



Appeal Decision

Site visit made on 4 January 2023

by Mark Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2023

Appeal Ref: APP/H1515/W/22/3301388

7 Apple Tree Close, Doddinghurst, Brentwood CM15 0QR

- 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 Ken Haynes and Mrs Brenda Haynes against the decision of Brentwood Borough Council.
 - The application Ref 22/00294/FUL, dated 19 February 2022, was refused by notice dated 13 May 2022.
 - The development proposed was originally described as 'Proposed new 2 Bedroom Bungalow beside existing 2 Bed Bungalow'.
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Decision

1. The appeal is allowed and planning permission is granted for construction of a detached bungalow to the side of the existing dwelling, including the demolition of the conservatory on the host dwelling at 7 Apple Tree Close, Doddinghurst, Brentwood CM15 0QR in accordance with the terms of the application, Ref 22/00294/FUL, dated 19 February 2022, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The site address in the above heading is taken from the appeal form as it is more accurate than the one on the planning application form. Additionally, the description of the development in the heading is taken from the application form. However, I have used an amended description from the appeal form and decision notice in the formal decision as it includes the proposed demolition of the conservatory attached to the side of the existing dwelling at 7 Apple Tree Close and thus describes the development with greater precision.
3. In an attempt to address the Council's second refusal reason, the appellant provided a new drawing¹ at the start of the appeal. It shows how the use of the driveway could be shared and how fencing could be erected between the bungalows, including the pedestrian access route to the proposed one. The use of the driveway and the installation of boundary treatments can be secured by planning conditions. Nevertheless, to ensure that no prejudice would arise to any party, I have taken the drawing into account on an illustrative basis only.

Main Issues

4. The main issues are the effects of the proposal on: (i) the character and appearance of the site and its surroundings; and (ii) the living conditions of the occupiers of No 7, with particular regard to disturbance.

¹ Drawing reference: 317/7

Reasons

Character and appearance

5. The site includes a detached bungalow with a front driveway and garden land to its side and rear. It is located at the end of Apple Tree Close, which is a small cul-de-sac that spurs from Apple Tree Crescent. The bungalow and the other dwellings on the northern side of the roads form a single row of properties in a generally consistent building line, except for a projection to the front of the bungalow. Most of the properties in the roads include two storey dwellings that extend across much of their plot widths. However, bungalows are evident nearby in other roads. The garden to the side and rear of the site has an open and spacious feel, but this is not readily apparent from nearby public spaces due to surrounding buildings and boundary treatments.
6. The Council has not objected to the removal of the conservatory or the design of the proposed bungalow, and I do not consider that the scheme would be harmful in these respects. The front of the proposed bungalow would generally follow the established building line, its height would be comparable with the existing bungalow and its width would be like other properties in the row. Additionally, notwithstanding the access arrangement, the width and size of the plot and the gaps between dwellings would be comparable with other properties in the row. It would be consistent with the siting, position, form and thus pattern of existing development and be a compatible addition to the row.
7. Although the pedestrian and vehicular access arrangement would rely on shared use of the driveway, this would not be prominent or discordant given the site's location at the end of the row. Additionally, having regard to the illustrative drawing mentioned above, any boundary treatment between the properties would likely be limited in extent and height, and sit comfortably against the backdrop of the fencing for the adjacent property when viewed from Apple Tree Close. The character and appearance of the area could be protected by a condition to require the approval of the boundary treatments. Furthermore, a sense of openness and spaciousness would be retained across the site and when viewed from nearby properties due to the retention of much of the garden and the lower height of the bungalows compared to most of the two storey dwellings. Moreover, the impacts of the proposal in these respects would be minimal given the site's limited visibility from public viewpoints.
8. The proposal would not harm the character or appearance of the site or its surroundings. In this respect, it accords with Policy NE07 of the Brentwood Local Plan (LP), which states that development on garden land will only be permitted where sufficient space would be retained and the form, height and layout of the development would be appropriate to the surrounding pattern of development and the character of an area. It also accords with LP Policy BE14, which sets out various design criteria for creating successful places. Additionally, it conforms to Chapter 12 of the National Planning Policy Framework (Framework) and Section C1 of the National Design Guide, which support development that responds positively to surrounding context and is sympathetic of local character, amongst other things.

Living conditions

9. The Council's objections in respect of this main issue relate principally to concerns that disturbance would be caused by the proposed pedestrian and

vehicular access arrangement in close proximity to No 7. Although those moving to and from the proposed bungalow would pass close to a bedroom at No 7, it is not uncommon for pedestrians to walk near the windows of residential properties, such as where dwellings front directly onto footways, for example. In contrast with such arrangements, the number of movements to and from the proposed bungalow are likely to be limited given that the land would be private. Additionally, the property would have two bedrooms and thus likely have a limited number of occupiers. Walking is not a noisy exercise and there is no reason to conclude that those moving to and from the bungalow would be purposefully disruptive or loiter beside No 7.

