



Appeal Decision

Site visit made on 10 December 2024

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2025

Appeal Ref: APP/H1515/W/24/3344546

75 London Road, Brentwood, Essex CM14 4NN

- 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 Hitesh Sharma against the decision of Brentwood Borough Council.
 - The application Ref is 23/01589/FUL.
 - The development proposed is the erection of a replacement dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised National Planning Policy Framework was published on 12 December 2024. The main parties have been given the opportunity to make comments on this revision.

Main Issues

3. The main issues are the effect of the proposed development on (i) the character and appearance of the area and (ii) the living conditions of the occupants of 7 Hillside Walk with reference to overlooking.

Reasons

Character and appearance

4. The appeal site fronts onto London Road, a main road leading to and from the centre of Brentwood. The existing dwelling is set well back from the public highway with its front elevation consisting of a main two storey centre element with single storey extensions to either side elevation. Its positioning, design and general scale are consistent with other dwellings found along London Road and as such it integrates into the street scene in a positive manner.
5. The proposed replacement dwelling would bring the projection of the dwelling closer to London Road and add two storey height across its full width. Its front elevation would for the most part be of a traditional appearance, with the exception of a projecting gable with extensive glazing facing the road. In terms of its relationship to the proposed dwelling itself and to the street scene, this gable would be an alien feature and mean that the proposed dwelling would be an awkward mix of the traditional and contemporary.
6. Furthermore, the roofscape of the proposal would consist of four crown roofs of varying sizes. Due to the topography of London Road, parts of this roof

structure would be visible in views taken from the higher ground to the east. It would give the proposal an imposing appearance and be considerably at odds with the simpler pitched roofs currently present on the appeal property and along London Road. Whilst my attention has been drawn to other crown roofs in the area, these are not found within the immediate street scene that the proposed dwelling would be viewed.

7. I have also been directed to recently built contemporary dwellings nearby at 47 London Road. Those dwellings are however located on a corner plot and have distinctly different designs to the appeal proposal. Although of a modern appearance, they integrate well into the street scene and their impact is not comparable to that which would arise from the appeal proposal. A further reference is made to a replacement dwelling in Shenfield but no specific details have been provided and, in any event, that development does not affect the locality in which the appeal site is found.
8. For these reasons, I conclude that the proposed development would cause significant harm to the character and appearance of the area. Consequently, the proposal would fail to accord with Policy BE14 of the Brentwood Local Plan 2022 (LP) where it requires proposals to respond positively and sympathetically to their context.

Living conditions

9. The proposal would bring the dwelling closer to the rear boundary at two storey height. The topography of the surrounding area means that the appeal site is at a notably higher ground level than those properties on Hillside Walk. There would be additional windows at first floor level compared to the existing situation and they would be nearer to the boundary with 7 Hillside Walk. There would also be a bedroom window at second floor level.
10. The appellant has provided an annotated plan showing the distances to the boundaries that would exist. Whilst there would be additional windows, the separation distances and the fact that the dwellings themselves on Hillside Walk are angled in relation to the appeal property would mean that there would not be a harmful overlooking impact from the proposed development. Therefore, there would be no harm to the living conditions of the occupants of 7 Hillside Walk from overlooking and no conflict with Policy BE14 of the LP where it refers to living conditions.

Conclusion

11. Whilst I have not found that there would be harm to living conditions, there would be significant harm caused to the character and appearance of the area and consequently a failure to accord with the development plan taken as a whole. The appeal should therefore be dismissed.

Graham Wraight

INSPECTOR