
Appeal Decision

Site visit made on 13 July 2021

by J L Cheesley BA(Hons) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2021

Appeal Ref: APP/H1515/D/21/3270073

154 High Street, Ingatestone, Essex CM4 9EZ

- 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 Sue Floyd against the decision of Brentwood Borough Council.
 - The application Ref 20/01469/HHA was refused by notice dated 18 December 2020.
 - The development proposed is pitched roof to porch and new front window and new boundary wall.
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Decision

1. The appeal is dismissed in so far as it relates to the new boundary wall. The appeal is allowed in so far as it relates to the pitched roof to porch and new front window. Planning permission is granted for a pitched roof to porch and new front window at 154 High Street, Ingatestone, Essex CM4 9EZ in accordance with the terms of the application Ref 20/01469/HHA dated 9 October 2020 and the plans numbered 20.150/01A, 20.150/02A, 20.150/03A, 20.150/04A, 20.150/05A, 20.150/06A and 20.150/07A in so far as relevant to those parts of the development hereby permitted.

Main Issues

2. I consider the main issues to be:

the effect of the development on the character and appearance of the Ingatestone Station Lane Conservation Area;

the effect of the development on the character and appearance of the surrounding area and host dwelling; and

the effect of the development on highway safety.

Reasons

Conservation Area and Character and Appearance

3. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes duties requiring special regard to be had to the desirability: firstly at Section 16(2), of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses; and secondly, at Section

72(1), of preserving or enhancing the character or appearance of a Conservation Area.

4. The National Planning Policy Framework advises 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.
5. The development has been completed. The site lies adjacent to the Ingatestone Station Lane Conservation Area and opposite the Grade II listed building of the Almshouses. These are both designated heritage assets. The Conservation Area includes the station and is a primarily residential area characterised by a number of Victorian dwellings within a verdant streetscene. The Almshouses are single-storey terraces set in a quadrangle. The Council has not specifically raised concern regarding the setting of the Almshouses. Their setting is their immediate environment within the High Street.
6. The appeal dwelling is a detached bungalow. The development includes a 1.7 metres high boundary wall with metal railing inserts and metal sliding gates. From my observations, due to its height and stark design, the boundary wall overwhelms the appearance of this property within the streetscene. In addition, being noticeably higher than other boundary walls in the vicinity and in an area where verdant front boundaries predominate, the wall appears as an incongruous addition to the streetscene, not in keeping with the character and appearance of the surrounding area and host dwelling. In this location adjacent to the Conservation Area, this does not preserve the character or appearance of the Conservation Area, but this is less than substantial harm as set out in the Framework.
7. Whilst the boundary wall and gates provide a level of security for occupiers of the appeal property, I see no public benefit arising from the development.
8. I have attributed considerable importance and weight to the duty and the presumptive desirability of preserving the character and appearance of the adjacent Conservation Area, which I do not consider, for the reasons stated above, are outweighed by any public benefits.

Highway Safety

9. The High Street is classified as a Secondary Distributor Road. Gates for vehicular access should be inward opening only and set back a minimum of six metres from the back edge of the carriageway. This is to ensure that vehicles can stand clear of the carriageway whilst the gates are opened and closed in the interests of highway safety.
10. The gates the subject of this appeal do not meet this set back requirement. They are electrical sliding gates which can be operated by remote control. I note that an in/out system is operable where entrance is from Barrington Place and exit is on to High Street. However, such arrangements cannot ensure that visitors vehicles, such as delivery vehicles, will not lead to vehicles obstructing the adjacent footway and the High Street carriageway whilst waiting to access the site.
11. Highway safety has to be of utmost importance. The current arrangements cannot ensure highway safety and the free flow of traffic. The appellant has suggested the imposition of conditions for entrance to only be via Barrington

Place and for the gates to remain in working order or otherwise be left open. I do not consider such conditions to be enforceable.

12. The Council has raised concern regarding precedent. I have determined the development before me on its individual merits. Nevertheless, I do consider that to allow these gates without the appropriate set back and without inward opening would set a precedent that would make it difficult for the Council to resist similar proposals.
13. For the above reasons, I conclude on this matter that the position and design of the gates have an adverse effect on highway safety.

Split Decision

14. The development includes a pitched roof to a porch and a new front window. The Council has not raised concern regarding these developments. From my observations, they both complement the design and scale of the host dwelling. As these are clearly severable from the boundary wall and gates, I consider it appropriate to issue a split decision in this respect.
15. The Council has suggested the imposition of a standard plans condition. As the development is completed, this is not necessary. Instead, in the interest of precision, I have referred to the plans in my decision.

Conclusion

16. In reaching my conclusion, I have had regard to all matters raised. For the above reasons, the boundary wall and gates have an adverse effect on the character and appearance of the host dwelling and surrounding area and do not preserve the character or appearance of the adjacent Conservation Area. In addition, the gates have an adverse effect on highway safety. Thus, the boundary wall and gates are contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. In addition, they are contrary to saved Policy CP1 in the Brentwood Replacement Local Plan (2005), where it seeks a high standard of design and for new development to not have an unacceptable impact on the character and appearance of the surrounding area; saved Policy C14 where it seeks to preserve or enhance the character or appearance of Conservation Areas; and saved Policy T2 where it seeks to ensure highway safety. I consider these policies to be broadly consistent with the Framework, especially where the Framework seeks to ensure good design; requires great weight should be given to the conservation of heritage assets; and seeks to ensure highway safety.

J L Cheesley

INSPECTOR