



Appeal Decisions

Site visit made on 10 December 2024

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th January 2025

Appeal Ref: APP/H1515/W/24/3351717

24 Pine Drive, Ingatestone, Essex CM4 9EF

- 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 Kevin Johnson against the decision of Brentwood Borough Council.
 - The application Ref is 24/00348/FUL.
 - The development proposed is to replace existing bungalow with two new 4 bedroom detached two-storey houses, new vehicular crossover.
-

Decision

1. The appeal is allowed and planning permission is granted to replace existing bungalow with two new 4 bedroom detached two-storey houses and new vehicular crossover at 24 Pine Drive, Ingatestone, Essex CM4 9EF in accordance with the terms of the application, Ref 24/00348/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024. The main parties have been given the opportunity to make comments on this revision.
3. I have also dealt with another appeal APP/H1515/W/24/3343014 on this site. That appeal is the subject of a separate decision.

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 a relatively large plot of land on which only one bungalow, now demolished, stood. It sits within the Pine Drive street scene where dwellings are arranged in a linear form fronting onto the public highway, some with shorter rear garden areas owing to the presence of a bowling green, tennis courts and a sports club. There is a great variation of housing observed along Pine Drive, ranging from bungalows to split height dwellings with dormers, to two storey dwellings. The appeal site is at a transition point between the bungalows and the dwellings of a greater height.

6. The proposed dwellings would have deep footprints, which would make an effective use of the size of the appeal site. They have however been designed to take their massing away from the side boundaries, and their front elevations would add interest into what is already a varied street scene. There would be adequate articulation on the parts of their side elevations that would be the most visible from the public domain, with the less detailed flank walls being positioned well back into the site. There is a variation of roof styles and ridge lengths on the road, and the design of the proposal would not be unacceptable in either of those respects.
7. In terms of the plot widths, each proposed dwelling would be set close to the side boundaries, but there would be a more notable separation between their facing side elevations. But, in any event, the arrangement and spaces between the existing and the proposed dwellings would not be uncharacteristic of the area and the plot widths would not be materially smaller. The dwellings would have frontage parking, but this arrangement too is typical of the locality.
8. In conclusion, the proposal would integrate well into what is a diverse street scene in terms of the scale and design of the existing dwellings. Consequently, the proposed development would accord with Policies BE14, HP03 and NE07 of the Brentwood Local Plan 2022 (LP) and with Policy 2 of the Ingatestone and Fryerning Neighbourhood Plan (NP) 2022 where collectively they seek to protect character and appearance, including in ensuring that developments respond positively and sympathetically to their context. There would also be no conflict with the aims of the Framework or the National Design Guide in the same respects.

Other Matters

9. The appeal scheme proposes a net increase of one residential unit on a site that lies within the Zone of Influence (ZOI) of the Blackwater Estuary Special Protection Area (SPA). The Conservation of Habitat and Species Regulations 2017 require that the competent authority must ensure that there are no significant adverse effects from the proposed development, either alone or in combination with other projects, that would adversely affect the integrity of the SPA. The effects arising from the proposal need to be considered in combination with other development in the area, adopting a precautionary approach.
10. The site is within the ZOI where new residential development is likely to result in recreational pressure, which would in combination with other development within the ZOI, have a likely significant effect on the interest features of the aforementioned site. Therefore, I consider that the development would have an adverse effect on the integrity of the site, but regard can be had to whether these adverse effects can be mitigated.
11. The Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) sets out a strategic approach to mitigation by several councils across the wider area. It details mitigation measures that would be funded by financial contributions at a specified tariff per dwelling. Since these include a range of habitat-based measures such as education, communication and monitoring, and have been endorsed by Natural England, I am satisfied that the measures would adequately overcome any adverse effects of the proposal on the SPA.

12. The Council have confirmed receipt of a direct payment of the amount set out in the RAMS. This approach can be problematic as there is no obligation on the Council to spend the money as envisaged and in a particular timescale. However, as a responsible public body I am satisfied that it will use the funds to achieve the purposes of the RAMS. Therefore, the required mitigation measures have been secured and would be used for their intended purpose.
13. Each proposed dwelling would have two off-street parking spaces, a provision which the Highway Authority considers to be appropriate. Adequate space would be provided on the frontages for pedestrian movements. There would not be a significant increase in the amount of traffic in the area as a result of a net increase of one new dwelling. The appeal site is located within an existing settlement and there is no substantive evidence before me to suggest that the proposal would have an adverse impact on utility provision.
14. The adjacent dwellings at 22 and 26 Pine Drive have windows in their side elevations, but they are orientated with their main elevations facing towards the road and their own back gardens. The proposed dwellings have been well-designed to minimise the impact that would arise to each side, incorporating dormer windows and a hipped roof closest to the boundaries, with the main massing of the dwellings being set further away. The maximum two storey depth of the proposed dwellings would also be set off the common boundary.
15. The design of the proposal and the relationship to existing dwellings either side would ensure that there would not be an overbearing impact, or a harmful loss of outlook or light. The separation distance to the dwellings on the opposite side of Pine Drive would ensure that there would not be a harmful impact on the living conditions of the occupants of those properties and there would be a substantial distance to the rear boundary. There would as a result be no conflict with the aims of the development plan where it seeks to protect residential amenity.

