



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: 2nd March 2021

Appeal Ref: APP/H1515/W/20/3261004

1 La Plata Grove, Brentwood, Essex CM14 4LA

- 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 Jamie Davey against the decision of Brentwood Borough Council.
 - The application Ref 20/00611/FUL, dated 11 May 2020, was refused by notice dated 8 July 2020.
 - The development proposed is a new detached two bedroom property on land adjacent to existing dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a new detached two bedroom property on land adjacent to existing dwelling at 1 La Plata Grove, Brentwood, Essex CM14 4LA in accordance with the terms of the application, Ref 20/00611/FUL, dated 11 May 2020 subject to the conditions in the attached schedule.

Procedural Matter

2. The Council amended the description of development from that given on the planning application form. Although I note that the appellant has used the Council's description on the appeal form, neither of the main parties has provided written confirmation that a revised description was agreed. I have therefore used the original description of development in my formal decision above.

Main Issues

3. The main issues are (i) the effect of the proposal on the character and appearance of the area; and (ii) the effect of the proposal on the living conditions of the occupiers of 25 Gerrard Crescent with particular regard to whether or not it would be overbearing.

Reasons

Character and Appearance

4. The appeal site includes a semi-detached dwelling at the entrance to La Plata Grove from Westbury Road. Space between the side of this dwelling and the neighbouring bungalow at 25 Gerrard Crescent includes a garage and glasshouse, and is fairly prominent in views on the approach from Westbury Road which slopes down towards the site. La Plata Grove is generally characterised by semi-detached dwellings, although the form, appearance and external materials of the pairs varies at different points along the street and

the presence of occasional detached dwellings adds further diversity. The buildings are typically arranged on fairly regular building lines behind frontages which provide gardens and space for parking. However, the spacing between buildings and the size and depth of their rear gardens differs so that the overall layout is not uniform.

5. The appeal proposes a dwelling to the side of 1 La Plata Grove. This would be noticeably taller than the building at 25 Gerrard Crescent, but would be lower than the highest main ridge of 1 La Plata Grove. The pitched roof design would also reflect the pitched roof of No 25, and I find that it would provide for somewhat of a visual bridge linking between the existing buildings. Moreover, the differing form of the dwellings on La Plata Grove in comparison to the characteristic bungalows on Gerrard Crescent, as well as strong boundary treatment adjacent to the appeal site, provides for clear visual distinction separating these street scenes. As a result, I do not find that the height of the development would be overly dominant when seen against No 25.
6. The dwelling would be on a slightly different orientation to 1 La Plata Grove, and would also be closer to the boundary to its front. However, this would largely be a result of the curve of the street rather than the relative position of the dwellings and only a very small part of the gable to the development would project forward of the main front elevation of No 1. The front of the dwelling would also broadly align with the closest part of 25 Gerrard Crescent. Given these factors, I do not find that the resulting building line would be jarring. The appearance of the dwelling with a projecting first-floor gable would be unusual, but given the existing variation in the appearance of buildings on La Plata Grove and presence of other detached dwellings, I am also satisfied that its form and more contemporary style would not be conspicuous or inappropriate.
7. However, the proposed boundary to 1 La Plata Drive would run along the side of the dwelling. While spacing between the front of the buildings would be fairly generous given spacing within the retained plot, the angles of the buildings would converge to result in a notable reduction in separation at the rear. A small set it would be provided to the boundary to the other side of the dwelling, and the adjacent footpath would provide for some additional separation to 25 Gerrard Crescent but this would not be substantial. In addition, space to the front of the dwelling would not be of significant depth, and would predominantly be given over to a parking space which the Council indicate would not satisfy relevant standards.
8. Despite the provision of a garden to the rear, the fairly minimal separation to boundaries to the sides and front of the dwelling would leave little opportunity for landscaping, and the building would appear to fill much of the space between the neighbouring buildings. It would therefore erode the existing spaciousness between 1 La Plata Grove and 25 Gerrard Crescent, and in my view would appear somewhat cramped and squeezed onto the site. The development would be relatively prominent, with clear views from La Plata Grove and Westbury Road, as well as from the adjacent footpath, and consequently I consider there would be some harm to the character and appearance of the area.
9. However, I observed examples of fairly narrow gaps between other buildings nearby, such as between 24 and 26 La Plata Grove, as well as little overall consistency in the spacing between dwellings which are in some cases set on

fairly small plots. While the existing openness on the site is pleasant, it is not therefore a distinguishing element of the area's character. These factors would temper the visual impact of the proposal, and I do not find that the character or appearance of the area would be seriously undermined. Moreover, I noted other dwellings within the street scene with frontages predominantly given over to hardstanding and minimal soft landscaping. Although the limited scope for planting to the front and sides of the building would restrict opportunities to enhance the development, it would not therefore be out of keeping or dominant within the street scene.

