



Appeal Decision

Site visit made on 14 November 2023

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19.12.2023

Appeal Ref: APP/H1515/D/23/3318130

14 Fryerning Lane, Ingatestone, Essex CM4 0DD

- 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 Phillip Hodey against the decision of Brentwood Borough Council.
- The application Ref 22/01376/HHA, dated 10 October 2022, was refused by notice dated 16 December 2022.
- The development proposed is a rear facing mansard loft conversion with rear wing.

Decision

1. The appeal is allowed and planning permission is granted for a rear facing mansard loft conversion with rear wing at 14 Fryerning Lane, Ingatestone, Essex CM4 0DD in accordance with the terms of the application, Ref 22/01376/HHA, dated 10 October 2022, subject to the conditions in the schedule to this decision below.

Procedural Matter

2. At the time of my site visit, a dormer had been constructed that was similar to the appeal proposal, with the exception of a brick parapet wall. From the information before me, it is unclear whether the dormer, as constructed, comprises permitted development¹. Even if part of the development did not require planning permission, I am required to consider the scheme as a whole. Therefore, I have determined the appeal on this basis.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the surrounding area, including the setting of a Grade II listed building and the setting of the Ingatestone High Street Conservation Area ('the CA').

Reasons

4. The appeal site comprises a two-storey, semi-detached dwelling with both single storey and two-storey offshoots/extensions to the rear. It is constructed of brick and has a slate roof. The dwelling is on the southern side of Fryerning Lane: a residential street with a mixed character and appearance.
5. The development involves an L-shaped dormer to the dwelling's rear and side roof slopes with grey hanging slates to the exterior walls. It is proposed to extend the brick side elevation of the dwelling above the existing eaves level to create a parapet-style roof feature. Although occupying a large proportion of

¹ Schedule 2, Part 1, Class B of The Town and Country Planning (General Permitted Development) Order 2015 (as amended)

the existing roof slope, I do not find that the dormer is overly bulky or contrived in its design, particularly due to its shape and the use of similar materials which assimilate with the existing roof. The parapet-style roof feature would introduce new architectural detailing that is not currently found on the dwelling. However, I do not find that it would unduly erode the character or appearance of the dwelling.

6. At the time of my site visit, the dormer could be seen when travelling from west to east along Fryerning Road. However, this was fleeting due to the siting and scale of 16 Fryerning Road. Furthermore, it did not appear overly prominent within the street due to its siting towards the rear of the dwelling. The road comprises a diverse mix of dwellings with various roof shapes, including different sized dormer windows to the front, side, and rear. Furthermore, No 16 has a large box-shaped rear dormer that is similarly glimpsed when travelling along the road. Consequently, the development would not appear incongruous within the street.
7. The appeal site is within proximity of the CA which encompasses the town's historic core with its medieval narrow street pattern and closely constructed buildings, many of which abut the back edge of the pavement. The buildings within the CA comprise a variety of commercial, retail, community and residential uses and have a mixed character and appearance. The significance of the CA is its historic and aesthetic value. The CA's high density coupled with existing trees/vegetation ensured that during my site visit, the existing dormer could not be experienced from public views within the CA. Furthermore, the height and limited scale of the dormer ensured that it did not affect public views into the CA. I do not consider that the addition of the brick parapet roof feature would alter my findings. Accordingly, I do not find harm to the CA.
8. To the east of the appeal site, separated by the attached neighbouring property (12 Fryerning Road), is a Grade II listed building ('Scotts', 10 Fryerning Lane). Therefore, I have a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act') to pay special regard to the desirability of preserving the setting of this listed building. The listed building is a part single storey, part two-storey timber-framed and plastered thatched cottage dating from the mid-16th century. It is reported to have been a school in the 19th century. The significance of the building therefore lies in its historic and aesthetic value. The separation between the appeal site and the listed building by the intervening dwelling and the positioning of the development ensures that it would not harm the setting of the listed building.
9. For the reasons detailed above, I do not agree with the Council's Historic Buildings and Conservation Officer's views, as I have found that the development would conserve the heritage assets. As I have found no harm to the setting of these designated heritage assets, paragraphs 200-202 of the National Planning Policy Framework ('the Framework') are not applicable. I have taken into consideration the guidance contained with The Essex Design Guide V.3, 2018 Edition in respect of dormers, however, this would not outweigh my previous findings.
10. In reference to the main issue, the development would not adversely affect the character and appearance of the surrounding area, including the setting of a Grade II listed building and the adjacent CA. It would comply with Policies BE14 and BE16 of the Brentwood Local Plan 2016-2033, adopted 2022, Policies

