



Appeal Decision

Site visit made on 7 December 2022

by J Wellstead BA(Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 February 2023

Appeal Ref: APP/H1515/W/22/3298134

3 The Cobbles, Brentwood CM15 8BP

- 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 Ian Sinclair against the decision of Brentwood Borough Council.
 - The application Ref 21/01709/FUL, dated 5 October 2021, was refused by notice dated 28 January 2022.
 - The development proposed is subdivide plot and construct two storey side extension to form three bedroomed end terraced house.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the planning application was determined, the Council have adopted the Brentwood Local Plan 2016-2033 on 23 March 2022, which replaces the policies cited on the original decision notice. Therefore, I have determined the appeal on this basis.

Main Issue

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

Reasons

Character and appearance

4. The appeal site comprises of an end of terrace dwelling with a side and rear garden and is positioned within the middle of a residential cul-de-sac. The host property reflects the linear form and similar design features of the immediate area, which consists of terraced properties with predominantly off-street driveways and rear gardens.
5. The existing character and appearance of the residential properties in the cul-de-sac is of a mix of two-storey detached, semi-detached and terraced dwellings that are set back from the road behind front gardens and driveways. The abundance of trees, grassy areas and hedgerows, combined with the separation between the properties and tree cover, gives the cul-de-sac an open and verdant character and appearance.
6. The proposal would introduce a new dwelling attached to No.3, forming part of the terrace row and sited in what is currently a garden area. The site is

bounded by a number of trees, adjacent neighbouring properties and The Cobbles Road. The proposed development would continue the strong, existing building line of the adjacent terraced houses to the west of the road as it would be positioned in line with the end of the existing terraced properties.

7. Although the new dwelling would generally match the architectural features and materials used in the existing terrace dwellings, and would continue the existing terrace, the massing, bulk, scale and siting of the proposed development would significantly reduce the size of the host property's side garden which positively contributes to the suburban character and existing amenity space. The development of the proposed dwelling would inevitably remove the verdant, spatial gap between the host and adjacent properties and therefore have a significant impact on the openness of the street scene and be detrimental to the character and appearance of the area.
8. The vegetation across the appeal site currently provides a visual buffer between the row of terraced dwellings on one side and the dwellings on the other. The appellant stated that they could introduce further landscaping to enclose the land to the detriment of spatial openness. This new landscaping would take time to establish, thus it would not add to the verdant, green character of the cul-de-sac or further enhance the character and appearance of the area for a considerable time. The appellant has indicated that other existing areas of openness will remain within the cul-de-sac if the appeal is allowed, however this would not balance the significant harm caused by the loss of the greater proportion of the open, green space gap if this development were to go ahead.
9. My attention has been drawn to a section of housing that has been recently constructed, south of the appeal site. However, I do not have the precise details as to why this development was acceptable. Nonetheless, I saw that these houses are staggered in terms of the building lines and have a different style to the case before me. They are not therefore directly comparable, and given this difference, the presence of these houses does not amount to a precedent in favour of the appeal scheme or justify the proposal's harmful impact on the character and appearance of the area.
10. I therefore conclude that the proposal would result in the loss of openness and significantly erode the character and appearance of the area. As such, the proposal conflicts with Policy BE14: Creating successful places of the Brentwood Local Plan 2016-2033 Adopted March 2022. Policy BE14 is explicit that proposals should respond positively and sympathetically to their context and retain or enhance existing features which make a positive contribution to the area. In this instance this is not the case.

Other Matters

11. I have been referred to two previous appeal decisions¹ for a proposed detached dwelling adjacent to 3 The Cobbles. In both decisions the Inspectors found that the appellant had failed to justify the harm that the appeal proposal would pose to the character and appearance of the surrounding area. However, these appeals were for a different design of development, and in any case, I have considered this appeal on the evidence before me.

¹ APP/H1515/W/19/3237783 & APP/H1515/W/19/3242972

12. The main parties agree that following the adoption of the new the Brentwood Local Plan 2016-2033 Adopted March 2022 the Council can demonstrate a five-year housing land supply, so the tilted balance would not apply in this case.
13. The appellant highlights the economic, social and environmental benefits of the proposal in providing one home that will result in an increase in use of local services and facilities, creation of construction jobs and contribute towards the housing requirement within the Borough while making efficient use of the land. However, the support for new housing in the development plan and the Framework is not at the expense of ensuring that all development is appropriately located and integrates suitably with its surroundings. Therefore, as the harm arising from the proposal would be substantial and its benefits modest, the adverse impacts of granting consent would significantly and demonstrably outweigh any benefits.
14. I note that local residents have expressed additional concerns about the proposed development, including highway safety, car parking, landscaping, drainage, privacy and overlooking. However, the Council did not raise these points as reasons for refusal and I have no substantive evidence to support these concerns. Given my findings in relation to the main issues, it is not necessary to consider these matters in detail.

Conclusion

15. For the reasons given, I conclude that the development conflicts with the development plan, read as a whole. No material considerations have been shown to carry sufficient weight to warrant a decision otherwise than in accordance with it. Therefore, the appeal is dismissed.

J Wellstead

INSPECTOR