



Appeal Decision

Site Visit made on 15 June 2021

by **David Cliff BA Hons MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 July 2021

Appeal Ref: APP/H1515/W/20/3261890

12 Bournebridge Close, Hutton, Brentwood, CM13 1RJ

- 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 Barry Nokes against the decision of Brentwood Borough Council.
 - The application Ref 20/01031/FUL, dated 23 July 2020, was refused by notice dated 9 October 2020.
 - The development proposed is the erection of 2 No. 2 bed dwelling units.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 2 No. 2 bed dwelling units at 12 Bournebridge Close, Hutton, Brentwood, CM13 1RJ in accordance with the terms of the application Ref 20/01031/FUL, dated 23 July 2020, and subject to the conditions in the attached schedule.

Main Issues

2. The main issues are (i) the effect upon the character and appearance of the area and (ii) whether the proposal would include satisfactory vehicular access with particular regard to safety and convenience.

Reasons

Character and appearance

3. The siting of Plot 1 of the proposed development would be similar to that of the previous application, albeit that it would be located further from the site's side boundary to allow for the inclusion of two parking spaces between the dwelling and the adjacent boundary. In determining the previous appeal¹, the Inspector found that the siting of Plot 1 would be acceptable, noting that the dwellings would sit comfortably on their plots, that spacing between nearby buildings varies and that there is no characteristic sense of openness that would be harmed. The Inspector went on to say that there is no prevailing pattern, layout or orientation to nearby development and in this context the layout of the proposed plots and dwellings would not appear discordant or jarring.
4. In this context, whilst the siting of Plot 1 is slightly different, this would not be to the extent that would lead to any significant visual harm to the streetscene. Plot 2 is also proposed to be close to the pavement edge in line with Plot 1. Whilst this would be in contrast to the terrace of dwellings opposite the site, which are located further back from the pavement edge, given the mixed

¹ APP/H1515/W/19/3237327

alignments and arrangements of other properties in the immediate area, including 7 to 10 Bournebridge Close, this arrangement would not appear as being incongruous or discordant within the surrounding area.

5. The proposed houses on Plots 1 and 2 would have a good separation between them. They would be at right angles to the existing house (12 Bournebridge Close) but a reasonable separation distance would also be provided to this dwelling.
6. The rear garden depths of both proposed houses would be less than those prevailing in the surrounding area, albeit the garden of Plot 2 would be of a considerable width. Whilst Plot 1's rear garden would be of a more limited size and smaller than what generally would be expected, it would still provide a reasonable space for outdoor amenity (including sitting out, drying of washing and play). Taking account of the mixed pattern of surrounding development, its small size relative to the surrounding area would not lead to any unacceptable impacts upon the general character and appearance of the area.
7. Surrounding development is mixed in terms of the form and amount of landscaping provided in front of dwellings. Although space for landscaping would be limited to the front of the proposed dwellings, there would remain space within the plots for the developer and/or occupants to provide landscaping according to their particular requirements. A condition is not therefore necessary in this regard. Although I understand that previously existing landscaping has been removed from the site, no significant harm is likely to result from the layout of the proposed development.
8. The proposal would make more effective use of the site, increasing the existing density, without resulting in an unacceptable detrimental impact on visual amenity or the character and appearance of the surrounding area. Therefore, despite the size of the rear garden for Plot 1 being less than generally expected, it would generally accord with the relevant design aims of saved Policy CP1 of the Brentwood Replacement Local Plan 2005 ('the Local Plan').

Highway safety and convenience

9. The two parking spaces for Plot 1 would be located at the western edge of the site, at the end of the cul-de-sac. Vehicles accessing or egressing these spaces would need to cross the area of existing footpath which runs around the edge of the cul-de-sac. This would not be dissimilar to the access to an existing parking space on the opposite side of the end of the cul-de-sac, although it would be adjacent to the pedestrian accessway leading to the dwellings at 7-10 Bournebridge Close. This is likely to be a rather tight manoeuvre and would require an appropriately designed crossover and dropped kerb to be provided.
10. The provision of vehicle access to driveways across the footpath is common for residential development with several examples of this in the vicinity of the appeal site. As the road is a cul-de-sac serving a limited number of dwellings, and Plot 1 is located at the end of the cul-de-sac, the manoeuvre would be made more comfortable as there would be unlikely to be other moving vehicles at the time of access and egress. The use of the access would also be fairly limited in terms of likely vehicle movements per day as it serves just one two-bedroomed dwelling.

11. The proposed vehicular accesses and crossovers would limit the opportunities for parking on or adjacent to the pavement in this location. At my site visit I noted cars being parking on the pavement on the same side of the road as the appeal site. This is also evident in photographs supplied by interested parties. The prevention of parking on the pavement would be beneficial for the convenience and safety of pedestrians who wish to use the pavement. It could also be beneficial in terms of making easier passage for vehicles along the cul-de-sac by limiting on-street parking to only one side of the road. The limited number of vehicle movements, using crossovers, likely to be associated with the proposed development would not prejudice pedestrian safety.
12. As in any similar situation, care would need to be taken by drivers of vehicles accessing or egressing the proposed parking spaces, including those for Plot 1. However, subject to the approval of details to be secured through a planning condition, the provision of the access to serve Plot 1 would provide for a satisfactory means of access to the site, without any significant risks for highway or pedestrian safety and convenience. Further to the approval of the access details, there would not be any likelihood of occupants seeking to park on adjacent land or of any potential damage to the boundary wall of No.7.
13. The proposal would therefore satisfactorily accord with the access aims of saved Policy CP1 of the Local Plan. I go on to consider the other parking implications raised in representations from interested parties below.