10. Nevertheless, the proposal would result in some limited harm to the character and appearance of the area, and in this regard it would be contrary to saved Policy CP1 of the Brentwood Replacement Local Plan 2005 (BRLP). Amongst other things, this Policy requires 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.

Living Conditions

11. The dwelling would be taller than 25 Gerrard Crescent with a pitched roof form. However, it would not extend beyond the rear of this neighbour, and would not therefore be visible from windows to its rear. In addition, the deepest part of the dwelling would be single-storey only, and the first floor would be accommodated within a dormer to the rear of the roof which would slope down to eaves of much lower height than the ridge to No 25. The dormer would have an asymmetric profile, but even at its highest point it would be well below the ridge of the roof, and it would also be set in appreciably from the sides of the building providing additional separation to No 25.
12. I acknowledge that this neighbouring site is lower than the front part of the appeal site and falls generally towards the rear boundary, and that there would be views towards the development from its rear garden. Even so, given the above factors and relationship of the dwelling with this space, I am satisfied that it would not be unacceptably dominant or overbearing to the garden and patio areas, irrespective of its greater height. Nor do I consider that it would lead to a harmful sense of enclosure, and the position broadly north of this space would further minimise the potential for levels of existing light to be adversely affected.
13. There are no windows to the closest part of the side of No 25 facing the appeal site. There is glazing to the side of the projection to its rear, but the set back position of the development relative to this projection and set in of the glazing from the boundary means that any views of the dwelling would be largely screened by the main part of the building of No 25.
14. To the front, the dwelling would be broadly level with ground-floor windows to the front of the closest part of No 25. It would project forward of the first-floor dormers, but these are set in from the side of the dwelling, and the space between the development and boundary of the appeal site as well as the intervening footpath would provide additional separation. The position of the front gable projection away from the boundary closest to No 25 would provide further separation to this element, and the eaves of the closest part of the

dwelling would also be lower than the top of the neighbouring dormers. I find that these factors taken together are sufficient to ensure that the overall height and scale of the development would not be overbearing, and that it would not cause a harmful loss of outlook for occupiers of No 25.

15. For these reasons, I conclude on this main issue that the development would not be overbearing, visually intrusive or unduly prominent in views from either the neighbouring building or its garden, and that the living conditions of occupiers of 25 Gerrard Crescent would not be unacceptably harmed. In this regard, I therefore 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 seeking a high standard of amenity for existing and future users.

Other Matters

16. An interested party has raised concern that there would be a raised sitting out area to the rear of the dwelling, but this is not part of the proposal which is before me to consider. Moreover, I saw a table and chairs to the rear of the position of the proposed dwelling at my visit, and see no reason that a raised area would necessarily be required.
17. Views from the dwelling towards the garden to the rear of 1 La Plata Grove would be similar to those already available from the attached neighbour. The proposal would not therefore result in a loss of privacy, and I am satisfied that living conditions for occupiers of this dwelling would not be otherwise unacceptably harmed.
18. The Council has commented that parking for the dwelling would not meet standards under saved Policy T5 of the BRLP. However, this does not form a reason for refusal, and the Highway Authority has not raised a concern in relation to provision. Streets near to the site are subject to resident parking restrictions, but a large number of spaces were available on-street at the time of my visit. While I accept that this represents a snapshot, there is no clear evidence before me that additional on-street parking, or changes to existing on-street parking resulting from the proposed access for the dwelling, would harm highway safety or cause congestion. I therefore see no reason to take a different view to the Council and Highway Authority.
19. I note that an area for the storage of refuse and recycling has not been identified, but there would be access from the front of the site to the rear garden which would offer suitable scope to accommodate provision on the site.

Planning Balance

20. The proposal would result in some 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. Conflict with this policy therefore carries a reasonably significant amount of weight.
21. However, the Council is unable to demonstrate a 5-year supply of deliverable housing sites. The presumption in favour of sustainable development test set out in paragraph 11(d) of the National Planning Policy Framework is therefore

engaged. This applies irrespective of whether a proposal is on previously developed land, and 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.

