
Appeal Decision

Site visit made on 31 August 2021

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 September 2021.

Appeal Ref: APP/H1515/D/21/3274161

13 Warleywoods Crescent, Warley, CM14 5JD

- 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 S Das against the decision of Brentwood Borough Council.
 - The application Ref. 20/01608/HHA, dated 6 November 2020, was refused by notice dated 15 March 2021.
 - The development proposed is dropped kerb/cross over to provide vehicular access from the highway to the property.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the appeal was lodged a revised version of the National Planning Policy Framework (the Framework) has been published. However, as the policies of most relevance to this proposal have not changed fundamentally it has not been necessary to seek further comments from the parties.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the street scene.

Reasons

4. The appeal property forms one of a group of dwellings comprising Warleywoods Crescent that are set behind a narrow footway, with a deep grass verge and footpath beyond that separates it from the main carriageway of Crescent Road in front. On the southern side of the road, green verges of varying depth with mature trees are a characteristic feature in the vicinity. Although the depth of the verge in front of the appeal site is reasonably modest, it forms part of a much deeper greensward and therefore makes a contribution to the wider street scene.
5. The front garden of the appeal property is already paved for vehicle parking, and the semi-detached pair of dwellings immediately to the west have their own vehicular crossovers and off-street parking. A lengthy bay along the southern side of Crescent Road provides resident permit parking. Steps also cross the verge to give pedestrian links between the two footpaths.

6. Amongst other criteria, Policy CP1 (i) and (iii) of the Brentwood Replacement Local Plan 2005 (BRLP) seek to resist proposals that would have an unacceptable detrimental impact on visual amenity or the character and appearance of the surrounding area, and requires a high standard of design and layout compatible with its location and any surrounding development. Vehicle parking is an obvious feature of the street scene, but the greenswards in the area provide some visual relief. It is accepted that the proposal would not result in the total erosion of the greensward, with the appellant advising that it would amount to less than 15% of the green verge. Nevertheless, the proposed tarmac crossover would encroach onto the grass verge and would undermine its visual benefits in the street scene. I am not convinced that the suggested planning conditions could resolve this harm.
7. The appellant highlights the support set out in the Framework to promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions; and that Planning policies and decisions should encourage multiple benefits from both urban and rural land. However, whilst on-site parking may benefit the functionality of the dwelling, its absence would not obviously stifle the effective use of the property, particularly as safe residents' parking would appear to be available on Crescent Road.
8. At the appeal site visit, other crossovers were evident in the vicinity. The appellant has provided information on some examples further afield, but limited detail has been supplied of their contexts, the circumstances of their construction, and the planning policy frameworks against which the proposals were assessed. Driveways across the deep grass verges in the vicinity of the appeal site are the exception, and on the basis of the limited information supplied, these examples do not warrant acceptance of the appeal proposal.
9. I therefore conclude that the proposal would detract from the character and appearance of the street scene, and would conflict with the aims of BRLP Policy CP1 (i) and (iii). I note the appellant's view that the proposal would accord with Policy CP1 (viii), but for the reasons outlined above it would fail to conserve or enhance the character and appearance of the surrounding area, and the information supplied does not demonstrate that the harm to the environmental asset would be outweighed by the need for the development.

Other Matters

10. The appellant's appeal statement refers to a personal need for the proposal, but little information has been provided, and as such limited weight has been placed on this factor.
11. The appellant has raised concerns about the Council's processing of the planning application. However, there are other procedures to pursue issues about the determination process, and such matters cannot be explored in a Section 78 planning appeal. The appeal must be considered on its planning merits, and as such this argument has little weight in this decision.

Conclusion

12. For the above reasons, I conclude that this appeal should be dismissed.

H Lock INSPECTOR