



Appeal Decision

Site visit made on 22 February 2022

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 March 2022

Appeal Ref: APP/H1515/W/21/3279759

50 Oliver Road, Shenfield, Essex CM15 8QA

- 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 Paul Dicker against the decision of Brentwood Borough Council.
 - The application Ref 21/00871/FUL, dated 25 April 2021, was refused by notice dated 23 July 2021.
 - The development proposed is to demolish existing bungalow, construction of two three bedroom dwellings with off street parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant's statement makes reference to both Kilworth Road and Kenilworth Road. I have taken these to mean Kilworth Avenue.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal property is a detached bungalow at the corner of Oliver Road and Kilworth Avenue. The area is characterised by a mix of detached bungalows and two storey semi-detached dwellings. Although the roads are not wide, a sense of spaciousness is apparent in the area, derived from a combination of gaps between properties, buildings being set back within their plots and limited built form close to street corners and junctions.
5. The proposed scheme would involve the demolition of the existing bungalow and see it replaced by a pair of semi-detached dwellings. Given the character of the area, a two-storey structure would not, in and of itself, be out of keeping with the character of built form in the area. Indeed, the proposal seeks to incorporate bay windows, hipped roofs and gable features to broadly replicate the styling and appearance of other semi-detached dwellings in the area.
6. However, the appeal site tapers towards its frontage with Oliver Road and is noticeably less wide than the frontage of other pairs of semi-detached dwellings in the immediate vicinity. Given the footprint of the proposed dwellings and the shape of the site, the development would be closer to Kilworth Avenue, when compared to the existing situation. Importantly, the

front of Plot 1 would be markedly forward of the established building line of Kilworth Avenue. Notwithstanding the proposed boundary details and any soft landscaping, given the overall scale of built form proposed and the size and shape of the site, the development would be unduly prominent, appearing squeezed in and out of keeping with the more spacious pattern and character of development in the area.

7. Accordingly, the proposal would be contrary to Policy CP1 of the Local Plan¹ which, amongst other things, seeks to ensure that development does not have an unacceptable impact on the character and appearance of the surrounding area. The proposal would also be contrary to Paragraph 130 of the Framework², which amongst other things, seeks to ensure developments are sympathetic to local character.

Other Matters

8. The proposal is said by the appellant to be a response to a previous appeal decision on the site. Putting aside that weight is a matter for the decision maker in each case, I note that the previous Inspector raised concerns regarding the proximity of the previous scheme to Kilworth Avenue and the effect on the character of the area. The appellant indicates that the houses are now set further away from the boundary with Kilworth Avenue than the previous scheme. Adjusting the position of the houses does not in itself mean that the current scheme is acceptable or absolve me from making an assessment as to its effects. Indeed, having assessed the current proposal, I have found that it would harm the character and appearance of the area, given the proximity of the built form to Kilworth Avenue. I do not consider my findings to be inconsistent with that of the previous appeal decision.
9. The appellant has pointed out a number of instances in the local area where development has occurred close to a site's boundary due to the shape of the site. However, these appear to assimilate acceptably in terms of their design and appearance and do not, based on what I have seen, harm the character and appearance of the street scene in the same way the appeal proposals would. They do not therefore lead me to allowing the appeal.

Conclusion

10. I have found that the proposal would harm the character and appearance of the area, contrary to the development plan taken as a whole. The policies cited in this respect above are not out-of-date because the need to protect the character and appearance of the area is perennial and in direct compliance with the Framework. The harm I have found would lead to conflict with Paragraph 130 of the Framework which, amongst other things, seeks to ensure that new development is sympathetic to local character.
11. The appeal site would provide one additional dwelling in a borough that currently lacks a 5-year housing land supply and would also accord with the Framework's support for windfall sites. However, the provision of one additional dwelling, by its nature, would make only a small contribution towards housing supply. There would be associated social and economic benefits although some of these would be limited by virtue of time and the scale of the proposal. But

¹ Brentwood Replacement Local Plan (2005)

² National Planning Policy Framework (2021)

these benefits would be insufficient to outweigh the conflict with the development plan as a whole.

12. The appeal should therefore be dismissed.

Stewart Glassar
INSPECTOR