

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: 20th August 2024

Appeal Reference: APP/H1515/W/24/3337256

Land at 62 Western Road, Brentwood CM14 4SS

- 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. J. Henderson against the decision of Brentwood Borough Council.
 - The application reference is 22/01583/FUL.
 - The development proposed is described in the application form as a "conversion of dwelling to two flats".
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue to be determined in this appeal is whether the scheme would provide satisfactory living conditions for occupiers of the new residential accommodation.

Procedural matter

3. Since the development which is the subject of this appeal has already been carried out, the application is to be treated as one made under Section 73A of the Town and Country Planning Act 1990.

Preliminary Point

4. 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". The local planning authority have confirmed that they did not wish to add to their comments on the appeal, whereas a brief additional comment has been submitted on behalf of the appellants, which I have taken into account. Government policy emphasises the need for new dwellings and I accept that these publications are material to this appeal. I have given them significant weight, although they have not altered the outcome of the appeal.

Reasons

5. The appeal site is located close to the centre of Brentwood, a short walk from shops and other facilities. Western Road is an important traffic thoroughfare around the town centre and it carries a considerable volume of traffic, controlled to a degree by traffic calming measures along the street.
6. Number 62 is one of a long terrace of similar two-storey houses, along the south-eastern frontage of the road, although there is a pathway between number 62 and its neighbour at number 64, leading through to the rear of the terrace. The back gardens of the houses are also reached by a driveway that runs behind the length of the terrace and provides access for cars as well as pedestrians. Beyond that, there is a large public car park that serves the town centre.
7. The end of terrace house at number 62 Western Road has been converted to form two flats. This appeal seeks permission for the conversion.
8. The 'National Planning Policy Framework' 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, which includes protecting existing residential amenities and providing good standards of accommodation in new dwellings. Nevertheless, it is also recognised that appropriate change may include increased densities.
9. Policy HP06 of the 'Brentwood Local Plan 2016-2033' (which was adopted in March 2022 and is part of the Development Plan for the area) focusses on the need to achieve good standards of accommodation in new dwellings. In principle, this includes complying with the various standards that are set out in the 'Technical housing standards – nationally-described space standard' that was published by the Department for Communities and Local Government in 2015.
10. At the same time, it is acknowledged that some flexibility in applying the standards is implicit in Paragraph 6.43 of the 'Local Plan', which provides that, in the case of conversions, the standards should be met or exceeded "*as far as it is practicable to do so*".
11. In this case, the appeal site is well located in relation to the town centre and flats would not be out of place in principle. Nevertheless, the submitted plans show that the pre-existing dwelling provided a pleasant, if modest, two-bedroom house with a good standard of accommodation.
12. Excluding the shared entrance lobby from the floor area calculations, the new ground floor flat would fall short of the required internal space standard by a small amount. The area of the first floor flat would be significantly below the required standard, however.
13. In this case, there would have been no special imperative to increase the density of the existing residential development by subdividing the house to form two separate dwellings and I am convinced that the standards ought to be met. It would have been eminently practicable for the original two-bedroom house to have been retained, rather than to have created substandard

accommodation by its conversion, and there is no justification in this case for the creation of new living accommodation that does not meet an appropriate standard.

14. The failure to achieve suitable space standards creates an unsatisfactory form of accommodation that would be contrary to national and local planning policies. Furthermore, the layout of the flats places the living rooms and bedrooms of the different flats above each other, which can give rise to disturbance. Even though the impact could be mitigated by the introduction of additional noise insulation (subject to condition), the layouts would further undermine the quality of the accommodation.
15. Evidently, the appeal site lies within an established urban area, which is "sustainable" in planning terms, and the conversion results in an additional dwelling near the commercial town centre of Brentwood. Nevertheless, I am convinced that the accommodation fails to meet appropriate and satisfactory living standards for future occupiers and that the benefits of the scheme clearly do not outweigh the planning objections.
16. Hence, I have concluded that the scheme before me would conflict with both national and local planning policies (including the Development Plan) and that it ought not to be allowed. Although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.

Roger C. Shrimplin

INSPECTOR