



Appeal Decision

Site visit made on 29 August 2023 by Darren Ellis MPlan MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 March 2024

Appeal Ref: APP/H1515/W/23/3324685

Hill House, Cornsland, Brentwood, Essex CM14 4JN

- 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 N Dawson against the decision of Brentwood Borough Council.
 - The application Ref 23/00274/FUL, dated 20 March 2023, was refused by notice dated 2 May 2023.
 - The development proposed is demolition of the existing detached dwelling & construction of 2 new residential dwellings, landscaping & associated parking.
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Decision

1. The appeal is allowed, and planning permission is granted for the demolition of the existing detached dwelling & construction of 2 new residential dwellings, landscaping & associated parking at Hill House, Cornsland, Brentwood, Essex CM14 4JN in accordance with the terms of the application 23/00274/FUL, dated 20 March 2023, subject to the conditions in the attached schedule.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter and Main Issue

3. The bungalow referred to in the description of development had, at the time of my site visit, been demolished. I have proceeded on the basis that the scheme has therefore, in part, commenced. The Council did not appear to object to this element of the scheme and I have no reason to disagree. The main issue is therefore the effect of the two dwellings on the character and appearance of the area.

Reasons for the Recommendation

4. Cornsland is a private road which features large one, two and three storey properties set in generous plots. The size and design of the proposed dwellings would not appear out of place given the wide variety of designs in the street. They would also generally conform to the building and roof lines of the adjacent properties. Surrounding buildings are close to their side boundaries with only a modest gap to the adjacent properties. The proposed dwellings would have a strikingly similar relationship with their side boundaries and neighbours with the main sense of spaciousness being derived from the set back of buildings
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from the back edge of the highway and rear gardens. With this and the above in mind, the proposed dwellings would be in keeping with the built form of the street and would not appear contrived or lead to a loss of spatial quality. The proposal would therefore not cause any harm to the character and appearance of the area.

5. For these reasons, the proposed development would not conflict with the Policy BE14 of the Brentwood Local Plan 2022 (LP) which requires, amongst other things, for development to be of a high standard of design which responds sympathetically to its context. The proposal would also accord with the design aims of the National Planning Policy Framework 2023 (the Framework) and the National Design Guide.

Conditions

6. I have considered suggested conditions in light of the advice in the Framework and Planning Practice Guidance. In some cases, I have made edits for clarity and enforceability. As the bungalow has already been demolished and development has therefore commenced, it is not necessary to impose the time condition. In the interests of certainty and enforcement however, I have specified the approved plans. I have also set out details required for, in the interests of the character and appearance of the area, exterior materials, existing and proposed site levels and finished floor levels. It would be sufficient for these to be agreed prior to any further development above slab level.
7. A condition which requires a Construction Method Statement (CMS) is necessary in the interests of highway safety and to protect the living conditions of the occupiers of neighbouring properties. It would also be sufficient for this to be agreed prior to any further works above slab level. Suggested condition 6 requires details that would be in the CMS and is therefore unnecessary.
8. To comply with LP Policy BE02, a condition is required to ensure the development incorporates water conservation measures and meets the minimum standards for water efficiency. To comply with LP Policy BE11 and facilitate a change to low carbon vehicles in line with national policy, a condition requiring details of electric vehicle charging points is necessary. These details could both be dealt with prior to any works taking place above slab level.
9. A condition requiring the submission of and adherence to details of boundary treatments is necessary in the interests of the character and appearance of the area and to protect the living conditions of occupiers of neighbouring properties. A condition requiring the submission of and adherence to a landscaping scheme is necessary in the interests of the character and appearance of the area. Such details could be secured prior to first occupation.
10. To comply with LP Policy BE07 and to ensure that developments provide up to date communications infrastructure, a condition is necessary to secure the provision of infrastructure for the fastest available broadband connection. A condition is also necessary for the waste storage and collection facilities to be provided prior to the occupation of the dwellings to ensure the development does not cause harm to the appearance of the area. It would also be sufficient for these details to be secured prior to first occupation.