Other Matters

14. Several existing houses in Bournebridge Close do not have off-street car parking. The proposals, including the provision of crossovers, would limit the opportunity for the parking of other vehicles on this side of the cul-de-sac. Unlike the previous appeal proposal, off-street parking provision for the proposal, including the existing dwelling at No.12, would be satisfactorily provided, overcoming the previous Inspector's concern in this regard.
15. I acknowledge that there appears to be some pressure on parking spaces in the vicinity of the site, which I would expect to heighten in the evenings/night-time. I also have considered the particular accessibility requirements as set out by interested parties. Limited on-street parking would remain on the opposite side of the cul-de-sac as well as other on-street provision on Boundary Drive, albeit that on street parking on Boundary Drive would be a short distance away from the existing dwellings in Bournebridge Close.
16. The proposal would result in the likelihood of some inconvenience for existing residents in the cul-de-sac in terms of accessibility to parking space close to those dwellings that do not have off-street parking. However, there appears to be no guarantee as to the availability of existing on street spaces in Bournebridge Close. As referred to above, the proposal would be likely to lead to the prevention of parking that is currently taking place partially or fully on the pavement. This would be beneficial for general pedestrian accessibility along the cul-de-sac for all residents. The proposed arrangements are unlikely to lead to any unacceptable impacts on highway safety, the general free flow of traffic or the general amenities of residential occupiers in the vicinity of the site. Taking all the above matters into account, whilst there may be some inconvenience for existing residents in terms of access to parking, the effect on existing parking provision is not a matter that weighs significantly against the proposal.

17. Taking account of the set back of the front elevation of No.7 Bournebridge Close and the limited vehicle movements that would be likely to be associated with Plot 1, no significant impacts would arise for the occupiers of this property in terms of noise and disturbance.
18. The previous appeal Inspector found there to be no harm to the living conditions of No.7 from the siting of Plot 1. Taking account of the distance and indirect relationship between the respective dwellings and the fairly modest bulk of the proposed dwelling, I concur that no unacceptable impacts would result with regard to privacy and outlook for this property. The separation of the proposed dwellings from the boundary with No.12 would also be sufficient to prevent unacceptable impacts on the living conditions for this property.
19. The Council and the appellant agree that the Council is unable to currently demonstrate a five year supply of housing land. This demonstrates a particular need for new housing in the Borough, though is not a determinative issue in this case given my findings on the main issues.

Conditions

20. I have considered the Council's suggested conditions. Condition 2 is necessary to provide certainty for all parties as to what has been approved. Condition 3 is required to control the effects of construction works, including highway safety and local amenity. This needs a pre-commencement condition as effects might potentially arise from the onset of site works.
21. I have amalgamated the Council's suggested highway access requirements into one condition (4) for precision. This condition is necessary in order to ensure the details of each vehicular access are acceptable in the interests of highway safety and convenience. The detailed scope of the matters to be considered would need to be agreed between the appellant and the local planning authority through the submission of details for approval. Condition 5 is also necessary to safeguard highway conditions. Condition 6 is necessary to provide satisfactory off street parking for the proposed dwelling and No.12. Conditions 7 and 8 are required to promote sustainable means of travel.
22. There is clear justification in this case for the restriction of permitted development for extensions given the proximity of the existing property at No.12 Bournebridge Close and the limited size of the plots. However, I have not imposed a restriction on permitted development for outbuildings given the restrictions that would already apply (including height) and the low likelihood of a future occupier wishing to erect such a large outbuilding that would impact on the availability of outdoor amenity space.
23. I have not imposed the Council's suggested condition regarding unbound material given the limited extent of the proposed accessways in this case and the ability of the Council to approve details of the proposed accesses in any case through condition 4.

Conclusion

24. The proposal would accord with the development plan as a whole and there are no material considerations, either individually or cumulatively, that outweigh this finding. I conclude, therefore, that the appeal should be allowed.

David Cliff

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin no 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: Site location plan, REVO/4116/B and REVO/4117/B.
3. No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) The parking of vehicles of site operatives and visitors;
 - ii) Loading and unloading of plant and materials;
 - iii) Storage of plant and materials used in constructing the development;
 - iv) Wheel and underbody washing facilities;
 - v) Measures to control the emission of dust and dirt during construction;
 - vi) A scheme for recycling/disposing of waste resulting from demolition and construction works; and
 - vii) Hours of working and hours in which deliveries may be taken at the site.
4. Prior to the first occupation of the development hereby permitted, the proposed vehicular accesses (including dropped kerb and vehicular crossing of the highway footway) to the proposed parking areas of each of the proposed dwellings and the existing dwelling at 12 Bournebridge Close, along with the treatment of the existing vehicular crossover to No.12, shall be constructed and laid out in accordance with details which shall have previously been submitted to and approved in writing by the local planning authority.
5. There shall be no discharge of surface water from the development onto the highway.
6. Prior to the first occupation of the development hereby permitted, parking for the proposed dwellings and No.12 Bournebridge Close shall be provided in accordance with the details shown on approved drawing Ref. REVO/4116/B. The parking areas shall thereafter be retained for the parking of vehicles.
7. Prior to the first occupation of the development hereby permitted, cycle storage shall be provided, and thereafter retained, in accordance with details which shall previously have been submitted to and approved in writing by the Borough Council.
8. On the first occupation of each of the dwellings hereby permitted, a Residential Travel Information Pack for sustainable transport shall be provided for the first occupiers of each dwelling in accordance with details which shall have been previously submitted to and approved in writing by the local planning authority.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the dwellings hereby permitted shall not be extended or enlarged without the express permission of the local planning authority first being granted.