

Appeal Decision

Site visit made on 1 July 2024

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL
an Inspector appointed by the Secretary of State

Decision date: 12 August 2024

Appeal Reference: APP/H1515/W/23/3333207
Land at 'Pooks Hill', Riseway, Brentwood, Essex CM15 8BG

- 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 St Katherine Group against the decision of Brentwood Borough Council.
 - The application reference is 23/00902/FUL.
 - The development proposed is described in the application form as a "demolition of existing dwelling and construction of 2 detached dwellings".
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Decision

1. The appeal is allowed and planning permission is granted for "demolition of existing dwelling and construction of 2 detached dwellings", at 'Pooks Hill', Riseway, Brentwood, Essex CM15 8BG, in accordance with the terms of the application (reference 23/00902/FUL), subject to the conditions set out in the attached Schedule of Conditions.

Preliminary point

2. A Written Ministerial Statement entitled "Building the homes we need" was published on 30 July 2024, together with a consultation on "Proposed reforms to the NPPF and other changes to the planning system". In this case, however, I am satisfied that they do not materially affect the considerations that have led me to my decision. I am convinced, therefore, that there is no requirement to seek further submissions on these publications and that no party would be disadvantaged by such a course of action.

Main issues

3. The first main issue to be determined in this appeal is the effect of the proposed development on the character and appearance of the surroundings. The second is the effect of the proposed development on the residential amenities of neighbours (whether unacceptable harm would be caused by intrusion on their privacy).

Reasons

4. The appeal site is located in a suburban area of Brentwood, to the south-east of the town centre. 'Pooks Hill' is located on the south-west frontage of Riseway, between Hogarth Avenue and Shenfield Crescent, and its site falls

away from the road, which itself falls towards Hogarth Avenue. Opposite 'Pooks Hill', the frontage is occupied by the extensive grounds of Hogarth Primary School, but otherwise the locality is characterised by residential development. Dwellings in the area are mixed in style and scale, in a pleasant suburban setting.

5. The existing house at 'Pooks Hill' is modern in style, with a main monopitch roof and timbered first floor above a rendered ground floor. It has a large garden that has become very overgrown, set with many mature trees. The trees now dominate the plot, as well as making it very secluded. The house is located to one side of its plot, with a long south-east side elevation overlooking its own garden (and looking towards 'Candleford'). There is also potential for views towards the south-west, where 'Brook's Lodge' is set behind the frontage property. At present, however, this is largely screened by the trees.
6. It is now proposed to demolish the existing house at 'Pooks Hill' and to build two new detached houses on the plot.
7. The 'National Planning Policy Framework' (which was revised in December 2023) emphasises the aim of "achieving well designed places" in the broadest sense (notably at Section 12), while making effective use of land and encouraging economic activity. It is aimed at achieving good design standards generally, by adding to the overall quality of the area and being visually attractive and sympathetic to local character and history (while not preventing or discouraging appropriate innovation or change). Likewise, section C1 of the National Design Guide (published in 2021) proposes that new development should "understand and relate well to the site, its local and wider context". Nevertheless, it is also recognised that appropriate change may include increased densities.
8. Of course, the achievement of good design includes protecting existing residential amenities and providing good standards of accommodation in new homes.
9. Policies in the Development Plan also share these basic principles, notably at Policies BE14, NE0.3 and NE0.7 of the 'Brentwood Local Plan 2016-2033' (which was adopted in March 2022 and is part of the Development Plan for the area). These Policies include provisions for new development to respond positively and sympathetically to its context, including the natural environment. Policy BE14i imposes a specific requirement to "avoid unacceptable overlooking or loss of privacy".
10. The new houses would be laid out in a more conventional manner than the existing plot, with the buildings towards the front of the site and modest back gardens. The houses would differ from each other and, because of the site layout, the garden of Plot 1 would be somewhat smaller than that provided for Plot 2.
11. The proposed new houses have been designed in a more traditional style, with pitched roofs above rendered and brickwork external walls, creating more conventional two-storey houses. The front elevations would align roughly with the front elevation of 'San Vito' (to the north-west), while the two-storey element of the rear elevations would align roughly with the rear of 'Candleford' (to the south-east). The windows in the rear elevations would face the

- property at 'Brook's Lodge', beyond the back gardens of the new houses, although new planting is indicated. On the other hand, some of the trees might well be removed or reduced in any case and there is a potential for overlooking of the neighbour from the existing house, although the two properties would not be overly close to each other.
12. I am persuaded that the new houses would be in keeping with their surroundings and that they would not be out of place in the suburban location. They would be unpretentious buildings in a conventional style, in scale with their surroundings, making use of traditional materials. Thus, they would not have a harmful effect on the character and appearance of the surroundings, in planning terms.
 13. On the other hand, I accept that a good landscaping scheme is required, also taking account of wildlife considerations. Thus, the quality of the scheme as a whole ought to be enhanced. Notwithstanding the submitted landscaping proposals, additional conditions are required to ensure that a sound and integrated scheme would be achieved.
 14. Although the new houses would have some impact on the privacy of the property to the rear, at 'Brook's Lodge', I am not persuaded that the proposed development would cause unacceptable harm to the neighbours' amenities, bearing in mind the suburban location and the potential for overlooking even from the existing house (especially if some existing trees were to be removed or reduced).
 15. At the same time, however, I am sure that the flat roofs at the rear elevations of the new houses must not be used as terraces or balconies since that would cause an undue and intrusive level of overlooking. That is a matter which can be controlled by the imposition of a suitable condition, however.
 16. Evidently, the appeal site lies within an established urban area, which is "sustainable" in planning terms, and the proposed development would make a useful addition to the existing housing stock. I have concluded that the project would not be in conflict with the Development Plan, in principle.
 17. In short, I am persuaded that the scheme before me can properly be permitted, subject to conditions, and, although I have considered all the matters that have been raised in the representations (including the previous appeal decision that related to a more intensive proposed development of the site), I have found nothing to cause me to alter my decision.
 18. I have, however, also considered the need for conditions and, in imposing conditions, I have taken account of the conditions suggested by the Council in the usual way (without prejudice to their main arguments in the appeal). I have noted the appellant's acceptance of the Council's proposed conditions (which include some pre-commencement conditions).
 19. I have concluded that conditions are necessary, to define the planning permission and to ensure that quality is maintained. I have also imposed conditions to deal with matters that are referred to above.
 20. Landscaping proposals have been submitted in support of the planning application, and landscaping details are included among the submitted (and

