



Appeal Decision

Site Visit made on 5 July 2021

by Michael Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th August 2021

Appeal Ref: APP/H1515/W/21/3272022

70 Larchwood Gardens, Pilgrims Hatch, CM15 9NE

- 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 Leigh Tomlinson against the decision of Brentwood Borough Council.
 - The application Ref 20/01722/FUL, dated 24 November 2020, was refused by notice dated 22 January 2021.
 - The development proposed is described as “demolition of existing garage and construction of a part single part two storey side extension to create new dwelling”.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing garage and construction of a part single part two storey side extension to create new dwelling at 70 Larchwood Gardens, Pilgrims Hatch, CM15 9NE in accordance with the terms of the application, Ref 20/01722/FUL, dated 24 November 2020, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The Council’s Emerging Local Plan is at an early stage of the public examination process. Accordingly, its policies attract limited weight in the determination of this appeal.
3. I have taken the description of development from the appeal form, as it is a more complete description of the proposed development.
4. The Government released a revised National Planning Policy Framework in July 2021. The main parties were invited to comment on the revised document.

Main Issues

5. The main issues are:
 - The effect on the character and appearance of the area; and,
 - The effect on the living conditions of the occupiers of the host dwelling, 70 Larchwood Gardens.

Reasons

Character and appearance

6. The proposed house would have a bulky roof with a minimal hip, would project significantly forward of the host dwelling at ground floor level and would be built up to the side boundary, albeit set in at the first floor by about a metre. The scale of the appeal proposal would overall amount to overdevelopment of

the site due to the overall width, depth and height of the proposed house. It would be out of keeping with the scale of side extensions and infill residential development in the near vicinity of the Larchwood Garden street scene, which typically include hipped roofs, maintain space to the side boundary at ground floor level or do not project forward of the original house. The limited soft landscaping proposed to the front of the houses would do little to soften the overall scale of the development.

7. The appeal proposal would therefore result in harm to the character and appearance of the area. It would conflict with the relevant requirement of Policy CP1 of the Brentwood Local Plan 2005 (the LP), which states that development must not have an unacceptable detrimental impact on the character and appearance of the surrounding area.

Living conditions

8. The proposed house would project beyond the rear wall of the host dwelling both at ground floor and first floor level, even allowing for the extension to the host dwelling. The rear projection would overlap with the host dwelling, and at first floor level would lie immediately next to a bathroom window. As this window serves a non-habitable room, this relationship would be acceptable.
9. The house would project further at ground floor level than at first floor and would be close to a window serving the kitchen and dining area to the host dwelling. However, this is the smaller of two openings serving that area, with the larger containing folding doors. Given this relationship, the development would not result in unacceptable harm to the light to this room.
10. The appeal proposal would not result in unacceptable harm to the living conditions of neighbouring occupiers, so would accord with the relevant requirement of Policy CP1 of the LP which states that development must not have an unacceptable detrimental impact on the general amenities of nearby occupiers.

Planning Balance

11. The Council cannot demonstrate a five year supply of deliverable housing land. The presumption in favour of sustainable development set out at paragraph 11 of the National Planning Policy Framework (the Framework) therefore applies.
12. The development would create one additional house, supporting the Government's objective of significantly boosting the supply of homes. Given the shortfall in housing land, this attracts moderate weight.
13. Set against this would be the harm arising to the character and appearance of the area from the scale of the proposed development. This harm would principally be experienced in the immediate vicinity of the site, and there is considerable variety in the appearance and size of side extensions and infill development in the Larchwood Gardens street scene. Given these considerations, this harm attracts moderate weight.
14. Given the localised impact and the variety in local character the harm arising from the development would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Conditions

15. I have had regard to the conditions suggested by the Council. Where appropriate, I have amended the suggested wording in accordance with national planning practice guidance.
16. I have imposed a condition specifying the approved plans for the sake of certainty. A condition requiring matching materials is necessary to ensure an acceptable appearance within the street scene.
17. A landscaping condition is necessary to soften the overall appearance of the development within the street scene given its size and the lack of soft landscaping to the front of the host dwelling.
18. A condition requiring obscure glazing to the en-suite bathroom window is justified to preserve the privacy of neighbouring occupiers.

Conclusion

19. For the reasons set out above, the appeal succeeds.

M Chalk

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: P01A, P02 and P03.
- 3) The materials to be used in the construction of the external surfaces of the building hereby permitted shall match those used in the existing building.
- 4) Notwithstanding condition 2 no development shall take place until details of the landscaping to the front of the approved dwelling and host dwelling, including details of implementation, 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 dwellinghouse hereby permitted shall not be occupied until the first floor side window to the en-suite bathroom has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.