



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: 17 January 2023

Appeal Ref: APP/H1515/W/22/3293822

Land Rear of 118 High Street, Ingatestone, Essex CM4 0BA

- 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 Baxter against the decision of Brentwood Borough Council.
 - The application Ref 21/01821/FUL, dated 21 October 2021, was refused by notice dated 24 December 2021.
 - The development proposed is new dwelling house.
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Decision

1. The appeal is allowed and planning permission is granted for new dwelling house at Land Rear of 118 High Street, Ingatestone, Essex CM4 0BA in accordance with the terms of the application, Ref 21/01821/FUL, dated 21 October 2021, subject to the conditions set out in the attached schedule.

Preliminary Matter

2. Following the Council's determination of the planning application, the Brentwood Local Plan 2016-2023 (LP) was adopted. The Council reported the relevant policies and both main parties have been able to consider any implications of the change to the development plan during the appeal process.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area including heritage assets.

Reasons

4. The site includes a small parcel of land encircled mostly by upstand kerbs, an area of hardsurfacing, and a timber clad garage. It is located beside an access that extends from High Street to residential properties at Elston Court. Areas used for parking and manoeuvring vehicles are immediately adjacent to the site. The nearest building at Elston Court features a two storey, timber clad and gabled elevation with a first floor balcony facing the site. Timber clad buildings are adjacent to the garage on site, but these seem to be accessed from further along High Street. Curtilage to the rear of 120 High Street is also nearby, which is a single storey rendered building that was undergoing building work when I visited.
5. The site is located behind 112-118 High Street, which is a grade II listed building consisting of a row of terraced properties that abut the highway. The listed building is principally two storeys in height, notwithstanding single storey

projections to its rear and near the access to the site. Amongst other things, it is timber framed and features plastered elevations, mostly sash windows to its front and casements to its rear, and a pitched and clay tiled roof. The listing description suggests it was built in the seventeenth or eighteenth century albeit later alterations are reported.

6. The site and the surrounding development are located within the Ingatestone High Street Conservation Area. The associated appraisal¹ summarises that the conservation area takes in the historic core of Ingatestone, which was a major coaching town that particularly prospered at the end of the eighteenth and beginning of the nineteenth century and thus is predominantly Georgian in architectural style. The appraisal also reports good survival of undeveloped rear yards accessed through carriage arches and narrow openings in the building line. It states that the quality of backland areas varies, but that some good examples of infilling exist. At the time the appraisal was written, Elston Court was to replace a disused factory building, and it states that this was an opportunity to improve the landscaping and visual appearance of this area when viewed from High Street. It grades the former factory building and the buildings next to the garage as contributing negatively to the conservation area, whereas Nos 112 to 118 and 120 are identified as positive features.
7. A heritage statement was submitted with the application. It reiterates aspects of the appraisal and, supported by historic mapping, suggests that the area behind the listed building formed yards that were repeatedly redeveloped during the nineteenth and twentieth centuries. It seems that small enclosures and buildings once existed to the rear of the listed building, but the yards became more open and the buildings therein became fewer and larger over time, which likely reflects factors such as a decreased need for stabling and changes to industry. Neither the Council nor its heritage advisor have explicitly disagreed with the statement's findings, with the latter confirming that its discussion regarding the former buildings within the site is correct.
8. In summary, the significance of the conservation area is derived in part from its historic layout and architecture, including various traditional local building materials such as brick, render, slate and timber. The listed building is significant as, due to its position, features and materials, it is a well-preserved example of historic development within Ingatestone. Although the land and the garage within the site form part of the setting to the listed building as part of a yard, these date from the mid to late twentieth century onwards, have little value in themselves and thus make a limited contribution to the significance of the heritage assets.
9. The proposal would create a dwelling of modest proportions and include materials and features such as a brick plinth and roof dormer style elements that are comparable with or complementary to development in the immediate vicinity, other backland locations as identified in the heritage statement, and the wider conservation area. The proposal would not appear cramped as sufficient space would be provided around the dwelling having regard to its small scale. Furthermore, the dwelling would be set back from High Street and be smaller than and subordinate to the listed building such that it would be reflective of the sorts of buildings that were likely present in the yard historically. Only limited views of the scheme would be apparent from High

¹ Ingatestone High Street Conservation Area Appraisal and Management Plan, 2008

Street, and due to its size, design and position, it would not compete with or detract from views of the front, side or rear of the listed building. Moreover, it would provide a more sensitive backdrop than the comparably large gable end to Elston Court and the unsympathetic existing garage and the adjacent buildings.

10. Planning conditions to require the approval of the materials to be used in the construction of the dwelling and the site's surfaces, and details of its boundary treatments, would ensure that the development would accord with its surroundings including the heritage assets.
11. It has been put forward that the setting of the listed building can be enhanced through means other than the scheme, such as through landscaping of the area. However, the proposal would not be harmful for the reasons identified and therefore potential alternative uses for the site are irrelevant.
12. The scheme would preserve the setting of the listed building and the character and appearance of the conservation area and the wider locality. The significance of these heritage assets would thus be sustained. There would be no harm to the significance of other heritage assets, including listed buildings elsewhere on High Street, due to the distance between them and the site and the presence of intervening development.
13. Accordingly, the proposal complies with LP Policies BE14 and BE16, which set out various design criteria for creating successful places and require the significance of heritage assets to be sustained and wherever possible enhanced, alongside other considerations. Furthermore, the proposal would not conflict with Chapter 16 of the National Planning Policy Framework (Framework), which seeks to conserve and enhance the historic environment.

