



Appeal Decision

Site visit made on 25 November 2024 by M Jones

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 January 2025

Appeal Ref: APP/H1515/D/24/3352773

50 Burses Way, Hutton, Essex CM13 2PS

- 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 Ms Lauren Dooley against the decision of Brentwood Borough Council.
 - The application Ref is 24/00635/HHA.
 - The development proposed is to demolish garage, rear extension and chimney. Construct two storey front extension and porch, 2 storey side extension and part two storey, part single storey rear extension and loft conversion, alterations to fenestration, external materials and raised patio.
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Decision

1. The appeal is allowed and planning permission is granted to demolish garage, rear extension and chimney. Construct two storey front extension and porch, 2 storey side extension and part two storey, part single storey rear extension and loft conversion, alterations to fenestration, external materials and raised patio at 50 Burses Way, Hutton, Essex, CM13 2PS in accordance with the terms of the application, Ref 24/00635/HHA, 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 approved plans L01 and L02 except in respect of the proposed side/west elevation shown on plan L02 which shall only be constructed with the front extension having a ridge height consistent with the other elevations shown on plan L02 and the roof plan shown on plan L01.
 - 3) No materials shall be installed on the external surfaces of the development hereby permitted until details of those materials 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.
 - 4) No development shall take place, except for works to demolish the existing garage, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for measures to control the emission of dust and dirt during construction, and construction working hours. The approved Construction Method Statement shall be adhered to throughout the construction period for the development hereby permitted.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The original application and appeal forms were submitted with 'C/O Agent' stated as the applicant and appellant name. The appellant's agent has provided evidence confirming that Ms Dooley was the original applicant and is now the appellant, and the appeal will proceed on that basis.
4. A revised description of development was agreed between the parties during the application process. I have therefore used this in the header and decision above.
5. The Council's reason for refusal and officer report refer to impacts on the neighbouring property 50 Burses Way. The Council has confirmed that this is an error and should refer instead to 52 Burses Way.

Main Issues

6. The main issues are the effect of the proposed development on the character and appearance of the host property and local area and on the living conditions of the occupiers of 48 and 52 Burses Way, with particular regard to light and outlook.

Reasons for the Recommendation

Character and appearance

7. The appeal site comprises a large two-storey detached dwelling set back from Burses Way with a large rear garden. The dwelling is currently vacant and in a state of disrepair. The appeal dwelling in its current form has a mix of different styles and materials with alterations made to the rear and flank of the property.
8. Burses Way and the surrounding streets are quiet residential streets characterised by a mix of detached properties including two-storey houses and single-storey bungalows. In general, the properties exhibit a range of front elevation designs, external materials, roof styles and extensions. As such, there is no consistent design or style for dwellings in the local area. Front projections of various designs and with gabled or hipped roofs are, however, a common feature.
9. The front elevation of the proposed development includes two gabled extensions sitting either side of a gabled porch. The design of the gables is relatively simple and understated in terms of materials and fenestration and they are appropriately proportioned. As such, the front gable features would not unduly dominate the front elevation or make it appear overly cluttered. This is particularly so given that there are a number of dwellings in the local area which have a similar front elevation design including one or two prominent front gables. Consequently, in this mixed street scene, the proposed front elevation would be in keeping with the existing character and appearance of the local area.

10. With respect to the rear elevation, the proposed development would result in a substantial addition to the rear of the dwelling. However, views of the rear extensions from the street would be very limited. Further, the proposed first floor rear extension would not extend beyond the current depth of the eastern flank rear extension so, even though it would be wider, it would remain compatible with the scale of the existing dwelling.
11. The proposed single-storey extension would extend past the current rear extension by approximately 3 metres and would be raised on top of a new patio which is a substantial addition to the rear. However, given the scale of the proposed rear extension and dwelling as a whole, the single-storey extension would remain subservient to the proposed development. Further, its design would complement the development as a whole.
12. As such, it is not considered that the proposed rear extensions would cause an unacceptable detrimental impact on the character and appearance of the host property or local area.
13. The existing dwelling is a large, detached dwelling situated on a substantial site with generous front and rear gardens and spacing between it and neighbouring properties. Whilst the accumulation of enlargements from both the front and rear proposed extensions would increase the overall size of the existing dwelling, particularly the ground floor footprint, it is considered that the size of the existing site can support such enlargement and the proposed development would remain well-proportioned on the site and compatible with the location.
14. Further, the generous spacing between the proposed development and the neighbouring properties would be retained. As such, it is not considered that the proposed development would be incompatible with the existing dwelling or location by way of bulk, or that it would have an overbearing impact.
15. For these reasons, the proposed development would respond positively and sympathetically to the existing site and streetscape and would be of a high standard of design which would not cause detriment to the street scene. Therefore, it would not harm the character and appearance of the host property or the local area and so complies with Policy BE14 of the Brentwood Local Plan 2016-2033, insofar as it requires proposals to meet high design standards. It also complies with the design policies of the National Planning Policy Framework 2024.