22. I have found that the proposal would not harm the living conditions of the occupiers of 25 Gerrard Crescent. There would be some detriment to the character and appearance of the area as a result of the reduction in openness on the site and the limited spacing that would be provided to the sides and front of the dwelling. However, the harm would be moderated by the existing diversity in spacing between buildings and treatment to site frontages nearby, reducing the visual impact and magnitude of the effect on the area's character and appearance.
23. Against this, the proposal would make effective use of a site within an existing settlement to provide one dwelling. The extent of the benefit towards local housing would be limited by the small amount of development, but I nevertheless give this moderate weight in light of the housing under-supply position. There would also be social and economic benefits associated with construction and occupation of the dwelling, albeit these would be limited given the modest scale of the development.
24. In the context of paragraph 11(d) of the Framework, I find that the adverse impacts of the development would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The presumption in favour of sustainable development therefore applies and is a material consideration that weighs in favour of the proposal. While the development would not fully accord with saved Policy CP1 of the BRLP, I find that there are thus material considerations which indicate that the appeal should be allowed, notwithstanding the conflict with the development plan.

Conditions

25. I have considered suggested conditions having regard to the tests set out at paragraph 55 of the Framework. As a result, I have amended some where necessary, or for the sake of consistency, brevity or clarity. I have also avoided the use of pre-commencement conditions unless this is necessary for a condition to achieve its purpose.
26. In addition to the standard time limit condition, I have imposed a condition specifying the approved plans for the avoidance of doubt and in the interest of certainty. In order to ensure a satisfactory appearance, a condition requiring details of the external materials to be used is necessary, but no clear justification to require details prior to any development has been provided and I have amended the timing accordingly.
27. I note comments from an interested party regarding the accuracy of plans and images accompanying the appeal. The massing images do not show existing changes to levels within the appeal and neighbouring sites, but are illustrative only, and I have determined the appeal with regard to the submitted plans which the appellant confirms are based on a measured survey of the site. With regard to these plans and my observations on site, I am satisfied that these do not include discrepancies which would materially alter my consideration of the proposal. Nevertheless, given the relationship, I consider that it would be appropriate to require further details confirming the proposed ground, floor and

ridge height levels to ensure a satisfactory appearance and in the interests of the living conditions of neighbouring occupiers.

28. I have imposed conditions requiring cycle storage and travel information packs to promote sustainable travel. However, the details of provision would be most appropriately considered by the Council as part of an assessment of submitted details, and I have therefore amended the suggested conditions to avoid unnecessary prescription.
29. I have also imposed conditions to require the use of obscure glazing to the first-floor window to the side of the dwelling and to prevent use of the flat roof of the single-storey rear projection as a terrace. I agree with the appellant and an interested party that these are necessary to safeguard the living conditions of neighbouring occupiers.
30. I am mindful that paragraph 53 of the Framework states planning conditions should only restrict national permitted development rights where there is clear justification to do so. Given the relationship of the proposed dwelling with its plot and neighbouring buildings, I am satisfied that a condition to prevent the construction of outbuildings or extensions is necessary in this case in the interests of the character and appearance of the area and the living conditions of neighbouring occupiers. However, I have combined the Council's suggested conditions to avoid duplication.

Conclusion

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

J Bowyer
INSPECTOR

Schedule of 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: 19.183/01 Rev C, 19.183/02 Rev C, 19.183/03 Rev C, 19.183/04 Rev C, 19.183/05 Rev C and 19.183/06 Rev C.
- 3) No development above proposed ground level shall take place until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4) Notwithstanding the details shown on the approved plans, no development resulting in alteration to the existing ground level shall take place until details of the finished ground, floor and ridge levels of the development hereby approved in relation to the existing ground levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 5) The development hereby permitted shall not be occupied until cycle parking has been provided in accordance with details which have first been

submitted to and approved in writing by the Local Planning Authority. The cycle parking shall thereafter be retained in accordance with the approved details.

- 6) The development hereby permitted shall not be occupied until details of the content and distribution of a Residential Travel Information Pack for sustainable transport have been submitted to and approved in writing by the Local Planning Authority. Residential Travel Information Packs shall thereafter be provided to the occupiers of the dwelling in accordance with the approved details.
- 7) The development hereby permitted shall not be occupied until the first-floor window to the side facing 25 Gerrard Crescent has been fitted with obscured glazing to substantially restrict vision through it at all times, and the window shall be retained as such thereafter.
- 8) The flat roof of the single-storey projection to the rear of the development hereby permitted shall not at any time be used as a balcony, roof garden, terrace or similar space.
- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), the dwelling hereby permitted shall not be extended or enlarged in any way nor shall development falling within Schedule 2, Part 1, Class E of that Order ('buildings etc incidental to the enjoyment of a dwellinghouse') be carried out without the prior grant of specific planning permission by the Local Planning Authority.

End of Schedule