11. To protect the privacy of the occupiers of neighbouring properties, a condition is necessary that requires obscure-glazed windows to be fitted to the side-facing first-floor windows of the new dwellings. Furthermore, as an open window could lead to overlooking of the adjacent properties, it is necessary to ensure that the obscure-glazed windows are also unable to be opened at a height lower than 1.7m above floor level. It would be sufficient for such works to be carried out prior to the first occupation of the development.

Conclusion

12. For the reasons given above, I find that there are no material considerations worthy of sufficient weight which indicate that a decision should be made other than in accordance with the development plan. I therefore recommend that the appeal should be allowed and planning permission granted subject to the conditions in the attached schedule.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and my representative's report and on that basis I allow the appeal and grant planning permission subject to the conditions in the attached schedule.

John Morrison

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan drawing no. 22/04/21 Revision A; Proposed Site Plan drawing no. 22/04/24; Plot 1 Proposed Plans and Elevations drawing no. 22/04/25; Plot 2 Proposed Plans and Elevations drawing no. 22/04/26; Proposed Site Plans Distance Between Boundaries drawing no. 22/04/28; Design & Access Statement ref. 22/04/30 dated February 2023; Arboricultural Impact Assessment and Preliminary Method Statements, reference TPSarb5281021 Revision 1 dated 24th February 2023.
- 2) No development above slab level shall take place until details of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 3) No development above slab level shall take place until details of the of existing and proposed site levels and the finished floor levels of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development above slab level shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for: the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; wheel washing facilities; measures to control the emission of dust and dirt during construction; a scheme for recycling/disposing of waste resulting from demolition and construction works; delivery, demolition and construction working hours. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 5) No development above slab level shall take place until details of:
 - measures to ensure that the building does not exceed 110 litres of water per person per day;
 - measures to provide wastewater infrastructure capacity;
 - measures to achieve lower water consumption rates and to maximise futureproofing;
 - measures to demonstrate the development would not have an adverse impact upon the sewerage network; and
 - measures to improve water quality and protect the quality and functioning of existing water courses/groundwater.

have been submitted to and approved in writing by the local planning authority. Where adverse impacts are identified, mitigation measures shall be set out. The development shall thereafter be implemented as approved.

- 6) No development above slab level take place until details of electric vehicle charging points for each new dwelling have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and the charging points shall be fully operational prior to first occupation of the first dwelling hereby permitted.
- 7) Prior to the first occupation of the development hereby permitted, details of the treatment of all boundaries including gates, fences, walls or other means of enclosure shall be submitted to and approved in writing by the local planning authority. Development in these respects shall be completed prior to the first occupation of the dwellings in each case and shall thereafter be retained and maintained as such.
- 8) Prior to the first occupation of the development hereby permitted, a scheme of hard and soft landscaping showing details of new trees, shrubs and hedges and a programme for their planting, and any existing trees/hedges to be retained and the measures to be taken for their protection, shall be submitted to and approved in writing by the local planning authority. The landscaping scheme shall also include details of hard surface materials and be carried out as and when approved. Any newly planted tree, shrub or hedgerow, or any existing tree, shrub or hedgerow to be retained, that dies, or is uprooted, severely damaged or seriously diseased within five years of the completion of the development, shall be replaced within the next planting season with another of the same species and of a similar size.
- 9) Prior to the first occupation of the development hereby permitted, infrastructure for the fastest available broadband connection installed on an open access basis shall have been provided for the future occupants of the buildings.
- 10) Prior to the first occupation of the development hereby permitted, details and specifications of waste and refuse storage facilities shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 11) Prior to the first occupation of the development hereby permitted, the windows on the first-floor flank elevations shall be fitted with obscured glazing to a minimum of level 3 of the "Pilkington" scale of obscuration, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter.