
Appeal Decision

Site visit made on 23 January 2024

by Nick Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th February 2024

Appeal Ref: APP/H1515/W/23/3322784

Wingrave Court, Wingrave Crescent, Brentwood, Essex CM14 5PB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval required under Article 3(1) and Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Benjamin Cowen against the decision of Brentwood Borough Council.
 - The application Ref 22/01420/PADD, dated 5 October 2022, was refused by notice dated 21 April 2023.
 - The development proposed is the erection of an additional floor on an existing 3 storey block of flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The above description is based on that given in the application form, but with words that are not acts of development omitted.
3. Plans submitted with the prior approval application indicate the construction of a bicycle store. Limited details of this structure have been provided. The Council expressed, in its decision notice, that this element of the proposed development would not satisfy the requirements of Part 20, Class A.1(n)(iii) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('the Order'). Its concerns were that the structure would be situated on land forward of a wall fronting a highway and forming a side elevation of the existing building. Part 20, Class A concerns itself with new dwellinghouses on detached blocks of flats. Paragraph A.(d) allows for other ancillary facilities reasonably necessary to support the new dwellinghouses and in any case, the bicycle shed – as an ancillary facility, does not appear to be situated on land forward of a wall fronting a highway as it only addresses a minor, or internal, access.
4. Paragraph B.(15) of Part 20, Class A of the Order requires the local planning authority to take into account any representations made to them as a result of consultation, and to have regard to the National Planning Policy Framework ('the Framework'), so far as relevant to the subject matter of the prior approval, as if the application were a planning application. My determination of this appeal has been made on the same basis. The Framework was revised in December 2023. However, as the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments.

Main Issue

5. Paragraph A.2 of Part 20, Class A of the Order requires prior approval to be sought for the matters listed in that paragraph. Having assessed the application, the Council is content that the development is acceptable in all respects, except in relation to the external appearance of the building (paragraph A.2(1)(e)) and impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light (paragraph A.2(1)(g)). Based on the information before me, I have no reason to take a different view.

Reasons

6. Wingrave Court comprises a detached three-storey block of nine flats. It is set within a small estate of mid-20th century homes. These are in the form of rows of two and three-storey terraced houses and three and four-storey detached flat blocks, of which Wingrave Court forms one. It is the only one on this estate that has three floors whereas the other flat blocks rise to four-stories. In this regard, the proposed increase in height would not be at-odds with the character of the wider estate.
7. However, the roof form is markedly different and quite jarring in this context. The proposal is for a mansard roof with protruding flat roofed dormers which would fail to harmonise with the distinct and simple vernacular of the existing building. Nor would it read well with the roof forms of other flat blocks nearby or with the pitched roofs to the neighbouring terraced homes. The proposed development would fundamentally alter the architectural composition of the building relative to its surroundings and accordingly I find the external appearance of the extended flat block to be unacceptable.
8. However, despite this increase in height, I do not consider that this would be dominating insofar as it relates to the occupants of nearby premises' living conditions. There is ample space surrounding the building and the Daylight and Sunlight Report confirms there will be very little overshadowing as a consequence of the proposed development. I have noted the positioning of windows in the proposed new top floor. These windows would only overlook the street or to open front gardens that are otherwise readily visible from other existing homes and from the street. Despite the slightly more elevated position of these windows to the proposed dwellings, I consider that they would not result in a material increase in overlooking.
9. There is limited private outdoor space for the existing and potential future occupants of the flat block. The grassed front area, whilst a pleasing feature in the street scene, is not a realistic proposition for general private outdoor recreational activities given that is on an exposed street corner. Even so, I am satisfied that the rear area near the garage block and proximity to other nearby green spaces would be sufficient for the future occupants. The proximity of this area to parking spaces and the garage block would not unreasonably erode the standard of this outdoor area given the likely infrequency of its use.

Other Matters

10. I have had regard to the other concerns expressed locally, but they have not led me to a different overall conclusion.

Conclusion

11. For the reasons given above I conclude that the appeal should be dismissed.

Nick Bowden

INSPECTOR