10. The privacy of the occupiers of No 7 could be safeguarded by an appropriate scheme of boundary treatment, which can be secured by the aforementioned condition. I am satisfied that this would be capable of ensuring that satisfactory levels of outlook and light receipt would be retained. Moreover, the Council has not expressly raised concerns regarding privacy, outlook or light in terms of either the boundary treatments specifically or more generally. Further, a construction hours condition would mitigate the impacts of construction work on the occupiers of No 7 and the surrounding properties.
11. The illustrative drawing suggests that two parking spaces for the proposed bungalow could be sited towards the southernmost part of the site, with a space for the existing occupiers closer to the dwelling at No 7. In any case, the arrangement would not result in unacceptable levels of disturbance for the occupiers of No 7 due to the separation distance between the spaces and the bungalow, and as the speeds of and thus noise from vehicles accessing and egressing the site would likely be low. Disturbance from headlights would also be negligible given the orientation of the spaces to the carriageway.
12. The proposal would not harm the living conditions of the occupiers of No 7. In this respect, the proposal accords with LP Policies NE07 and BE14, which seek to protect and safeguard the living conditions of existing and future occupiers of property and ensure that adequate amenity space is provided.

Other Matters

13. Concerns have been raised about potential impacts of the proposal on the living conditions of the occupiers of properties other than No 7. Although the site's land height differs somewhat from some surrounding plots, due to the limited height of the proposed bungalow, its position and the distance between it and other properties, there would not be harm in this respect. A condition relating to the land levels of the development would be unnecessary. Additionally, there is no firm evidence that the development would result in the boundary treatments at the edges of the site collapsing.
14. It has been advanced that the proposal would result in access, parking and highway safety issues. However, the existing highway access would not materially change and the number of vehicles moving to and from the site would not increase significantly having regard to the likely number of occupiers of the proposed bungalow. There is nothing firm before me which indicates that access for construction purposes would be unachievable. Concerns are also raised that the occupiers would own more than two vehicles. The Highway Authority indicates that two spaces would be appropriate, but even if vehicle ownership was higher there is no objective evidence indicating that this would lead to unacceptable impacts in the surrounding roads.

15. No substantive evidence has been provided to suggest that the access route would be insufficiently wide for the occupiers, visitors or emergency services. Furthermore, the creation of one new bungalow would not result in significant additional pressure on local services and facilities. It has also been raised that the proposal would result in losses of views for surrounding residents, but this is not a material planning consideration. It also appears to be suggested that a legal instrument prevents any development of the site. Details have not been provided in this respect, but I can see no reason why granting permission would negate or supersede any private legal rights or restrictions relating to land ownership. Accordingly, this matter has not had any bearing on my assessment of the planning issues in this appeal.

Conditions

16. I have considered whether the conditions recommended by the Council and other parties meet the tests for conditions set out at paragraph 56 of the Framework. In order to satisfy those tests, minor editing of some of the conditions is necessary. In addition to the conditions already identified, the standard time limit and approved plans conditions are required in the interests of certainty. A condition to require the approval of the materials to be used in the construction of the bungalow is also necessary to ensure that the development would be compatible with its surroundings.
17. For environmental sustainability, I see no reason to disagree with a condition recommended by the Council in relation to limiting water use, providing wastewater infrastructure and protecting water courses and groundwater. However, the proposal would connect to the mains sewer and there is no evidence indicating that it would be necessary or proportionate for this small scale residential scheme to demonstrate that it would not adversely affect the sewerage network or improve local water quality. I have also removed an imprecise reference to measures to lowering water consumption rates and futureproofing. A condition relating to electric vehicle charging has also been suggested, but it is unnecessary as such matters are addressed by Approved Document S of the Building Regulations.
18. The Council's Environmental Health team suggests that bonfires on the site should be prevented during construction, but this can be controlled by other legislation. Additionally, the Highway Authority has recommended conditions relating to turning and parking for vehicles, unbound surfacing materials, the storage of building materials clear of the highway, and the provision of cycle parking and residential travel information packs, which are needed in the interests of highway safety and to encourage sustainable transport.

Conclusion

19. The proposal accords with the development plan. Material considerations do not indicate that a decision should be taken which is contrary to the development plan. For the reasons given, the appeal should succeed.

Mark Philpott

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: 317/2; 317/4; 317/5 Rev A; 317/6.
- 3) No development shall take place above slab level until details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) No development shall take place above slab level until details of measures to ensure that the dwelling hereby permitted does not exceed 110 litres per person per day, for the provision of wastewater infrastructure, and to protect the quality and functioning of existing water courses and groundwater have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 5) Prior to the first occupation of the dwelling hereby permitted, details of the treatment of all boundaries including drawings of any gates, fences, walls or other means of enclosure shall be submitted to and approved in writing by the local planning authority. The boundary treatments shall be installed in accordance with the approved details prior to the first occupation of the dwelling and thereafter be retained and maintained.
- 6) Prior to the first occupation of the dwelling hereby permitted, the vehicle parking and turning areas shall be provided as shown on drawing reference 317/4 and with a minimum of two parking spaces provided per dwelling within the site, and retained in that form thereafter.
- 7) Prior to the first occupation of the dwelling hereby permitted, cycle parking shall be provided in accordance with the local planning authority's Parking Standards. The cycle parking shall be secure, convenient, covered and retained at all times.
- 8) Prior to the first occupation of the dwelling hereby permitted, details of a residential travel information pack which includes six one day travel vouchers for use with the relevant local public transport operator shall be submitted to and approved in writing by the local planning authority. A pack in accordance with the approved details shall be provided to the dwelling prior to its first occupation.
- 9) No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 10) Any building materials associated with the demolition or construction works shall be stored clear of the highway.
- 11) Demolition or construction works shall take place only between 08:00 and 18:00 on Monday to Friday and 08:00 and 13:00 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.