
Appeal Decision

Site visit made on 19 May 2021

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th July 2021

Appeal Ref: APP/H1515/W/20/3259265

Rear Part of 30 Crown Street, Brentwood, CM14 4BA

- 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 J Lewin against the decision of Brentwood Borough Council.
 - The application Ref 20/00812/FUL, dated 16 June 2020, was refused by notice dated 7 August 2020.
 - The development proposed is change of use of the rear part of the shop from retail storage to residential along with elevational amendments.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - the vitality and viability of the designated shopping area with particular regard to the loss of retail storage space;
 - the character and appearance of the area having regard to the Brentwood Town Centre Conservation Area (CA); and
 - whether future occupiers of the development would have satisfactory living conditions having regard to the size of the dwelling.

Reasons

3. The appeal property is a long narrow outbuilding constructed from brick, with render in parts and has a slate tiled pitched roof. It is connected to the rear of 30 Crown Street by a single storey flat roof entrance lobby and was previously used for ancillary retail storage, which I am advised is no longer required. An internal inspection has not been carried out and it is unclear whether or not the building currently has a first floor as no staircase or sections are shown on the existing drawings.
4. To the east of the site there is a row of terraced houses and to the west is Crown Street, a pedestrianised mixed use area predominantly comprised of small shops at ground floor level with office, storage and residential uses above.
5. There is a blocked paved area around the building which provides shared access, parking and bin storage to the adjacent terraced cottages and commercial uses.

Loss of retail storage space

6. The building is located within an area, which is specifically allocated for small scale shops under Policy TC6 of the Brentwood Replacement Local Plan Adopted 25 August 2005 (the local plan). This policy seeks to retain small shops, which are more affordable for small independent retailers and are important in ensuring the overall attraction and viability of the Crown Street shopping area.
7. Although the application describes the site as the rear part of a shop, the appeal property is actually a separate outbuilding, which has been linked to the rear of the shop by a small flat roof extension and which has provided ancillary storage space as and when required. There is nothing before me to suggest that the appeal property has ever been used as a shop or as retail floorspace.
8. Whilst the building may have formed a useful storage space for a larger retail unit, the smaller units that now exist to the front of the site have no demand for this additional space.
9. The proposal would not result in the loss of an existing retail unit and there is unlikely to be a demand for a shop in this building, which is hidden behind the main shopping street. No policy requirement has been brought to my attention that requires the provision or retention of ancillary retail storage.
10. I recognise that the proposal could deliver a small home quickly and that residential development plays an important role in ensuring the vitality of centres and should be encouraged on appropriate sites.
11. Although the proposed change of use to a dwelling would technically conflict with saved policy TC6 of the local plan, which allocates this area for small shops. For the reasons given above, I find that the circumstances of this case would justify a departure from the policy being made. The loss of retail storage space would not in my view be a reason to withhold planning permission for alternative uses of this building.

Character and appearance

12. There is a statutory duty under section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Paragraph 193 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. I have not been provided with a copy of a CA Appraisal or a Heritage Statement setting out what the significance is of this part of the CA.
13. The building, due to its modest scale and simplicity, makes a neutral contribution to the historic character of the CA. The proposal would return the building to beneficial use with minimal alterations, which would for the most part be well designed and sympathetic. The horizontal slotted window would not reflect the age or character of the building or its surroundings. However, the appellant has submitted a revised plan, which the council has not commented upon, and is also open to a condition, requiring the submission and agreement of amended window details. Given that the building sits within a

residential courtyard, I do not consider its proposed residential use would detract from the character of the Crown Street shopping area.

14. I therefore conclude that subject to suitable window details being agreed the proposal would preserve the character and appearance of the CA and would not conflict with saved policies C14 and CP1 of the local plan, which resist changes of use that would involve changes to the appearance of the building that would be detrimental to the character or appearance of the area.

Living conditions

15. The Planning Practice Guidance (PPG) states that “where a local planning authority (or qualifying body) wishes to require an internal space standard, they should only do so by reference in their Local Plan to the nationally described space standard”. The council have not provided me with a copy of their local plan space standards, which pre-date and have therefore been superseded by the nationally described space standard (NDSS). As the NDSS is not referred to in the local plan, its weight is reduced. It is nevertheless still a material consideration.
16. The proposed dwelling would have an internal floorspace of 39sqm, which is the minimum recommended requirement for a one bed, one person, one storey dwelling. This area is further reduced by the staircase. The minimum recommended space for a one bed, two storey dwelling is 58sqm. The NDSS also sets a requirement for a minimum floor to ceiling height of 2.3m. The proposed ceiling height is only 2.05m even with the proposed excavation of the ground floor. At the first floor level part of this height would be reduced further by the sloping roof. The proposed development would clearly fall well below advisory standards.
17. In addition to the size of the dwelling, the kitchen in particular would have very limited natural light and ventilation and no outlook. Although I acknowledge that town centre flats will rarely have outdoor amenity space the communal nature of the entrance lobby, shared with the adjacent shop and offices, the narrow passageway between the buildings, which I saw on my visit is partially obstructed by a large commercial wheelie bin, and the surrounding access, parking, turning and service area for both the adjacent dwellings and adjacent business premises would all further reduce the standard and quality of living environment.
18. I therefore conclude that future occupiers of the proposed dwelling would not have satisfactory living conditions. Accordingly the proposal would conflict paragraph 127(f) of the National Planning Policy Framework which requires a high standard of amenity for future users. I afford this material consideration significant weight.

Conclusion

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

Rachael Bartlett

INSPECTOR