



Appeal Decision

Site visit made on 19 June 2024

by **O S Woodward MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 July 2024

Appeal Ref: APP/H1515/W/23/3334797

13 Ongar Road, Brentwood, Essex, CM15 9AU

- 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 Shah against the decision of Brentwood Borough Council.
 - The application Ref is 22/01454/FUL.
 - The development proposed is the removal of existing roof and an upwards extension of three storeys, including a gabled pitched roof, to 13-15 Ongar Road, creating additional residential accommodation.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Because the appeal relates to a proposal within the setting of a Grade II* listed building, I have had special regard to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area, including whether or not the proposed development would preserve or enhance the character or appearance of the Brentwood Town Centre Conservation Area (the CA) in terms of how it is experienced in its setting;
 - the effect of the proposal on the special architectural or historic interest of the Grade II* listed building, 'The Old House'¹, in terms of how it is experienced in its setting; and,
 - the effect of the proposal on the living conditions of the occupiers of Nos 11 and 17 Ongar Road, in regard to outlook and sense of enclosure.

Reasons

Character and appearance

4. The appeal site is a two-storey building lying on Ongar Road. It has a commercial unit to the ground floor, accessed directly from Ongar Road, and a residential flat to the first floor, independently accessed from the rear. The appeal property is an unassuming two-storey building with a hipped roof.

¹ List entry no 1197251

5. The appeal property is directly adjacent to Academy House, which is a three-storey building with commercial units to the ground floor and flats to the upper two levels. The site also includes an existing alleyway to the north west side of the building, providing access from Ongar Road through to the car parking and service areas to the rear. On the other side of the alley is a modern five-storey building with commercial units to the ground floor and residential flats to the upper floors. There are further modern four and three-storey buildings with flats to upper levels running along Ongar Road to the north west.
6. The appeal site lies outside the CA. However, the CA boundary runs along the rear of the properties facing the nearby Shenfield Road and it therefore lies within its setting. This part of the CA is characterised by a variety of building ages and styles and has grown organically over time. The majority of the buildings in the CA within the vicinity of the appeal site are two or three-storey. Its significance, insofar as is relevant to the appeal proposal, lies in this pleasing mixture of architecture and relatively low bulk and mass of the built form. However, this is in the context that between the CA and the appeal site is a rear servicing area providing car parking and other incidental buildings, and also containing a substantial L-shaped, vacant office block which dominates the setting to this part of the CA.
7. The proposal is to demolish an existing one storey extension to the rear, and to build a three-storey roof extension to create a five-storey building, including an extension to the rear. The upper two storeys would be set in slightly from the south eastern boundary of the building. It would be gable-ended facing Ongar Road and to the rear. Three flats are proposed to the upper floors which would be independently accessed from the rear. The ground floor would remain in commercial use, accessed directly from Ongar Road. Cycle parking is proposed to be accessed from an existing side alley, and refuse storage is to be provided from the rear.
8. The overall bulk and mass of the proposed building would be acceptable. It would bridge the gap to the adjacent No 17 and is approximately the same height as many other buildings along this side of Ongar Road. However, the design of the proposed building is unsuccessful. It would appear top heavy because the two-storey upper element would be a large proportion of the overall bulk of the building. The off-set of this element to only one side creates an unbalanced silhouette. The design appears as two separate buildings stacked on top of one another rather than as a cohesive design approach. The proposed side gable would further unbalance the appearance of the building. The detailed design and location of the windows would be acceptable but this does not mitigate the harm caused by the unbalanced, both vertically and horizontally, overall design.
9. I acknowledge that the adjacent building at No 17 Ongar Road has some similar design elements, such as gable ended roofs, and a set-back for the upper levels. However, No 17 has a pleasing articulation of roof forms that help to break down the bulk of the building without visually unbalancing it, either vertically or horizontally. The inset is to the corner, rather than all along one elevation. The building is wider, affording the opportunity to play with the footprint of the upper levels without harming the overall composition. The side gable ended element includes a different eaves line to the rest of the building and fenestration, adding articulation, and at odds with the approach adopted for the appeal proposal.

10. The proposal would be visible from the CA from the rear of the properties along the north west side of Shenfield Road. It would also be visible from the servicing areas to the rear and in glimpsed views from Shenfield Road. It would therefore be visible in the setting of the CA, albeit only to a limited degree. It would also be considered in the context of the surrounding servicing area, the large L-shaped office building, and the five and four-storey buildings behind. Nevertheless, because of the unbalanced and incohesive nature of its design, the building would harm the significance of the CA in terms of how it is experienced in its setting, even if only to a limited extent.
11. Overall, therefore, the proposal would harm the character and appearance of the area, including the CA in terms of how it is experienced in its setting. It therefore fails to comply with Brentwood Local Plan 2016 – 2033, adopted 2022 (the LP) Policy BE14 which requires high quality design, Policy BE16 of the LP which reflects the National Planning Policy Framework (the Framework) with regard to heritage assets, and Policy PC05 of the LP which requires high quality design in Brentwood town centre.
12. The level of harm would be less than substantial. Clear and convincing justification for the harm should be provided as required by Paragraph 206 of the Framework. I turn to the balance of harm versus public benefits, as set out at Paragraph 208 of the Framework, later in my Decision.

