



Appeal Decision

Site visit made on 18 June 2024

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 July 2024

Appeal Ref: APP/H1515/W/23/3329819

Park House, Flat 1, Cornsland, Brentwood, Essex CM14 4JL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Shavi Balasuriya against the decision of Brentwood Borough Council.
 - The application Ref is 23/00524/FUL.
 - The development proposed is construction of a single storey outbuilding/annexe and related landscape works.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area with respect to the introduction of residential accommodation into the rear garden.

Reasons

3. Development along Cornsland generally consists of large, detached properties set in spacious, landscaped plots. The area is predominantly characterised by the properties facing onto the street. Many of these properties have outbuildings in the large rear gardens, however these generally appear to be for domestic storage type use.
4. The proposal is for a detached annexe which would accommodate a bedroom, bathroom, lounge/kitchen and dining room. The appellant has identified that it would initially be to provide accommodation for elderly relatives, one of whom uses a wheelchair.
5. The planning statement submitted with the appeal set out that it was necessary for the annexe to have its own kitchen facilities due to the long distance between the house and the annexe, and the significant level changes on the site. No defined route between the properties is shown, meaning it would mostly consist of unmade or grassed areas. It would have its own separate supplies of gas, electricity and water. I am therefore not persuaded that there would be a clear functional relationship between the proposed annexe and the existing flat.
6. It is also acknowledged that the proposed occupiers of the annexe would spend a lot of time within it, and that there would be a reliance on carers as the occupiers of the host dwelling work. It is therefore likely that there would be

residential occupation of the annexe for long periods of time. This would be uncharacteristic of the pre-dominant pattern of occupation in the surrounding area whereby dwellings front onto the street. The introduction of living accommodation into the rear garden environment would be incongruous.

7. The appellant has indicated they would be willing to accept a condition requiring ancillary occupation of the annexe. However, given the evidence before me on how it is proposed to occupy the annexe, it is not clear how such a condition could be effective or enforced. The appellant's arguments with respect to Brentwood Local Plan 2016 – 2033 (March 2022) (LP) Policy HP04 do not help to address these concerns. An annexe would not be an independent unit of accommodation, therefore it would not contribute to the supply of specialist housing in the area.
8. The proposed annexe would have a notable footprint, however this would be commensurate with the overall size of the garden, even accounting for the existing garages. Its height would not be excessive, and would be mitigated by elements of its design including the low roof pitch. It is proposed to use modern materials – composite cladding and a zinc roof. This would be different from the traditional materials of the host dwelling. However, given the position of the proposed annexe in a discrete corner of the rear garden, it would not contrast unfavourably with the existing dwelling nor appear incongruous.
9. The proposed development would therefore have an unacceptable harmful effect on the character and appearance of the area. It would be contrary to LP Policy BE14 which requires development to respond positively and sympathetically to its context and Section 12 of the Framework which requires development to be sympathetic to local character.

Other Matters

10. I have assessed this proposal on the basis of the scheme before me and the provisions of the current development plan. The previous appeal decision was taken under the provisions of a different development plan to that before me. The personal and financial choices of the appellant and his family as to how and where support is provided to aging relatives do not alter my assessment of the planning merits of this appeal.
11. The proposal could free a unit of accommodation back into the general housing market. However I cannot be certain of this and in any event, the release of one dwelling would not outweigh the conflict with the development plan I have identified.
12. I have had due regard to the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010 (the Act), which sets out the need to eliminate unlawful discrimination, harassment, and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not. The Act sets out the relevant protected characteristics which include disability. Since there is the potential for my decision to affect persons with a protected characteristic, I have had due regard to the three equality principles set out in Section 149 of the Act.
13. The negative impacts of dismissing this appeal would arise from the family members not living in proximity to the appellant who would provide additional support. However, it does not follow from the PSED that the appeal should

succeed. I have taken into account the personal circumstances of the appellant and their family. However, from the information before me, I am not convinced that their needs cannot be achieved by an action that would comply with the policy in the development plan. My actions in this respect, and my decision therefore on the appeal, are a proportionate response to the requirements of the Act.

Conclusion

14. The proposed development would conflict with the development plan when read as a whole. There are no material considerations of sufficient weight to indicate the decision should be taken otherwise. The appeal should therefore be dismissed.

J Downs

INSPECTOR