



Appeal Decision

Site visit made on 18 October 2024

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 NOVEMBER 2024

Appeal Ref: APP/H1515/W/24/3337737

98 Worrin Road, Shenfield, Essex CM15 8JL

- 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 Waddell against the decision of Brentwood Borough Council.
 - The application Ref is 23/00935/FUL.
 - The development proposed is the demolition of existing 4-bedroom dwelling and construction of new 4-bedroom dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing 4-bedroom dwelling and construction of new 4-bedroom dwelling at 98 Worrin Road, Shenfield, Essex CM15 8JL in accordance with the terms of the application, Ref 23/00935/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos. 20-0724-D03/REV 01; 20-0724-D05/REV 01; 20-0724-D07/REV 01; 20-0724-D09/REV 01; 20-0724-D01/REV 01.
 - 3) 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 plan shall be adhered to throughout the construction period. The Plan shall provide for: i. the parking of vehicles of site operatives and visitors, ii. loading and unloading of plant and materials, iii. storage of plant and materials used in constructing the development, iv. wheel and underbody washing facilities.
 - 4) No development above ground level shall take place until details/samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details/samples.
 - 5) The first-floor windows in the side elevations (both sides) shall be: a) glazed using obscured glass to a minimum of level 3 of the "Pilkington" scale of obscuration and b) non-opening below a height of 1.7m above the floor of the room in which the window is installed. The windows shall be installed prior to the first occupation of the building or use of the room of which the windows are installed. Those windows shall remain so glazed. (Note the application of translucent film to clear glazed windows does not satisfy the requirements of this condition).

- 6) The proposed building shall not proceed above slab level until details of: - measures to ensure that the building does not exceed 110 litres 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; - 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 be implemented as approved.
- 7) Demolition or construction works shall take place only between the hours of 0800 to 1800 on Monday to Friday and 0900 to 1300 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal property is a two-storey detached dwelling house with a large rear garden. The surrounding area is predominantly made up of large, detached properties in spacious plots. There is a significant variation in the design and appearance of the surrounding properties.
4. The plans show that the proposed dwelling would not significantly exceed the footprint of the existing dwelling, with only marginal increases from the current arrangement. To this end, I do not consider that there would be harm caused in terms of its layout or siting, which would be broadly consistent with the other properties in the street.
5. Having regard to the significant variation in the design of properties in the street, it is somewhat confusing how the Council have referred to the proposed design being incompatible. The proposed design reflects several features of the existing properties through its use of double height bays with mock-Tudor detailing. Although a crown roof is proposed, its slopes would give it the appearance of a hipped roof from certain vantage points of the street-scene, which would be similar to the current arrangement. I therefore do not consider that there would be harm caused in terms of the design of the dwelling.
6. The Council consider that the proposed dwelling would appear cramped and contrived within its plot. The dwelling would indeed be of a greater bulk than the existing property, however much of this is due to its increased depth across its first floor and larger roof space. From the front, the dwelling would be set-in from the sides and would not be wholly dissimilar from the current arrangement. Given that it would largely maintain the space either side and its footprint would not project significantly greater into either its front or rear gardens, I do not consider that it would appear cramped or contrived within its plot.
7. The increased bulk of the proposed property, when compared to the existing property, would be apparent from its south (side) elevation, with the crown

roof forming a rearward projecting ridge. Although this would add to its bulk and be more readily visible, it would be set back into the plot on its current siting and this would reduce its overall prominence. Given the wide range of property designs in the surrounding area, it would not appear out of character.

8. I therefore conclude that the proposed development would not cause harm to the character and appearance of the area. It would comply with Policy BE14 of the Brentwood Local Plan (2022) which requires, amongst other things, that proposals are of a high standard of design, respond positively and sympathetically to their context and build upon existing strengths and characteristics.

Conditions

9. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans for the avoidance of doubt and in the interests of certainty.
10. In the interests of highway safety, I have imposed a condition requiring the submission of a Construction Management Plan (CMP). The CMP is required prior to commencement to ensure necessary measures are in place from the outset.
11. I have imposed a condition requiring the submission of details of external materials. This is in the interests of character and appearance. It is not necessary for these to be submitted prior to the commencement of development. Submission prior to construction above ground level would be sufficient in this case.
12. In the interests of the living conditions of residents of surrounding properties, I have imposed a condition requiring the use of obscure glazing in the side elevations. Also in the interests of living conditions, I have imposed a condition to limit the construction hours.
13. In the interests of sustainable development, I have imposed a condition relating to water efficiency.
14. I note the conditions which were recommended by Environmental Health Officers. These matters, such as potential for asbestos removal, are covered by other legislation. Others are not necessary to make the development acceptable in planning terms.

Conclusion

15. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

A M Nilsson

INSPECTOR