



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: 4th October 2023

Appeal Ref: APP/H1515/W/23/3314557

30 Danes Way, Pilgrims Hatch, Essex CM15 9JS

- 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 Ms Sylvia Shephard against the decision of Brentwood Borough Council.
 - The application Ref 22/00544/FUL, dated 8 June 2022, was refused by notice dated 15 July 2022.
 - The development proposed is demolition of existing single garage and construction of a new detached 3 bedroom home with associated parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the local area; and
 - the effect of the development on surface water flooding.

Reasons

Character and appearance

3. The appeal site encompasses land within the curtilage of 30 Danes Way. Most dwellings along Danes Way are semi-detached and set back from the highway. No 30 is part of a distinctive terraced row, which has strong symmetry and architectural rhythm with generous spaces to the buildings on either side. Other building blocks in the area are also separated by good-sized gaps, particularly at first floor level. This allows views to the rear and creates a sense of openness.
4. Whilst the proposed development would have some similarities in its appearance to nearby dwellings, it would erode the prevailing sense of openness by filling most of the gap between Nos 28 and 30 Danes Way. This would disrupt views to the rear and create a degree of enclosure to the street that would be visually incongruent. The dwelling would not make any physical alterations to the terraced row, but its position would intrude into the space around it, detracting from its appearance and the symmetry provided by the gaps on either side. Furthermore, the orientation of the proposed dwelling would put it at an awkward angle with No 28, causing it to appear cramped in its plot.

5. In support of the appeal, my attention has been drawn to other developments in the local area. On my site visit, I saw evidence of other developments, including an additional dwelling attached to 71 Danes Way. I do not know the background to these developments but do not find them to be directly comparable to the appeal proposal, which is for a detached dwelling.
6. I conclude that the development would cause material harm to the character and appearance of the local area. This would be contrary to policies BE14, HP03 and NE07 of the Brentwood Local Plan 2016-2023 (the BLP) insofar as they expect development to respond sympathetically to local context and character.

Surface water flooding

7. The appellant has provided me with the Environment Agency's Flood Risk Map for Planning, which shows the site is at low risk of flooding from river and sea. However, the Council has identified the site to be located within a Critical Drainage Area (CDA). This designation triggers the BLP requirement for a Flood Risk Assessment (FRA) to be submitted and for Sustainable Drainage Systems (SuDS) to be installed to mitigate any risk identified.
8. The BLP was adopted during the lifetime of the planning application. The appellant was unaware of the requirement to submit the FRA and has indicated a willingness to provide one if required. I am, however, required to determine the appeal as it stands before me and based on the development plan as it exists at the time of my decision. In the absence of the FRA, I am unable to make an informed judgement on flood risk and mitigation. For the same reason, it would not be appropriate to secure the FRA through condition.
9. I therefore conclude that the proposed development may increase the risk of surface water flooding and has not demonstrated compliance with policies BE05, BE14 and NE09 of the BLP. Taken together, these policies require developments within the CDA to assess and mitigate flood risk, and to integrate sustainable drainage.

Other Matters

10. In support of the appeal, the appellant has referred to the scarcity of building land within the local area. However, the appeal proposal would make a very modest contribution to housing land supply, the benefit of which would not outweigh the harm I have identified.

Conclusion

11. The proposal would be contrary to the development plan when read as a whole. There are no material considerations before me that outweigh the harm I have identified. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

E Catchside

INSPECTOR