Other Matters

14. A range of concerns about the proposal have been identified by interested parties. It is advanced that the proposal would provide unsatisfactory living conditions. However, the Council has not raised objections in this regard. Although the dwelling would be small and the first floor ceiling height would be low in parts due to the roof design, sufficient space and satisfactory conditions would be provided internally having regard to the likely limited number of occupiers of the one bedroom property. There would also be a modest amount of external amenity space, but the garden would be a practicably useable shape and not overlooked significantly. Furthermore, the Council highlights that the site is in an accessible location and the occupiers could use nearby open spaces. Firm evidence to the contrary has not been provided.
15. Concerns are also raised about the potential impacts of the proposal on the living conditions of the occupiers of Elston Court and Nos 112 to 118. However, the dwelling would be limited in size and be sited a sufficient distance from the neighbouring properties so as to not result in any significant outlook, daylight or sunlight impacts. It would also feature no windows in the elevations facing those properties, notwithstanding a small staircase window and high level rooflight to the front dormer, which would not have a significant effect on privacy because of their size and position.
16. Access, parking and highway safety issues are also put forward. However, the access to and from High Street is established and the vehicle movements

generated by one additional small dwelling would be insignificant. There is no objective technical evidence that the proposal would prevent the occupiers of nearby properties from manoeuvring vehicles or restrict access by emergency service vehicles. Moreover, neither the Council nor the Highway Authority have objections with regards to these matters. Accordingly, the proposal would be satisfactory in these respects.

17. It is claimed that the proposal would create a precedent for similar development elsewhere in the borough. However, no directly comparable sites to which this might apply have been put forward and a generalised concern of this nature does not warrant withholding permission. Moreover, the scheme in this case is acceptable and thus I can see no reason why it would lead to harmful development in other locations.

Conditions

18. I have considered whether the conditions recommended by the Council and other parties satisfy the tests for conditions identified 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 ones already identified, the standard time limit and approved plans conditions are required for certainty.
19. Interested parties have concerns about construction impacts. Some disruption would occur during construction, but this could be mitigated appropriately by careful management. Due to the small size of the plots, the shared access arrangement, for safety and to protect the living conditions of the occupiers of neighbouring properties, a pre-commencement condition is needed to require the implementation of a method statement throughout the construction process. Another pre-commencement condition is also needed to secure the implementation of an approved programme of archaeological work as the Essex Historic Environment Record indicates that archaeological interest features may survive within the site and development could otherwise harm such features.
20. The Highway Authority has recommended conditions relating to 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 the use of sustainable transport modes.
21. The Council has recommended a condition relating to various aspects of water management. One to limit water use, require the provision of wastewater infrastructure, and demonstrate that the sewerage network, existing water courses and groundwater would not be adversely affected is needed for environmental sustainability and as it is unclear whether the proposal would connect to a mains sewer. However, there is nothing before me which indicates that it would be necessary or proportionate for this single dwelling scheme to include measures to improve local water quality. I have also omitted a suggested reference to measures to lowering water consumption rates and futureproofing from the condition, which lacks precision. A condition to require provisions are made for electric vehicle charging has also been recommended, but it is unnecessary as such matters are addressed by Approved Document S of the Building Regulations.

22. The Council has recommended that permitted development rights are restricted in respect of future enlargements of the dwelling, Class E² development and means of enclosure in the site. In addition, a condition has been suggested that would prevent grilles, security devices, external lighting equipment or other fixtures being mounted to the dwelling. Paragraph 54 of the Framework states that permitted development rights should not be restricted by conditions unless there is clear justification to do so. The Council states that the conditions would safeguard the character and appearance of the area and I am mindful of the sensitivity of the heritage assets. However, many permitted development rights are excluded in conservation areas and the scope for undertaking significant works would be limited by the site's tight curtilage. Compelling evidence indicating that these forms of development would be harmful has not been provided and thus the recommended conditions are unnecessary.

Conclusion

23. The proposal accords with the development plan. No material considerations indicate that a decision should be made which is contrary to the development plan. Accordingly, the appeal is allowed.

Mark Philpott

INSPECTOR

² Class E of Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015

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: 18-428/04 Rev B; 18-428/05 Rev B; 18-428/06 Rev B; 18-428/07 Rev B.
- 3) No demolition, development or preliminary ground works shall take place until a written scheme of investigation for a programme of archaeological work has been submitted to and approved in writing by the local planning authority and the archaeological work has thereafter been carried out in accordance with the approved written scheme of investigation.
- 4) No demolition, development or preliminary ground works shall take place until a construction method statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period for the development.
- 5) 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.
- 6) No development shall take place above slab level until details of the surfacing materials of the footpaths, driveways and parking areas 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.
- 7) No development shall take place above slab level until details of measures to ensure that the dwelling hereby permitted does not exceed 110 litres of water per person per day, to demonstrate that the development would not adversely impact on the sewerage network, 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.
- 8) Notwithstanding the approved plans and 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.
- 9) 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.
- 10) 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.

- 11) Any building materials associated with the demolition or construction works shall be stored clear of the highway.