



Appeal Decision

Site visit made on 28 June 2022

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 July 2022

Appeal Ref: APP/H1515/W/22/3290830

Paglesham, 23 Ridgeway, Hutton CM13 2LP

- 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 and Mrs Mack against the decision of Brentwood Borough Council.
 - The application Ref 21/01376/FUL, dated 4 August 2021, was refused by notice dated 29 October 2021.
 - The development proposed is demolition of existing house and erection of replacement dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council has confirmed that the policies from the Brentwood Replacement Local Plan (2005) referred to in the Decision Notice have been superseded by policies from the Brentwood Local Plan 2016-2033 (Adopted 23 March 2022) (LP). Appeal decisions must be based on the policies from the development plan prevailing at the time of determination. In the case of this appeal, the Council has suggested that Policy BE14 of the LP is now the policy relevant to the determination of the appeal. The appellants are aware of the policy and have had the opportunity to comment on its relevance to the appeal.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the site and its surroundings; and
 - the living conditions of the occupants of 21 Ridgeway, with specific regard to outlook.

Reasons

Character and Appearance

4. The residential area within which the appeal site is situated is generally formed of detached dwellings arranged parallel with the surrounding streets, but there is much variation to their architectural design, their spacing from one another and the street, and the extent of mature landscaping. However, there is strong evidence of Arts and Crafts influences on the design of many houses, including the appeal property which features, amongst other things, painted timber detailing.

5. The built form of the existing dwelling fills the majority of the site, but the roof form over the lower elements at either side provides separation from the adjacent properties, thereby enabling views toward the backdrop of mature trees within its generous garden. There is also a similar relationship between Nos 25 and 27.
6. Taken together these stated features make a significant contribution to the character and appearance of the site and its surroundings.
7. The height and scale of the proposed dwelling would increase across the whole plot. This would reduce the extent of the gaps between the property and its neighbours, to the detriment of the visibility of the verdant backdrop of its garden. The attempted reduction of the perceived scale of the dwelling through its crown roof and dormer windows would be ineffective due to the projecting gables at either side and its overall depth. The proposed dwelling would therefore appear unwieldy in comparison to its neighbours either side, particularly as its scale would be insufficiently broken down.
8. It is not necessary to slavishly copy the appearance of older dwellings in a given area, as architectural innovation is critical to securing enhancement. However, the articulation of the façades of the dwelling, particularly its front, would be cumbersome and a jumbled assortment of inset and projecting elements of varying scale, form, and detailing. Hence, its appearance would be inferior to the refined architectural embellishment of the existing dwelling and it could not be said to raise the standard of design in the area.
9. The fenestration of other dwellings in the locality is of varying forms and proportions including the large areas of glass used in the construction of No 35. The proposed glazing would undoubtedly increase daylighting of rooms but, unlike No 35, the proportions of the glazing would only serve to emphasise the verticality of its overall height and scale.
10. I note that the majority of properties in the street are of two storeys adjacent to one another and the proposed ridge height would be comparable with No 25. The palette of materials for the dwelling is a modern interpretation of the established materials in the locale. The appellants also suggest that planting at the front of the site would be allowed to grow to help screen the development. However, these factors would neither individually nor collectively mitigate against the harm that would result from the proposal.
11. I have also been referred to the design of other dwellings in the locality, many of which are recent replacements of smaller dwellings. The proportions of the fenestration within 36 Ridgeway and 30 and 32 Heronway relate better to the form of those dwellings and bring balance to the front façades. The scale of the modern dwellings at 9, 11, and 34 Hillwood Grove is also broken down into component parts. The composition of the proposal would also differ to 19 and 21 Ridgeway, as the central mass of the former steps down considerably and the latter is a smaller building that is unassuming. Despite the presence of these and other dwellings in the area, I have considered the appeal scheme on its own individual merits and they do not justify the harm I have identified.
12. For these reasons, the proposed development would have a significantly detrimental effect on the character and appearance of the site and its surroundings. Hence, it would conflict with the design aims of LP Policy BE14,

paragraphs 130 and 134 of the National Planning Policy Framework (20 July 2021) (the Framework), and Section C1 of the National Design Guide.

Living Conditions

13. The appeal property is a detached house which is positioned further back from the street than 21 Ridgeway. The main part of the dwelling slopes away from the boundary at roof level above ground floor and the existing rear projection is set away from the boundary with No 21.
14. The proposed dwelling would be positioned slightly further away from No 21, but it would be of two storeys with a steeply pitched roof. Accordingly, it would be considerably greater in scale than the existing dwelling and present a substantial blank area of walling and roof adjacent to the boundary with No 21. The resultant development would therefore appear oppressive and imposing when viewed from within the rear garden of No 21. The effects of this change in the environment of the neighbouring property would be more apparent given that the appeal property is positioned further back beyond its rear façade.
15. I appreciate that the proposal would not project beyond a 45-degree line measured from the centre of the neighbours windows but this would not alter my findings in relation to the effects of its scale. Similarly, while the modern dwelling at No 19 is of a similar height close to No 21, its two-storey gable is adjacent to a rear projection from No 21, so the relationship would not be comparable with the appeal scheme.
16. For the reasons outlined above, I conclude that the proposed development would be oppressive and overbearing in the outlook from the garden of 21 Ridgeway to the extent that it would have a significantly harmful effect on the living conditions of occupiers of that property. Hence, it would fail to accord with the aims in respect of living conditions expressed in LP Policy BE14 and paragraph 130 of the Framework.

Other Matters

17. The appellant has suggested that the existing property could be extended considerably under 'permitted development rights' to a larger footprint than the proposal. However, I have not been referred to any specific proposal that would achieve this or the corresponding section(s) of legislation, so I have afforded this argument very limited weight.

Planning Balance and Conclusion

18. The proposal would provide an improvement upon the energy performance of the existing dwelling, which would largely benefit the appellants, but there would be a small environmental benefit to the public through minimisation of energy consumption. Given that planting of the site frontage could be achieved without the proposal, it would be an environmental benefit of limited weight. The absence of harm in respect of other considerations of living conditions of neighbouring occupiers would neither weigh for nor against the appeal scheme. In terms of harm, the proposed development would not comply with the LP in respect of the harm to the character and appearance of the site and its surroundings and the outlook from the garden of 21 Ridgeway.
19. This leads me to an overall conclusion that the appeal scheme would not accord with the development plan, when considered as a whole, and I find that the

adverse impacts of the proposal are matters of great weight against the grant of planning permission that outweigh the stated benefits.

20. The proposed development would be contrary to the development plan and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Accordingly, for the reasons given, I conclude that the appeal should not succeed.

Paul Thompson

INSPECTOR