Living conditions of neighbours

16. The neighbouring property 48 Burses Way is a single-storey bungalow set back further within its plot than the appeal dwelling. The flank of No 48 sits off the boundary with the appeal dwelling creating a generous gap between the properties which is covered by a translucent canopy that extends the full depth of that flank elevation.
17. The kitchen of No 48 has a window which faces the flank elevation of the appeal dwelling, located underneath the canopy. Consequently, the outlook from that room in the direction of the appeal site is already restricted, as is the amount of light that reaches it. The proposed development would extend further past No 48 at ground floor level than at present but no further at first floor level. The existing gap between the properties would be maintained. The end of the roof and part of the wall of the single storey rear extension would be

visible above the existing fence. Given the presence of the canopy however, this would result in a very small change to the outlook from the kitchen window and the light reaching it. Therefore, it would not result in any materially harmful reduction in outlook or light to the kitchen relative to the existing situation.

18. The lounge of No 48 is situated at the rear of the dwelling and has a secondary window in the flank underneath the canopy facing the appeal site and larger main windows which look out onto the rear garden. In respect of the secondary lounge window, there is currently a gap between the top of the existing boundary fence and the canopy which provides a very limited outlook from that window. Light reaches this window through that gap and through the translucent canopy. Due to these restrictions, the rear windows of the lounge provide the main source of light to the lounge. They also provide a good outlook to the rear garden.
19. The proposed single-storey rear extension would extend past the existing first floor rear extension and would therefore substantially block the existing gap between the top of the boundary fence and the canopy. As such, there would be a loss of light and outlook to this side window and likely to be an increase in shadowing in the evenings. There would however be little or no impact on the level of light reaching the lounge through the translucent canopy, and the visual impact would be limited, given that this part of the rear extension is single-storey and due to the gap between the extension and the side window in the lounge.
20. Consequently, the proposal would not appear unduly overbearing from the lounge of No 48. The outlook to the rear garden and light levels reaching the lounge through the main lounge windows would not be affected. Therefore, the impact of the proposal on the occupiers of No 48's enjoyment of the lounge would be minimal, and not sufficient to adversely affect their living conditions.
21. The neighbouring property to the other side of the application site is No 52 Burses Way, a two-storey detached dwelling which is set further forward within its plot than the appeal property.
22. The proposed rear extension would result in a significant increase in built form at both ground and first floor levels compared to the existing situation. This is likely to result in additional shading of the rear of number 52. However, this would only impact a small part of the garden in the morning and would not affect the habitable parts of the dwelling as the nearest ground floor room of No 52 to the appeal site is not currently used as a habitable room.
23. The garden of No 52 also has large trees and bushes on the boundary with the appeal site. Therefore, with this screening and layout, the outlook from the rear habitable rooms of No 52 would not be significantly or harmfully altered by the proposal. Consequently, the proposed development would not cause any material detriment to the living conditions of the occupants of number 52.
24. For the reasons stated above, the proposed development would not harm the living conditions of the occupiers of 48 and 52 Burses Way with regard to light and outlook. It would therefore safeguard the living conditions of adjacent residents as required by Policy BE14 of the Brentwood Local Plan.

Conditions

25. I recommend the standard time period for commencement of the development condition is necessary in the interests of expediency. I also recommend a condition requiring the development to accord with the approved plans as this provides certainty. However, it is clear from the elevations shown on plan L02 and the roof plan that the ridge line on the side/west elevation has been incorrectly drawn compared with the other elevations. Notwithstanding that, the scope of the proposal is clear. I consider that this minor plan error can be addressed through a suitably worded condition.
26. I further recommend a condition requiring details of external materials to be approved. This is necessary to ensure an appropriate appearance for the development, taking into account the character and appearance of the local area. I do not however recommend the Council's suggested matching materials condition, as not all of the proposed materials would match the existing dwelling. Therefore, such a condition would not be reasonable.
27. Finally, I recommend a condition securing a Construction Method Statement. This is necessary to ensure that the demolition and construction works for the proposed development, which are likely to be substantial, are carefully managed to mitigate potential harm to neighbouring occupiers' living conditions as a result of noise and disturbance.

Conclusion and Recommendation

28. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed subject to conditions.

M Jones

APPEAL PLANNING OFFICER

Inspector's Decision

29. I have considered all the submitted evidence and my representative's report and agree with the reasoning and recommendation. On that basis the appeal is allowed subject to the conditions listed above.

L McKay

INSPECTOR