



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: 20th August 2021

Appeal Ref: APP/H1515/W/21/3268297

13 Westwood Avenue, Brentwood, CM14 4PA

- 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 F Macfarlane against the decision of Brentwood Borough Council.
 - The application Ref 20/01220/FUL, dated 20 August 2020, was refused by notice dated 9 November 2020.
 - The development proposed is demolition of garage and erection of 1 residential dwelling with associated parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of garage and erection of 1 residential dwelling with associated parking and landscaping at 13 Westwood Avenue, Brentwood, CM14 4PA in accordance with the terms of the application, Ref 20/01220/FUL, dated 20 August 2020, and subject to the conditions set out in the attached schedule.

Applications for costs

2. An application for costs was made by Mr F Macfarlane against the Council. This application is the subject of a separate decision.

Preliminary Matters

3. The Council's Emerging Local Plan has been submitted for examination. As there are unresolved objections, its policies attract limited weight.
4. The Government released a revised National Planning Policy Framework in July 2021. The main parties were invited to comment on the revised document.
5. An amended elevation plan was provided by the appellant correctly showing the siting of the dining room window. Given the level of public interest in the appeal, third parties were invited to comment on the amended plan.

Main Issue

6. The main issue is the effect on the character and appearance of the area.

Reasons

Character and appearance

7. The appeal site lies on sloping land between two predominantly linear rows of houses facing The Terlings and Westwood Avenue. The adjacent houses on The Terlings sit at a higher level than the appeal site, which in turn is higher than the ground level of the neighbouring houses on Westwood Avenue. Houses on

Kavanaghs Road and Manor Way also back onto the site, and these face onto their respective streets. As a result, the appeal proposal would be separated from its neighbours both as a backland development of a single house, and by virtue of the difference in ground levels.

8. The appeal proposal would result in an incongruous form of backland development that, due to its height, would be visible in the surrounding area above the modest sheds and outbuildings in the back gardens of neighbouring houses. It would be out of keeping with the prevailing pattern of frontage development in the surrounding area and would not have any clear relationship with neighbouring properties.
9. The proposed development would therefore be harmful to the character and appearance of the area. It would consequently fail to accord with Policy CP1 of the Brentwood Local Plan 2005, the requirements of which include that proposals not have an unacceptable detrimental impact on the character and appearance of the surrounding area and they should be compatible with their location in terms of siting.

Planning Balance

10. The Council acknowledges that it cannot demonstrate a five year supply of deliverable housing land, and there has been a consistent failure to meet its housing targets as identified in the Housing Delivery Test. Accordingly, the presumption in favour of sustainable development set out in paragraph 11 of the National Planning Policy Framework (the Framework) applies.
11. The development would result in the creation of one new house, supporting the Government's objective of significantly boosting the supply of homes. Given the shortfall in housing land, which from the evidence before me is sizable, this attracts significant weight. In addition to this, there would be short-term and long-term economic benefits from the development, including ongoing support for local services.
12. The appeal site is previously developed land that is currently in poor condition. However, the appellant can control and improve the condition of the land, including delivering biodiversity gains. This does not require its redevelopment, and therefore this consideration carries little weight in the overall balance.
13. The harm arising from the development would come from the introduction of an incongruous new dwellinghouse on this backland site, out of character with the prevailing pattern of development in the area. However, the proposal is for a single bungalow in an established residential area on a site surrounded by houses.
14. The harm to the character and appearance of the area would be modest, given the scale of development proposed and the overall residential character of the area. This harm would not, in this instance, significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Other Matters

15. I have had regard to concerns from residents regarding the potential impact of the development on the privacy of neighbouring properties, loss of light and for additional noise and disturbance. However, the Council did not refuse

permission on these grounds. Given the relatively modest scale of development and distance to neighbouring properties I see no reason to disagree with this conclusion.

16. While disturbance to neighbours may occur during the construction of the development, this would be a temporary issue and in any case is addressed under other legislation.
17. The vehicle access to the site from The Terlings is narrow, but as it would only serve a single dwelling with a turning head within the site I am satisfied that it would be acceptable.
18. The existence of a restrictive covenant on the site has been brought to my attention. Such covenants are private legal matters to be resolved between the involved parties, and it is not a material consideration in the determination of this appeal. Similarly, any question about the extent of the land boundary for the site would be a private matter to be resolved by the appellant or developer of the site and falls outside the consideration of this appeal.

Conditions

19. I have had regard to the conditions suggested by the Council and, where appropriate, have amended the suggested wording in accordance with national planning practice guidance.
20. I have imposed conditions confirming the approved plans, for the sake of certainty, and requiring approval of the external materials of construction to ensure that the appearance of the dwellinghouse is acceptable.
21. A landscaping condition is necessary to ensure that the overall appearance of the site is acceptable, and also to ensure that the ground level of the house and site is suitable given the significant change in levels within the site and in the surrounding area. Due to the importance of setting acceptable levels within the site, these details should be agreed before development commences.
22. A construction method statement is necessary given the narrow access to the site and its backland position surrounded by existing houses, and it is necessary to require its approval before any development commences due to the need to carry out demolition and potentially carry out earthworks before any construction can take place.
23. Finally, the site is some distance from services and facilities, and a travel pack is required to encourage sustainable travel for future occupiers of the approved dwelling.

Conclusion

24. 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:
Location Plan 19/19/12
Existing Site Plan 19/19/13
Existing Site Sections 19/19/14
Existing Garage Plans & Elevations 19/19/15
Proposed Site Plan 19/19/16
Proposed Site Sections 19/19/17
Proposed Plans & Elevations 19/19/18 Revision A
- 3) No development above ground level shall commence until details of the materials to be used in the construction of the external surfaces of the dwellinghouse hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) earthworks showing existing and proposed finished levels or contours
 - ii) means of enclosure and retaining structures
 - iii) boundary treatments
 - iv) vehicle parking layouts
 - v) other vehicle and pedestrian access and circulation areas
 - vi) hard surfacing materials
 - vii) an implementation programme

Details of soft landscape works shall include planting plans and written specifications including cultivation and other operations associated with plant and grass establishment and proposed numbers/densities where appropriate.

The landscaping works shall be carried out in accordance with the approved details and the agreed implementation programme. Any newly planted tree, shrub or hedgerow or any existing tree, shrub or hedgerow to be retained, that dies, or is uprooted, severely damaged or seriously diseased, within five years of the completion of the development, shall be replaced within the next planting season with another of the same species and of a similar size.
- 5) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 6) Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council (to include six one day travel vouchers for use with the relevant local public transport operator).