around junctions.
4. The development would be positioned between 28 Wainwright Avenue and the side of 30 Wainwright Avenue. Nos 28 and 30 are positioned on slightly different angles to each other. Nevertheless, the set back of both these and adjacent dwellings at 32-36 Wainwright Avenue from the Wainwright Avenue pavement is broadly comparable. As a result, there appears a gradual transition to the overall building line along the curve of the street. The

proposed dwelling would be on a similar orientation to No 30, but would project some way forward of it and would also be positioned nearer to the Wainwright Avenue boundary than the closest part of No 28. Although the distance would not be great, the step forward of the development in comparison to both neighbours would form a conspicuous interruption to the existing building line, and would be prominent in views along this part of the street.

5. The proposal would also reduce openness between Nos 28 and 30 in comparison to the single-storey garage currently on the site. However, I do not find that this would be harmful in itself given the fairly close-knit layout of the surrounding area and the variation that I observed in the spacing between buildings around corners. The pitched roof design and external materials of the dwelling would also be sympathetic.
6. Be that as it may, the incongruous nature of the development would be further exacerbated by the small scale of the dwelling. It would be of similar height and depth to No 30, but its width would be one of the smallest in the area. In combination with the detached form of the dwelling, which in itself would be somewhat unusual, it would as a result appear distinctly narrow in comparison to nearby buildings. Separation between the dwelling and boundary to its rear would also be limited, and the shallow depth of its rear garden would be in marked contrast to the more generous gardens apparent to buildings in the vicinity of the site. I acknowledge that the garden would wrap around to the side of the dwelling and there would be spacing to the boundaries at its sides. Even so, I find that these factors taken together would cause the building to appear cramped and somewhat squeezed onto its plot, and it would relate poorly to the characteristic layout of the area.
7. For these reasons, I conclude that the proposal would fail to integrate sympathetically with its surroundings and would cause unacceptable harm to the character and appearance of the area. It would therefore be contrary to saved Policy CP1 of the Brentwood Replacement Local Plan 2005 (BRLP) which requires, amongst other things, a high standard of design which is compatible with existing buildings and that the visual amenity, character and appearance of an area are not detrimentally impacted by development. There would also be conflict with the National Planning Policy Framework (the Framework) insofar as it requires well-designed places and development that is sympathetic to local character, as well as with advice within the National Design Guide seeking development that responds positively to its context.

Living Conditions – Neighbouring Occupiers

8. The distance between the dwelling and facing elevation of No 28 would vary along its depth but would be very limited, even at the maximum point, and it would be visible running along a significant proportion of the common boundary. The width of the retained garden for No 28 would be increased towards Wainwright Avenue, but its modest depth means that separation would still be fairly minimal and the height and scale of the dwelling would remain a dominant feature across a considerable part of the space. The dwelling would also make up a substantial proportion of the available outlook from the facing kitchen window of No 28 at very close range, and boundary treatment would do little to screen its overall scale and two-storey height. Irrespective of the set in of the dwelling from the boundary and that there would be a slight increase in separation towards its rear, I find that the height and bulk of the development

in such close proximity would be a highly dominant and severely overbearing feature to the garden and rear kitchen window of No 28.

9. While there are other windows which also serve the kitchen to No 28, views from the window closest to 24 Copeman Road are already significantly restricted by the boundary and rear part of this neighbour. In any event, the potential for some alternative outlook for the kitchen would not mitigate adverse impacts on the garden.
10. I therefore conclude that the proposal would be overbearing and would cause unacceptable harm to the living conditions of occupiers of 28 Wainwright Road. Accordingly, it would conflict with Policy CP1 of the BRLP which includes a requirement to consider quality of living conditions for adjoining buildings.

Living Conditions – Future Occupiers

11. The garden to serve the dwelling would be somewhat irregular in shape, wrapping from the rear of the building around to the side closest to No 28. Standards within Appendix 1 of the BRLP refer to provision of a 'private (i.e. rear) garden'. Nevertheless, I see no reason in principle that only areas to the rear of a dwelling may contribute to the provision of private garden space, and I am satisfied in this case that a planning condition could secure suitable boundary treatment to ensure privacy for occupiers. The garden would be well-related to the dwelling, and even allowing for additional planting along the boundaries, the main sections to the rear and side of the building would not be so narrow or awkwardly shaped as to be unusable. In my view, these spaces would provide functional areas able to accommodate activities such as sitting out or drying washing to offer a suitable quality of life for occupiers, particularly given that the one-bedroom size of the dwelling means it is unlikely that these would include families with children.
12. I therefore conclude that living conditions for future occupiers of the dwelling would be acceptable with regard to provision of amenity space. In this respect, I find no conflict with saved Policy CP1 of the BRLP which outlines that proposals should not have an unacceptable detrimental impact on the amenities of occupiers of development. Nor do I find conflict with similar requirements within the Framework, or with advice in the National Design Guide.

Other Matters

13. The appellant has drawn my attention to planning permission granted for a dwelling on land to the rear of 1 and 1a Pondfield Lane in Hutton, commenting that the site circumstances and context are similar to the appeal proposal. While I note that the dwelling in that case was closer to and aligned with its boundary with Nos 1 and 1a, the information before me indicates that there was greater separation to the rear of these neighbours than even the maximum that would be achieved on the appeal site. It was also set back from the street in comparison to No 1a. I do not therefore find that the circumstances are directly comparable to the appeal before me which I have in any case determined on its own merits.

Planning Balance

14. The Council is unable to demonstrate a 5-year supply of deliverable housing sites, with the Council's Five Year Housing Land Supply Statement dated October 2020 indicating a supply of 2.28 years at 31 March 2020. The

presumption in favour of sustainable development test set out in paragraph 11(d) of the National Planning Policy Framework is therefore engaged. This provides that 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.

15. In terms of benefits, the Framework advises that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly. The proposal would make effective use of such a site which is located within an existing settlement to provide one dwelling. The extent of the benefit towards local housing supply would be limited by the small amount of development, but I nevertheless give this moderate weight in light of the considerable housing under-supply position. There would also be social and economic benefits associated with construction and occupation of the dwelling, but these would also be limited by the modest scale of the development.
16. While I have found that living conditions for occupiers of the development would be acceptable, there would be harm to the living conditions of the occupiers of 28 Wainwright Avenue and to the character and appearance of the area. Taken together, I find that these adverse impacts of the proposal would be significant. They also result in conflict with Policy CP1 of the BRLP. Insofar as it is relevant to the appeal proposal, this policy is consistent with the expectations of the Framework which identifies achieving well-designed places as a key aspect of sustainable development and which includes requirements seeking development that is sympathetic to local character and a high standard of amenity for existing and future users. Conflict with this policy therefore carries a reasonably significant amount of weight.
17. In this context, I find that these adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The proposal would not therefore represent sustainable development. It would be contrary to the development plan when it is read as a whole and material considerations, including the Framework, do not indicate that a decision contrary to the development plan should be reached.

Conclusion

18. For the reasons given above, I therefore conclude that the appeal should be dismissed.

J Bowyer
INSPECTOR