



Appeal Decision

Site visit made on 23 January 2023

by Mark Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2023

Appeal Ref: APP/H1515/W/22/3306526

40 Bishops Hall Road, Pilgrims Hatch, Essex CM15 9NX

- 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 Alan Toby against the decision of Brentwood Borough Council.
 - The application Ref 22/00929/FUL, dated 28 June 2022, was refused by notice dated 19 August 2022.
 - The development proposed is demolition of existing side extension and garage and erection of 3 bed attached dwelling.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Alan Toby against the Council, which is the subject of a separate decision.

Main Issue

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

Reasons

4. The site includes a semi-detached house with single storey projections to its side and rear, a detached garage and front and rear gardens. It is located at one end of Bishops Hall Road near two offset highway junctions. Bishops Hall Road and King Georges Road form the first junction, and the latter and Windsor Road form the second. Additionally, King Georges Road runs alongside the site's side boundary fence and connects to a public footpath that leads towards the A12. Although the roads near the site are likely to be used principally to access the properties within the residential estate rather than as strategic thoroughfares, nothing objective has been submitted which indicates that the footpath is not used regularly. In any case, the site is highly prominent from several positions.
5. The property is similar to the attached one at No 38 and sited at the end of a row of comparable pairs of semi-detached properties. House types vary considerably along Bishops Hall Road and in the area more widely, with many extended or altered. Nonetheless, there is a sense of repetition and rhythm to the built form in the row towards the end of Bishops Hall Road and the site contributes to these characteristics. In addition, a wide highway verge is in front of the site, narrower verges are present on both sides of King Georges

Road near the footpath, and an open field with boundary vegetation is visible beyond the site from the junctions. These together with the limited height of the property's side projection and garage provide the immediate area with a sense of spaciousness and relief to mostly continuous built form in the locality.

6. The proposed house would be set down slightly from the ridge and set back from the front wall of the existing one. However, it would not be dissimilar in width, have a wider main ridge, and project notably beyond the rear of the existing one at first floor level. Consequently, the proposed house would be a disproportionately sized addition that would unbalance the pair of existing properties. The size and position of the proposed fenestration would also contrast poorly with the existing pair. In addition, the identified characteristics of the row when viewed from Bishops Hall Road would be harmed. Furthermore, most of the plot between the new house and the footpath would be infilled and thus the sense of spaciousness in the vicinity would be adversely affected. The use of materials to match the existing house and the presence of existing and additional vegetation screening around the site's boundaries would not be able to fully mitigate the impacts identified.
7. I note that the field to the site's rear is allocated for housing and open space in the Brentwood Local Plan (LP). The appellant argues that the allocation would require reasonably dense development. However, I have not been provided with any firm evidence of the potential layout or design for the allocation and have no reason to conclude that development there would justify the harmful impacts of the appeal proposal.
8. I have been referred to many schemes relating to land and properties elsewhere in Pilgrims Hatch. The extent of the similarities between the schemes and the proposal varies. Many differ markedly in, for example, constituting additions to terraces or detached properties¹, appearing as extensions and not separate dwellings², congruently continuing the eaves and ridge lines of adjoining dwellings³, being sited in less prominent locations or not on corner plots⁴, or occupying unusual positions with little effect on the characteristics of housing groups⁵. Additionally, some are a significant distance from the site and thus have different settings⁶.
9. Further, even those schemes that share more in common with the appeal proposal are not directly comparable. For instance, the relatively new property beside 24 Elizabeth Road⁷ is a less prominent addition than the proposal as it is adjacent to only one junction. Moreover, it was not near to an open field and thus the characteristics of and impacts on the area around No 24 would have been different to the appeal site's contribution to its surroundings and the proposal's effects. Whilst the schemes referenced clearly show that additions forming new dwellings are an established characteristic of housing within Pilgrims Hatch, none indicate that the proposal's specific impacts are justified.
10. The proposal would harm the character and appearance of the area significantly. It conflicts with LP Policy BE14, which states amongst other things

¹Council ref: 19/00265/FUL

²Council ref: BRW/209/2006

³Council ref: 15/01244/FUL

⁴Council ref: 16/00688/FUL

⁵Council ref: 19/00556/FUL

⁶Council ref: 19/00693/FUL

⁷Council ref: BRW/288/2010

that development should respond positively and sympathetically to their context. It also conflicts with paragraph 130 of the National Planning Policy Framework (Framework), which sets out alongside other considerations that decisions should ensure that development is sympathetic to local character.

Other Matters

11. The appellant suggests that the Council's housing supply position is fragile at just over 5 years. However, the Council alleges that it has 6.9 years supply. The proposal would contribute to housing supply and delivery and could be constructed relatively quickly. Additionally, I have no reason to doubt that the site is in an accessible location and acknowledge that the Framework seeks the efficient use of land. However, even if the Council's housing supply position is as the appellant claims or is actually below 5 years, the amount of housing proposed is limited and so too are the benefits of the development.
12. Overall, the benefits of the scheme attract modest weight. Conversely, the harm to the character and appearance of the area attracts significant weight. Consequently, even if the presumption in favour of sustainable development set out by paragraph 11(d) of the Framework were to be applicable due to housing supply or delivery issues, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Conclusion

13. The proposal conflicts with the development plan as a whole. Material considerations do not indicate that a decision should be taken which is contrary to the development plan.
14. Accordingly, the appeal is dismissed.

Mark Philpott

INSPECTOR