approved) drawings. At the same time, the Council have suggested detailed conditions relating to the access details for the two new houses.

Notwithstanding these various details, and in order to ensure that a coherent and co-ordinated scheme for hard and soft landscaping is achieved, I have included conditions to require the submission and approval of a comprehensive scheme for hard and soft landscaping. Separate and specific conditions specifying details of the access are not necessary, therefore. Conditions are necessary, however, to ensure that parking spaces and cycle storage are duly provided and retained for future use by occupiers of the houses.

21. A condition has been imposed, as suggested by the Council, to require obscured glass in the windows in all side elevations of the new houses, in order to protect neighbours' privacy. On the other hand, there is no convincing justification for the removal of permitted development rights relating to roof alterations or dormers in this case, bearing in mind that such rights are normally of general application.
22. Other conditions deal with matters identified by the Council, for the reasons given by them.

Roger C. Shrimplin

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings:
 - drawing number 01 (Existing Site Plans and Street Scene);
 - drawing number 20/B (Plot 1 – Proposed Plans and Elevations);
 - drawing number 21/B (Plot 2 – Proposed Plans and Elevations);
 - drawing number 22/B (Proposed Site Plan and Street Scene);
 - drawing number 23/B (Proposed Site Plan – First Floor);
 - drawing number MP/POOK/01/A (Tree Constraints and Protection Plan);
 - drawing number MP/POOK/02/B (Landscape Plan).
3. Prior to first occupation of the development hereby permitted, co-ordinated details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. All these works shall be carried out as finally approved in detail. The details to be submitted shall include proposed and existing finished levels, means of enclosure and functional services above and below ground. The details of the hard landscape works shall include details of provision for car parking and cycle storage (including surfacing materials), boundary treatment and access design. The details of the soft landscape works shall include details of all existing trees in the vicinity of the proposed development (and details of the method of protecting retained trees during the course of the work); planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants (noting species, plant sizes and proposed numbers or densities where appropriate); and implementation programme.
4. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the implementation programme approved by the local planning authority. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives prior written consent to any variation.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no part of any flat roof which forms part of the development hereby permitted shall be used as a balcony, roof terrace or amenity area of any sort without the express written approval of the local planning authority.
6. Prior to first occupation of the dwelling hereby permitted, the areas shown on the approved landscaping scheme and floor plans as being dedicated to car parking and manoeuvring (including access) and the approved provisions for cycle storage shall be laid out and brought into use as such, with suitable crossovers in the highway. These areas shall be retained and used for no other purpose thereafter.

7. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved Construction Management Plan shall be adhered to throughout the construction period. The Construction Management Plan shall include provision 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; and wheel and underbody washing facilities.
8. Prior to first occupation of the proposed development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Packs for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.
9. All windows in the north-west and south-east (side) elevations of each of the houses hereby permitted, except for that part of any window which is at least 1.7 metres above finished floor level in the room in which the window is installed, shall be glazed in obscured glass and shall also be fixed shut. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no further modifications to these windows shall be made and no windows, doors or openings of any kind shall be inserted in these elevations of the building without the express written approval of the local planning authority.
10. The proposed dwellings shall not be occupied until the infrastructure for the fastest available broadband connection has been provided for the future occupants of the building, in accordance with details previously agreed in writing by the local planning authority.
11. The proposed building shall not proceed above slab level until details of the following have been submitted to and approved in writing by the Local Planning Authority: measures aimed at ensuring that the building does not exceed 110 litres per person per day water consumption; 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 to protect the quality and functioning of existing water courses or groundwater. Where adverse impacts are identified, mitigation measures shall be set out. The development shall be implemented in accordance with the approved measures.
12. No works other than demolition works shall take place until a detailed surface water drainage scheme for the site (based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development) has been submitted to and approved in writing by the local planning authority. The surface water drainage scheme shall include, but not be limited to, the following details: final modelling and calculations for all areas of the drainage system; the appropriate level of treatment for all runoff leaving the site (in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753); detailed engineering drawings of each component

of the drainage scheme; a final drainage plan which details exceedance and conveyance routes, finished floor and ground levels, and location and sizing of any drainage features; and a written report summarising the final strategy and highlighting any minor changes to the approved strategy.