



Appeal Decision

Site visit made on 25 October 2024

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2024

Appeal Ref: APP/H1515/W/24/3337770

110 Westwood Avenue, Brentwood, Essex CM14 4NU

- 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 and Mrs Ford against the decision of Brentwood Borough Council.
 - The application Ref is 23/01319/FUL.
 - The development proposed is demolition of existing dwelling and garage. Construction of replacement dwelling to include associated parking, amenity area and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing dwelling and garage and construction of a replacement dwelling to include parking, amenity area and landscaping at 110 Westwood Avenue, Brentwood, Essex CM14 4NU in accordance with the terms of the application, Ref 23/01319/FUL and subject to the conditions in the schedule below.

Preliminary Matters

2. The description of development above reflects that which was agreed between the Council and appellant during the course of the planning application.
3. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. Whilst a direction of travel has been outlined within the Written Ministerial Statement, which is a material consideration, the changes to the Framework can only be given limited weight at this stage, given that no final document has been published. In reaching my decision I have therefore had regard to the Framework published in December 2023, unless it is stated otherwise.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site is in a residential area and Westwood Avenue is a long road comprising a mix of housing types including semi-detached and detached homes as well as some short groups of terraces. Building heights are predominantly two storey, with traditional roof pitches above. There are, however, a number of bungalows peppered across the area close to the appeal site, including those directly opposite and surrounding Elm Way. The front

building lines of the properties on Westwood Avenue, and the prevailing eaves level on the southern side of the road provide a degree of consistency and regularity in the street. There is, however, variation in the individual design of the properties and their roof forms, as a result of extensions and alterations over time. Ground levels along Westwood Avenue slope gradually downwards towards the appeal site, and the eaves and ridge heights of properties on the southern side step down accordingly.

6. No. 110 is an asymmetrical detached bungalow on the outer edge of the curve of Westwood Avenue. As a result of its position on the bend, its building line sits a little further forward of no.108 and it is visible in longer views along Westwood Avenue from the east. It is, however, somewhat of an anomaly on this side of the road, where the majority of properties are two storeys.
7. The Council note that the design approach would be similar to the recent approval for works to the site¹ and its concerns relate primarily to the effects of the proposed roof form. The proposed ridgeline would rise above the height of no.112 to the west. However, given the stepped ridgelines on this side of the road, together with the sloped nature of the proposed front roofslope away from the road and as the ridgeline would be effectively tucked behind those of the neighbouring properties, its effects would not be visually prominent or incongruous with the street. The eaves height would similarly follow that of the neighbouring properties. Overall, the proposal would respect those attributes which contribute positively to the character of the area and would sit comfortably within its context.
8. The roof form would be higher than previously proposed in an appeal which was dismissed for alterations to the existing building in 2018². I do not have details of that proposal, but note the changes which have been made to the scheme which are described by the appellant. I also note that appeal decision referred to the harmful visual effects of other elements including a gable ended main roof and a wide and prominent projecting gable to the front elevation. As such, based on the evidence, I am satisfied that the appeal scheme before me is adequately different to that previous scheme.
9. For the reasons given, the proposal would be acceptable in terms of its effects on the character and appearance of the area. It would comply with Policy BE14 of the Brentwood Plan 2022, which requires proposals to meet high design standards and, among other things, respond positively and sympathetically to their context. The proposal would also comply with the design objectives of the Framework and the National Design Guide.

Conditions

10. The Council has provided a list of suggested conditions that it considers would be appropriate and I have considered these in light of the Planning Practice Guidance (the PPG). For clarity and to ensure compliance with the PPG, I have amended some of the Council's suggested wording.
11. In addition to the standard time limit condition, a condition listing the approved drawings is necessary to provide certainty. Delivery of two off street parking spaces should also be conditioned for reasons of highway safety, although I see no reason why additional details of them should be provided.

¹ 20/00543/HHA

² APP/H1515/D/18/3213763

Details of measures to provide water efficiency should be provided for environmental reasons and to meet the policy requirement.

12. Given that details of materials have been provided by a schedule and annotations on the drawings, and given the varied palette of materials in the area, it is not necessary to condition further details. Similarly, as those details show a bound surface to the parking spaces, a condition would not be necessary for that purpose. Given the size and position of the first floor side window, and its relationship with no.112, it is not necessary that the side window be obscure glazed and fixed shut. Given the scale of the development and characteristics of the highway, it is not apparent that a construction environmental management plan, or restrictions on storage areas and working hours, are necessary to make this development acceptable in planning terms. In the absence of details as to why it is necessary given the circumstances here, neither is a flood risk assessment or sustainability statement required.

Conclusion

13. The proposal would comply with the development plan, and the appeal is allowed.

C Shearing

INSPECTOR

Schedule of 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: 'Location Plan', 2023/10/110WW Sheets: 09; 10; 11; 12; 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 of 22, and '110 Westwood Avenue Materials Schedule'.
- 3) No less than two of the off-street parking spaces hereby approved shall be provided prior to the first occupation of the development and shall remain available for use as such at all times.
- 4) Prior to the commencement of development above the slab level, details relating to the water efficiency of the development shall be submitted to and approved in writing by the local planning authority. This shall include: measures to ensure that the building does not exceed 110 litres per person per day; measures to achieve lower water consumption rates and maximise future proofing; measures to demonstrate the development would have an acceptable impact on the sewer network, and; measures to improve water quality and protect the quality and functioning of existing water courses/ groundwater. The development shall be carried out in accordance with the approved details.

End of Schedule