Conditions

16. Conditions relating to the time period to commence development and the approved plans are required to provide certainty. A condition requiring samples of external materials is needed to ensure that the proposed development has an appropriate visual appearance, however given the variation that exists in the area this does not need to extend to include details of windows and doors. A Construction Method Statement is needed to ensure that highway safety and living conditions matters are addressed during the construction phase.
17. Details of sustainable drainage features are required to ensure accordance with Policy BE05 of the LP, details related to water efficiency and management to accord with Policy BE02 and matters relating to broadband provision to secure accordance with Policy BE07. It is necessary for boundary treatments and waste and refuse storage facilities to be approved to ensure an acceptable visual appearance. Hard and soft landscaping details are required to ensure a visually appropriate scheme alongside securing biodiversity enhancement. Cycle storage and Residential Travel Information Pack conditions are needed to promote sustainable transport options.
18. Conditions relating to the new access in terms of its width and use of unbound materials are needed in the interests of highway safety. The first floor

windows on the side elevation of the proposed dwellings face one another. To protect the living conditions of the future occupiers it is necessary to ensure these are obscurely glazed and non-opening below 1.7 metres above the floor level of the room. The use of the flat roofed elements of the dwellings would allow unacceptable overlooking onto the adjacent dwellings and therefore a condition should be imposed to avoid that possibility. The provision of electric vehicle charging points on new dwellings is now a Building Regulations requirement and it is not necessary to duplicate that via a planning condition.

Conclusion

19. For the reasons given above, the appeal should be allowed.

Graham Wraight

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 013/C, 014/B, 015A, 016/A, 017/A and 18.
- 3) No development above ground level shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved sample details.
- 4) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement 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. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v. wheel washing facilities
 - vi. measures to control the emission of dust and dirt during construction
 - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works
 - viii. hours of working and hours during which deliveries may be taken at the site
- 5) Prior to the development proceeding above slab level, a report, showing the sustainable drainage features that have been, or will be, incorporated into the development, shall be submitted to and approved in writing by the local planning authority. The sustainable drainage features shall be

fully installed in accordance with the approved details prior to the first occupation of the approved dwellings.

- 6) The approved dwellings shall not proceed above slab level until details of:
- measures to ensure that the buildings do not exceed 110 litres per person per day of water use;
 - 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 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 in accordance with the approved details.
- 7) The development shall not be occupied until details of the treatment of all boundaries including drawings of any gates, fences, walls or other means of enclosure have been submitted to and approved in writing by the local planning authority. The approved boundary treatments shall be completed prior to the first occupation of the development and shall thereafter be permanently retained and maintained.
- 8) The development shall not be occupied until details and specifications of waste and refuse storage facilities serving the dwellings have been submitted to and approved in writing by the local planning authority. These facilities shall be well integrated into the development ensuring they are of an appropriate scale, secure and appropriately ventilated whilst avoiding 'bin blight'. The approved waste and refuse storage facilities shall be completed prior to the first occupation of the development and shall thereafter be permanently retained and maintained.
- 9) Prior to first occupation of the development hereby permitted, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall provide measures for biodiversity enhancement, indicate the existing trees shrubs and hedgerows to be retained, the location, species and size of all new trees, shrubs and hedgerows to be planted or transplanted, and those areas to be grassed and/or paved. The landscaping scheme shall include details of all surfacing materials to be used. The landscaping scheme shall be completed during the first planting season after the date on which any part of the development is commenced or in accordance with a programme to be agreed in writing by the local planning authority. Any newly planted tree, shrub or hedgerow or any existing tree, shrub or hedgerow to be retained, that dies, or is uprooted, severely damaged or seriously diseased, within five years of the completion of the development, shall be replaced within the next planting season with another of the same species and of a similar size, unless the local planning authority gives prior written consent to any variation.

- 10) The approved dwellings shall not be occupied until the infrastructure for the fastest available broadband connection installed on an open access basis has been provided for the future occupants of the dwellings.
- 11) Prior to the first occupation of the development hereby permitted details of the facilities to be provided for the storage of cycles for each residential dwelling shall be submitted to and approved in writing by the local planning authority. The approved facilities shall be provided in accordance with those details prior to the first occupation of the development and shall thereafter be permanently retained.
- 12) Prior to the first occupation of the development hereby permitted, a Residential Travel Information Pack for sustainable transport (as per Essex County Council guidance), to include six one day travel vouchers for use with the relevant local public transport operator shall be provided to each dwelling free of charge.
- 13) Prior to the first occupation of the development hereby permitted, the new vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be more than 4.5 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.
- 14) No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 15) The proposed windows located at first floor on the side elevation of each dwelling hereby permitted 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 dwellings or use of the room of which the windows are installed. Those windows shall remain so glazed and non-openable.
- 16) The flat-roof of the single-storey rear projection for each dwelling hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

-----End of Conditions-----