



Appeal Decision

Site visit made on 18 January 2020

by Andre Pinto BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th February 2022

Appeal Ref: APP/H1515/W/21/3278146
45 North Road, Brentwood CM14 4UZ

- 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 Alexander Finch-Hutchins against the decision of Brentwood Borough Council.
 - The application Ref 21/00702/FUL, dated 19 April 2021, was refused by notice dated 11 June 2021.
 - The development proposed is demolition of the existing Action House building and the construction of a detached office building with integral garage and storage area.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effects of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site is located within a fairly quiet, predominantly residential, road. The road is dominated by a series of detached, semi-detached and terraced properties that, although varying significantly in relation to their overall design and general appearance, are broadly consistent in relation to building line, overall height and roof height. It is this consistency that provides the area with some cohesiveness and defines its character and appearance.
4. In this context, the appeal site is at odds with the remaining streetscape. With the exception of part of Brentwood Fire Station, the existing building is the only other one storey building located on North Road. Consequently, it is noticeably shorter than any other building on the same road and, although it respects the established building line, it differs from all other buildings in relation to roof design, roof height and materials.
5. The present proposal is for the demolition of the existing building and the construction of a detached office building. The proposal would also include a dormer window to the rear elevation of the proposed development.
6. As set out in drawing 1755/02B, the construction of the proposed development would lead to the creation of a gable roof, clearly visible from public land, and in contrast to the dominant roof form established by the buildings located to either side of the appeal site.

7. The present proposal would also create a building that would stand taller than those immediately adjacent to it, therefore increasing its visual dominance within the streetscape and further emphasising the divergent roof design.
8. For the reasons stated above, the proposal would, therefore, further erode the character and appearance of the area by failing to reflect the prevailing roof form and overall height of the buildings located to either side of the appeal site.
9. In its Statement of Case (2021) the Appellant has include reference to another property, 27 North Road, with a similar roof design to the one proposed and drawn my attention to other properties, along North Road, where roof form and design is inconsistent.
10. I do not have the full details of the nature of these proposals or the circumstances and material considerations that were relevant to their determination, nor if permitted development rights were utilised in any of these cases which the Appellant refers to in its Statement of Case.
11. Consequently, I cannot be sure that these are wholly representative of the circumstances in this appeal and, in any case, I must determine this appeal on its own merits.
12. The Appellant has also drawn my attention to a previous extant permission, Ref 21/00024/FUL, on the same site as the appeal site, which also proposes the demolition of the existing building and the construction of a detached office building with integral garage and storage area. The appellant claims that this represents a fallback position and also forms a "quasi-statement" of common ground on a number of issues.
13. I have no doubt there is a strong prospect that, in the event of this appeal being dismissed, the extant permission would likely be built out. As such, the fallback position constitutes a material consideration that should carry some weight.
14. Nevertheless, for this matter to be determinative, the approved development would need to be less desirable than what is now proposed and, in that regard, it appears to me, particularly in relation to the main reason for refusal which is linked to the effects of the proposed roof form on the character and appearance of the area, the fallback position would in fact constitute a form of development that would better relate to the buildings located to either side of the appeal site and, consequently, have a less detrimental effect on the character and appearance of the area.
15. The Council's decision also raised concerns regarding the effects of the proposed dormer window on the character and appearance of the area.
16. Policy H17 of the Brentwood Replacement Local Plan (2005) states that the design and scale of a dormer window should remain a subsidiary feature of the roof, set in from any wall of the property and be below the ridge height.
17. The dormer window would be located to the rear of the proposed development and, considering its overall shape and height, as well as the overall height and design of the buildings which occupy 47 and 43 North Road, I do not find that the proposed dormer window would be easily visible from public land.

18. Moreover, it would also be largely hidden behind the half hip of the proposed gable roof, a subsidiary feature of the roof, set in from any wall of the property and below the ridge height. Consequently, I do not find that the rear dormer window would be harmful to the character and appearance of the area.
19. Nevertheless, although the dormer window to the rear elevation of the proposed development would not have a harmful effect on the character and appearance of the area, the proposed development, by failing to reflect the roof form and the overall height of the buildings to either side of the appeal site, would have a harmful effect on the character and appearance of the area.
20. Therefore the proposed development, in relation to its roof form and height, would harm the character and appearance of the area and, although I have not found a conflict with Policy H17, it would be contrary to Policy CP1 of the Brentwood Replacement Local Plan (2005), the Brentwood Town Centre Design guide SPD and the National Planning Policy Framework and National Design Guide.

Conclusion

21. For the reasons given above, I conclude that the appeal should be dismissed.