Listed building

13. The listed building is located on the north west side of Shenfield Road. It is one of a number of buildings of different styles and types along this part of Shenfield Road, perhaps unified only by the relatively small scale of the buildings, at two or three-storeys. There is a car parking area to the rear of the building. This is in a courtyard area flanked by the rear of the properties along Ongar Road to one side and the rear extensions of the neighbouring buildings along Shenfield Road to the other side. Beyond this courtyard area is an access road that runs alongside the three-storey Academy House, which provides access to the car parking and servicing areas for several buildings. Prominent in the setting to the rear is a large L-shaped, vacant office building. This area to the rear of the building plays a limited role in its setting, which is primarily defined by the wider street scene along Shenfield Road.
14. The building used to be two dwellings and has since been a school and is now in commercial use. It was originally built in the 16th century although there are additions from the 18th and 19th centuries. It is an attractive, brick building, with a pleasing overall form and composition, particularly to the front façade. The rear elevation is of lesser significance, both intrinsically and in terms of its wider setting, as set out above. I have not been inside the building, but the submitted evidence suggests it further gains significance from retained historic fabric and historical interest.
15. The appeal site is set away from the rear of the building, on the opposite side of the access road to the L-shaped office building. It is largely screened from the building by the intervening Academy House. However, the proposal would be visible because it would protrude above this existing building. This is the part of the proposed building that is least successful, with the unbalanced and incohesive upper storey design. It would be set away from the building and is in an area where the setting to the building contributes in only a limited way to its significance. Nevertheless, there would be some harm, albeit limited, to the

special architectural and historic interest of the building, due to the harm to the character and appearance of the area within the buildings setting.

16. The proposal therefore fails to comply with Policy BE16 of the LP, which reflects the Framework in this respect. The level of harm would be less than substantial. Clear and convincing justification for the harm should be provided as required by Paragraph 206 of the Framework. I turn to the balance of harm versus public benefits, as set out at Paragraph 208 of the Framework, later in my Decision.

Living conditions

17. There is a flat to the top floor of Academy House, directly adjacent to the appeal site. I have not been provided with a floorplan of the flat. However, a letter of objection has been received from the occupants and owner of the flat, stating that windows to the living room and main bedroom overlook the appeal site. Without a floorplan it is not possible to corroborate this but it is clear from the fenestration and footprint of the building that windows to rooms providing important living accommodation and an outside terrace are located along the boundary with the appeal site. There is an existing wall along half of this elevation and a glazed balcony to the other half.
18. The proposal would introduce built form in this location, initially directly adjacent to Academy House and rising 570mm higher than the existing wall, a significant amount in such proximity. It would then be set back slightly but would still be very close to the flat, presenting a high brick wall along most of this elevation. This would harmfully reduce the outlook from the affected rooms and terrace of the flat and unacceptably increase the sense of enclosure. I acknowledge that the flat has other aspects to the north east and south west, and that the terrace wraps around the corners. However, whilst providing partial mitigation, this does not fully alleviate the harm caused to the living conditions of the occupiers of the flat.
19. On the other side of the proposal is No 17 Ongar Road, which includes several flats above ground floor with windows facing the application site and the proposed building. The proposal would significantly increase the height of the building, close to the existing No 17. The most affected flats would be the one bedroom units in this location. The floorplans confirm that windows to bedrooms and living rooms would be affected. The affected lounges have a second aspect to the north east elevation, facing away from the proposal. However, the bedrooms are only served by the affected windows.
20. For the existing flats at 1st and 2nd floor level within No 17, the proposed increase in height of the appeal building would unacceptably reduce the outlook and increase the sense of enclosure from the bedrooms. It would also reduce outlook and increase sense of enclosure to the living rooms. Although partially mitigated by the secondary aspect to those rooms, this adds to the harm to living conditions caused by the proposal. At 3rd and 4th floors, the proposed development would have a lesser effect, because it would block out less of the view from the affected windows. The effect on the living conditions of the occupiers of the flats at those levels would therefore be acceptable. However, they are independent properties and this does not mitigate the unacceptable effect to the lower flats.

21. Overall, the proposal would harm the living conditions of the occupiers of the flat at 2nd floor level directly adjacent to the appeal site within Academy House and the flats at 1st and 2nd floor levels with single aspect bedroom windows facing the appeal site of the building at Nos 11 and 17 Ongar Road, in regard to outlook and sense of enclosure. It therefore fails to comply with Policy BE14 of the LP, which requires that development protects living conditions.

Other Matters

22. Policy HP03 of the LP relates to residential density and requires proposals for new development to take on a design-led approach that makes efficient use of land. However, this does not over-ride other policies in the LP that require high quality design, the protection of heritage assets, and that living conditions not be unacceptably harmed.

Heritage Balance

23. Paragraph 208 of the Framework states that the less than substantial harm to the heritage assets that I have identified above should be weighed against the public benefits of the proposal. The public benefits of the proposal would be the provision of additional residential accommodation, economic benefits both in the short term from construction and the long term from expenditure on local goods and services by future occupants of the flats, and the efficient use of a brownfield and accessible site to provide residential accommodation that meets the relevant standards. However, these benefits are limited because of the relatively small scale of the proposal.
24. The public benefits of the proposal do not, therefore, outweigh the harm caused to the heritage assets, upon which I place great weight in accordance with Paragraph 205 of the Framework. Clear and convincing justification for the harm has not been provided contrary to Paragraph 206 of the Framework.

Conclusion

25. For the reasons above, the appeal is dismissed.

O S Woodward
INSPECTOR