2 and 3 of the Ingatestone & Fryerning Parish Council Neighbourhood Plan 2020-2033, made 2022. These policies, amongst other things, seek to ensure that developments reflect, integrate and respond positively to the design, character and appearance of the surrounding area; and sustain and wherever possible, enhance the significance of heritage assets and their settings.

11. It would also comply with the Framework and the National Design Guide that seek to ensure that development is sympathetic to local character and history, including the surrounding built environment; and that developments conserve and enhance the historic environment.

Other Matters

12. The Council has directed me to the statutory duty under Section 72(1) of the Act that requires special attention to be paid to the desirability of preserving or enhancing any buildings or land in a conservation area. However, the appeal site is outside of the CA and therefore it is not applicable to the development.

Conditions

13. I have had regard to the conditions suggested by the Council. Where necessary, I have made amendments to these in the interests of clarity and precision. The standard condition in respect of the commencement of development is not necessary as a dormer has already been largely constructed. I have specified the approved plans for the avoidance of doubt and in the interests of proper planning (1). A condition requiring the brick to be used in the external surfaces of the development to match those used in the existing building is necessary to ensure the appearance of the development would be satisfactory (2). However, as I have found that the materials of the dormer as constructed are acceptable, these do not need to be included.
14. A condition requiring the en-suite shower room window to be obscure glazed and non-opening below a height of 1.7m above the floor of the room in which the window is installed is necessary to prevent any unacceptable overlooking of No 16 (3). The appeal site is within a Critical Drainage Area and therefore a condition requiring the incorporation of sustainable drainage features is reasonable and necessary (4). A condition in respect of the installation of an electric vehicle charging point (5) is reasonable and necessary to promote more sustainable means of transport, particularly as the development is not covered by Part S of The Building Regulations 2010.
15. Conditions (3), (4) and (5) are imposed to ensure that the required details are submitted, approved and implemented so as to make the development acceptable in planning terms. There is a strict timetable for compliance because permission is being granted retrospectively, and it is not possible to use a negatively worded condition to secure the approval and implementation of these outstanding matters before the development takes place. The conditions will ensure that the development can be enforced against if the requirements are not met.

Conclusion

16. For the reasons outlined above, having had regard to the development plan as a whole and all other matters raised, the appeal should be allowed.

A Berry

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: OS Location and Block Plan, Proposed Side Elevation, Proposed Rear and Front Elevations, and Proposed Loft and First Floor.
- 2) The brick to be used in the construction of the external surfaces of the development hereby approved shall match those used in the existing building.
- 3) The en-suite shower room window within the dormer hereby approved shall be fitted with obscured glazing, and no part of that window that is less than 1.7m above the floor of the room in which it is installed shall be capable of being opened. Within 2 months of the date of this decision letter, details of the type of obscured glazing and a scaled drawing of the window, including any means of opening, shall be submitted to and approved in writing by the local planning authority. The approved details shall be installed within 3 months of the local planning authority's approval and shall be retained thereafter.
- 4) Within two months of the date of this decision letter, a report detailing the sustainable drainage features to be incorporated into the development shall be submitted to and approved in writing by the local planning authority. The approved details shall be installed within three months of the local planning authority's approval and shall be retained thereafter.
- 5) Within two months of the date of this decision letter, a scaled drawing detailing where the space and infrastructure for an electric vehicle charging/plug-in point is to be provided and the manufacturer's details shall be submitted to and approved in writing by the local planning authority. The approved details shall be installed and operational within three months of the local planning authority's approval and shall be retained thereafter.

*****End of Conditions*****