



Appeal Decision

Site visit made on 6 September 2023

by E Catcheside BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th September 2023

Appeal Ref: APP/H1515/W/23/3318741

Pooks Hill, Riseway, Brentwood, Essex CM15 8BG

- 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 St Katherine Group against the decision of Brentwood Borough Council.
 - The application Ref 22/01480/FUL, dated 20 October 2022, was refused by notice dated 20 January 2023.
 - The development proposed is the demolition of an existing dwelling and construction of 1 detached house and a pair of semi-detached houses.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the character and appearance of the local area; and
 - The effect of the proposed development on the living conditions of the occupants of Brook Lodge, Candleford, and San Vito with particular regard to privacy and outlook.

Reasons

Character and appearance

3. The appeal site sits on a leafy residential street that is characterised by large, detached dwellings, set back from the highway by driveways. The distinctiveness of the street is derived from the individuality of its buildings and the general lack of consistency in their form, height and appearance. The existing buildings are generally well-spaced, allowing views between and around them. In contrast, the appeal site is largely screened from all angles by dense vegetation and mature trees.
4. The proposed dwellings would be sited on a relatively wide plot and adjacent to the driveway to Brook Lodge, allowing for adequate space to be retained between the proposed dwellings and Candleford. The form, appearance and height of the dwellings would be different from those around them which, for the most part, would be in keeping with the individualistic character of the street. However, despite the proposed half-hipped roof structure, there would be a marked height difference between the proposed semi-detached dwellings and San Vito. This, combined with the gradient of the street and the proximity between the dwellings would create an awkward relationship that would appear

incongruent in the street scene. The result would be that the semi-detached dwellings would dominate views from the public realm and detract from local distinctiveness.

5. I conclude that the development would cause harm to the character and appearance of the local area. This would be contrary to policy BE14 of the Brentwood Local Plan 2016-2033 (the BLP) which, amongst other things, expects development to make a positive contribution to local character. In addition, the proposal would not accord with the National Planning Policy Framework (the Framework) which states that developments should seek to secure a high quality of design (paragraph 126) that are sympathetic to the local character (paragraph 130).

Living conditions

6. The existing Pooks Hill dwelling has extensive glazing to its side and rear elevations as well as a large rear terrace at first floor level. Direct views that would be available over neighbouring dwellings are currently severely restricted by mature trees and dense vegetation. The proposed development would remove the majority of these trees and would open up views between the appeal site and adjacent properties.
7. Views from the first floor rear windows of the proposed dwellings over Candleford's roof lanterns and gardens would be at an oblique angle and from a sufficient distance to safeguard the privacy of the occupants. There would, however, be direct window to window views between the proposed dwellings and Brook Lodge to the rear. Whilst the first floor windows would be set back further from the boundary than in the existing scenario, the combined effect of the loss of trees, proximity, and ground levels would lead to intrusive overlooking and loss of privacy for the occupants of Brook Lodge. There would also be some overlooking of private amenity space to the rear, however this would be reflective of the locality where some mutual overlooking of gardens is a common feature.
8. There is some disagreement between the parties as to whether the proposed development would restrict sufficient levels of natural light from reaching San Vito. However, even if natural light levels were maintained, the outlook from the internal living space and garden of San Vito would be dominated by views of the side elevation of the proposed semi-detached dwellings. The side elevation, by way of its height, depth and proximity would be an imposing structure. It would block views that can currently be gained over and to the rear of Pooks Hill and would enclose the garden to an unacceptable degree. The impact would be overbearing and would create an unpleasant outlook for the occupants of San Vito.
9. The evidence before me indicates that some of the trees on the appeal site are in poor condition and require removal regardless of the outcome of the appeal. However, I am not convinced that general landscape maintenance would remove the tree screen to the extent that is proposed to facilitate the development. In support of the appeal, my attention has been drawn to the replacement planting proposals which the appellant has offered to enhance through a landscaping condition. Whilst additional planting may go some way to reduce overlooking, I am not persuaded on the basis of the information available to me with the appeal, that it would be sufficient to overcome the harm I have identified.

10. I conclude that the proposed development would cause harm to the living conditions of the occupants of Brook Lodge through loss of privacy, and to the occupants of San Vito through poor outlook. This would be contrary to policies BE14 and NE07 of the BLP, insofar as they seek to protect the living conditions and privacy of neighbouring residents. In addition, it would not accord with the Framework which states that developments should seek to create places that promote health and well-being, with a high standard of amenity for existing and future users (paragraph 130).

Other Matters

11. The proposed development would offer some benefits through the replacement of the existing dwelling, which is in poor condition, with modern family-sized homes. It would also offer a good standard of accommodation, amenity space, and parking facilities, amongst other things. However, these benefits would not outweigh the harm I have identified that would be caused through the design and layout of the proposal.

Conclusion

12. The proposed development would be contrary to the development plan when read as a whole and there are no material considerations that outweigh that harm. For the reasons given above I conclude that the appeal should be dismissed.

E Catcheside

INSPECTOR