The Planning Inspectorate

Appeal Decision

Site visit made on 16 March 2021

by K E Down MA(Oxon) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 May 2021

Appeal Ref: APP/H1515/D/20/3259469
2 & 3 Deans Road, Warley, Brentwood, Essex, CM14 5DU

- 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 Ms Martine Hurst against the decision of Brentwood Borough Council.
- The application Ref 20/00462/HHA, dated 3 April 2020, was refused by notice dated 26 June 2020.
- The development proposed is a joint development of a single storey rear extension at No 2 and a part two storey part single storey rear extension and loft conversion with new mansard style roof including dormers to front and rear at No 3.

Decision

1. The appeal is allowed and planning permission is granted for a joint development of a single storey rear extension at No 2 and a part two storey, part single storey rear extension and a loft conversion at No 3 at 2 & 3 Deans Road, Warley, Brentwood, Essex, CM14 5DU in accordance with the terms of the application, Ref 20/00462/HHA, dated 3 April 2020, subject to the following conditions:

   1) The development hereby permitted shall begin not later than three years from the date of this decision.

   2) The development hereby permitted shall be carried out in accordance with the following approved plans: ref 2018-75 01, 2018-75 02 (Proposed at 2 Deans Road), 2018-75 02A (Existing at 3 Deans Road), 2018-75 04, 2018-75 05 and 2018-75 06.

   3) The materials to be used in the construction of the external surfaces of the rear extensions hereby permitted shall match those used in the existing dwellings.

   4) Before the approved mansard roof is commenced a detailed drawing at 1:5 or 1:10 scale shall be submitted to and approved in writing by the local planning authority. The plan shall show details of the junction and method of weather proofing of the front and rear elevations and the top of the roof. The development shall thereafter be carried out in accordance with the approved details.

Procedural matters

2. It is clear from the submitted evidence that the intention would be to complete the extensions to both properties together. However, there is no mechanism in place to ensure this happens and it appears from the submitted plans that it would be possible to complete either extension on its own. I have therefore had regard to this situation in reaching my decision.

3. The appellant has submitted a revised plan ref 02A showing the existing plans and elevations at 3 Deans Road. The only change is to show the existing chimneys which were omitted from the original plan ref 02. Since the change simply corrects a factual matter and does not alter the proposed development in any way, I consider that the interests of the parties, including third parties, would not be compromised if I were to accept this plan. I shall therefore have regard to plan ref 02A (Existing at 3 Deans Road) in place of plan ref 02 (Existing at 3 Deans Road).

Main Issues

4. There are two main issues. Firstly, the effect of the proposed extensions on the character and appearance of the host dwellings, the adjoining terrace and the surrounding area; and secondly, the effect of the rear extensions at No 3 on the living conditions of occupiers of the appeal dwellings with respect to outlook at No 2 and internal space and outside amenity space at No 3.

Reasons

5. The appeal dwellings are traditional mid-terraced two storey properties in a row of six. The façade of the terrace has been altered over the years with respect to fenestration and ground floor front projections. As a result uniformity at ground and first floor has been lost but is retained at roof level where the pitched roofs are hidden behind a high parapet wall that extends across the front and along the sides of the terrace. Its unusual height gives the terrace an oddly top-heavy appearance when seen from Deans Road and the nearby Cromwell Road. To the rear the dwellings have been variously extended at single storey to supplement the original short two storey rear outriggers.

6. The Council raises no objection to the character or appearance of the proposed rear extensions and I agree that whether they were built together or at one or other dwelling they would have an acceptable appearance.

7. The proposed loft extension at No 3 would take the form of a mansard (or crown) roof which would be set back behind the front parapet but be clearly visible from the rear. It would be set down between raised party walls and fenestration would be compatible with the existing windows. The Council raises no objection to the rear elevation and I agree that the loft extension would have an acceptable appearance when seen from rear gardens behind the terrace.

8. Although the proposed mansard roof would be the only one in the terrace, the extent to which it would be visible from public places would be limited by the developed character of the area, restricting long views, and the height of the existing parapet wall. In particular, owing to the narrow width of Deans Road the mansard, which would be some 1.08m higher than the parapet wall, would be an inconspicuous feature when viewed from the street. If visible, it would

appear as a modest addition and clearly subservient to the parapet wall and building façade.

9. At present a chimney on the ridge between Nos 1 and 2 is just visible from the junction between Cromwell Road and Deans Road. The two on the ridge between Nos 3 and 4 cannot be seen. According to the evidence the chimneys are some 0.55m higher than the parapet wall. The proposed raised party walls would be some 1.29m higher than the parapet and some 0.74m higher than the existing chimneys. At this height the wall between Nos 2 and 3 may be visible from the junction but when seen in the context of the side wall of the terrace and behind the existing parapet it would be an inconspicuous feature that would have a limited effect on the character or appearance of the terrace owing to its modest height and its mid-terrace position.

