



Appeal Decision

Site visit made on 15 January 2025

by Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 28 January 2025

Appeal Ref: APP/H1515/D/24/3351526

Bluebell Cottage, Outings Lane, Doddinghurst, CM15 0LZ

- 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 Dale Giles against the decision of Brentwood Borough Council.
 - The application Ref is 24/00513/HHA.
 - The development proposed is the construction of a detached garage.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a detached garage at Bluebell Cottage, Outings Lane, Doddinghurst, CM15 0LZ in accordance with the terms of the application, Ref 24/00513/HHA, and the plans submitted with it, as amended by the submitted revised sketch drawing, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue in this case is the effect of the proposed garage on the character, appearance and visual amenity of the area.

Reasons

3. The appeal site, Bluebell Cottage (No.15) is at the junction with Spillbutters, and is occupied by a semi-detached chalet bungalow with a wide open frontage largely paved or gravelled to accommodate vehicles. In this regard, the attached house at No.16 has a similar open surfaced area with no physical feature at the division of the 2 curtilages. Number 16, however, has a detached double garage, slightly smaller in size than the appeal proposal, that is set within the front curtilage. Whilst I have no dimensions to rely upon, it appeared to be set as close to the road as the appeal proposal.
4. Bluebell Cottage is situated on the north side of Outings Lane, with the topography sloping down from the north, so that the appeal site has a fall to the road, and this fall continues on the south side of the road. Whilst the built-up area on the south side of the road continues in some depth to the south and east, there is open

countryside beyond the dwelling 'Lympstone' which is adjacent to No. 16. The character of the development, in this vicinity, is somewhat different on the south side of the road to that of Bluebell cottage and its immediate neighbours.

5. To the south, the frontages are generally enclosed behind fences and shrubbery, whilst for the short length of the road on the north side, from 'Col Vair' to No.16, the frontages are quite open, although the appeal site has as substantial hedge on its boundary with Spillbutters. Spillbutters is a short cul-de-sac that rises quite appreciably from Outings Lane, with the southern part lined with relatively high fencing.
6. I note that during the course of the council's consideration of the appeal application, an amendment was requested for the height to be reduced to be in line with the garage approved at No. 16, under application ref 20/01643/HHA. The sketch provided has reduced the height of the pitch to a maximum height of 3.45 metres and an eaves height of 2.1 metres. This sketch also indicates that the proposed garage would be slightly cut into the ground to the north, marginally reducing its apparent height and mass from the highways. I will deal with the appeal proposal on the basis of this sketch.
7. The sketch was considered by the council, and commented upon, but as far as I can tell, was not subject of consultation. Nevertheless, it appears to me that no one would be prejudiced by it being taken into account, since it involves a slight reduction in the prominence of the proposal.
8. I should also recall the fact that there are 2 other garages, in addition to that at No.16, that have been erected in the front curtilages of dwellings in the immediate vicinity. These are on the south side of the road, which I have noted has a somewhat different character to the openness of the appeal frontage and its immediate neighbours.
9. The present appearance of the western flank of the frontage of the appeal site is one of high hedging. The appeal plans show that this hedging would be removed along the length of the back of the proposed garage. The remaining hedge on the boundary with Spillbutters would remain in place.
10. I do not consider that the proposed garage would have any appreciable effect on the character and appearance of Spillbutters, since its southern end is enclosed by tall fencing, on higher ground to the west, and hedges. The garage would merely be an additional element of hard enclosure, much like the fencing, although I recognise that the frontage to No.14, immediately to the west of Spillbutters is more open.
11. Travelling along Outings Lane, the garage would not be a feature with great impact. From the west it would be seen in the context of the appearance of Spillbutters that I have described, and the hard surfaced open frontages of the appeal site and its neighbour, and the existing double garage on the neighbour's frontage. From vehicles approaching from the east, it would be little more than glimpsed, due to the trees and shrubs east of Lympstone and then the hedging on the boundary of that dwelling with No.16. From a pedestrian or cyclist's point of view, the garage would be seen as part of the area at the front of Bluebell Cottage and No.16 that is given over to parking and manoeuvring of vehicles, including the existing double garage at No.16.

12. Taking the factors discussed above, I conclude that the appeal proposal would not have a significant harmful effect on the character, appearance and visual amenity of the area, sufficient to warrant refusal of planning permission. Therefore, the appeal will be allowed.

Conditions

13. The statutory condition that provides a time limit on the start of development must be imposed. In addition, the council has suggested 2 conditions in the event that the appeal is upheld. I have considered these in the light of Planning Practice Guidance. The first is that the materials to be used shall match those used in the existing building. This is necessary to ensure the satisfactory appearance of the development. The second is that the development shall be carried out in accordance with the approved plans. This is necessary for certainty and avoidance of doubt as to the development permitted, but can be dealt with by incorporation into the terms of the permission itself.

Terrence Kemmann-Lane

INSPECTOR