10. It is concluded on the first main issue that the proposed extensions, including the mansard roof extension, would have no materially detrimental effect on the character or appearance of the host dwellings, the adjoining terrace or the surrounding area. In consequence, they would comply with Policy CP1 i) and iii) of the Brentwood Replacement Local Plan (LP), 2005, and the National Planning Policy Framework (NPPF) which, taken together, expect new development to be visually attractive as a result of good architecture, and sympathetic to local character and history through high quality design which is compatible with its location and surrounding development. The Council also refers to LP Policy H17 which relates to dormer windows. However, the windows proposed in the mansard are not true dormers and I do not consider that the policy is relevant in this case.

11. Turning to the effect on living conditions, the Council raises no objection to the effect of the single storey extension at No 2 on either the living conditions of occupiers of that or neighbouring dwellings. I agree that whether this extension was completed together with the extensions at No 3 or as a separate entity it would have no material effect on the living conditions of occupiers and would be acceptable.

12. With respect to the living conditions of neighbouring occupiers, the single and two storey extensions at No 3, would have no materially detrimental effect on occupiers at No 4. At No 2 there would be no material effect if the extensions were built together with the proposed extension at No 2. If the extensions at No 3 were built in isolation the side wall would be clearly visible on the shared boundary and would extend some 5m beyond the rear wall and window in the side return at No 2. Nevertheless, owing to the orientation of the buildings with No 2 located to the south of No 3, and the limited height of the side wall I am satisfied that the effect would not be overbearing nor lead to a material loss of light for occupiers at No 2.

13. Turning to the effect of the extensions at No 3 on living conditions of occupiers of that dwelling, the Council notes that the garden area is already small and would be reduced further. However, the area lost would be the relatively narrow side return. This is of limited use as outside amenity space and therefore, although the dwelling would accommodate one extra person, I am satisfied that the loss of the side return would not be materially harmful to the living conditions of occupiers with respect to outside amenity space.

14. With respect to internal space, the Council refers to the Technical housing standards – nationally described space standard, 2015. These relate to standards in new dwellings and have no other statutory meaning or use. Nevertheless, I agree that they provide helpful guidance. The Council suggests that the overall internal floor space would be below the minimum specification but does not provide any figures. However, the appellant estimates that the internal floorspace would be some 115m² which is above the 112m² standard set out for a three storey dwelling with 4 bedrooms and 6 bed spaces. The overall floorspace would therefore appear to be sufficient.

15. In terms of bedroom size, the existing dwelling has two double rooms of adequate size and one small single room which is clearly smaller than either of the proposed single rooms and below the national space standard. The proposed layout would provide two double rooms of adequate size and two single rooms each of which would be a regular shape but below the national space standard by about 1m². Nevertheless, they would be noticeably larger than the existing single room. In addition, the proposed layout would provide for a first-floor bathroom and a significantly larger kitchen. I therefore consider that, overall, the proposals would result in an improvement in internal living conditions for occupiers of the dwelling with the single rooms and one extra bed space not materially detracting from the quality of the accommodation.

16. It is concluded on the second main issue that the proposed extensions at No 3 would have no materially detrimental effect on the living conditions of occupiers of the appeal dwellings with respect to outlook at No 2 and internal space and outside amenity space at No 3. In consequence there would be no conflict with LP Policy CP1 ii) or the NPPF which, taken together, expect new development to create a high standard of amenity for existing and future users such that it does not have and unacceptable detrimental impact on the general amenities of occupiers or have an overbearing effect.

17. In addition to the statutory commencement condition, the Council suggests a condition to ensure that the extensions are built in accordance with the approved plans. I agree that this is necessary for the avoidance of doubt. Although not shown on the submitted plans, the application form makes clear that materials to be used in the rear extensions would match those used in the existing buildings. I consider that to protect the character and appearance of the host dwellings, the adjoining terrace and the surrounding area and for the avoidance of doubt these should be required by condition. The Council suggests a further condition requiring detailed drawings of the front and rear elevations of the loft conversion to be submitted and agreed in writing before this part of the development is carried out. I agree that the submitted plan shows insufficient detail to ensure that the character and appearance of the host dwelling, the terrace and the surrounding area would be protected and I shall impose a condition to ensure that satisfactory details are agreed.

18. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be allowed.

K E Down
INSPECTOR