
Appeal Decision

Site visit made on 25 February 2025

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st March 2025

Appeal Ref: APP/H1515/W/24/3350556

42 Peartrees, Ingrave, Essex CM13 3RP

- 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 B Crowley against the decision of Brentwood Borough Council.
 - The application reference is 23/00131/FUL.
 - The development proposed is demolition of existing garage and erection of 2 dwellings with associated access, parking and amenity areas.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council issued its decision notice, the National Planning Policy Framework (the Framework) has been revised, with the latest version published on 12 December 2024 and amended on 7 February 2025. In this case, the most relevant parts of the Framework remain broadly the same. As a result, I have not sought comments on this matter and I am satisfied that no party has been prejudiced by my approach.
3. As the appeal site lies within a Conservation Area (CA), I have paid special attention to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

4. The main issues are the effect of the proposal on the character and appearance of the area, having particular regard to the Thorndon Park CA and the setting of the Grade II* Thorndon Hall Registered Park and Garden (RPG) (Ref: 1000314).

Reasons

5. 42 Peartrees (No 42) is a detached bungalow, which occupies a corner plot at the edge of the settlement. The garden of No 42 is well landscaped and includes a tennis court, lawn and some mature trees. The garden is considerably larger than the gardens of adjacent properties. The proposal seeks to construct two new bungalows within the garden. The proposal also seeks to demolish the existing integral garage at No 42, in order to provide access to the new dwellings.
6. The area is characterised by a mix of detached and semi-detached dwellings, primarily consisting of bungalows and chalet bungalows. The dwellings within the

locality typically front the highway but are set back within their plots in large, well landscaped gardens. The existing soft landscaping, low scale development and views through the properties to the woodland beyond provide a green and verdant backdrop to the village.

7. The appeal site falls within the CA and is adjacent to the boundary of the RPG. The CA is significant in size and encompasses the RPG. Thorndon Hall RPG is an early 18th century park and woodland by Lord Petre, which was altered by Lancelot Brown in the mid-18th century to form a park and pleasure ground. The RPG was altered again in the 20th century to create a country park and golf course. Insofar as is relevant to this appeal, the significance of the RPG is derived from its historic interest as an 18th century designed landscape. Despite the 20th century changes, the RPG retains its open, wooded and parkland character. Given the interrelationship between the RPG and the CA, the significance of the CA is principally derived from the positive contribution made by the RPG to its character and appearance.
8. It appears from the evidence before me that the appeal site previously formed part of the Long Plantation and was historically part of the adjacent parkland. I appreciate that the existing dwelling shares a close physical, functional and visual relationship with the surrounding residential development. In addition, the garden of No 42 is read as a domestic garden, with its manicured lawn and tennis court. Nonetheless, I find that the low key nature of the existing development, the open character and presence of mature trees within the appeal site provides an appropriate transition between the settlement and the adjacent woodland/parkland. Consequently, the appeal site makes a positive contribution to the character and appearance of the area, including the CA. The appeal site also makes a positive contribution to the setting of the RPG.
9. I acknowledge that the appeal site forms a very small part of the CA. With the exception of the appeal property and two nearby dwellings, the other dwellings in the immediate locality lie outside of the CA boundary. Nevertheless, the appeal site falls within the CA and therefore the statutory duty set out at Section 72 (1) of the Act applies.
10. The proposed development by reason of its back garden position would fail to respect the prevailing development pattern in the area, where properties typically front the street. While the size, design and materiality of the proposed dwellings would respect the adjacent built form, given the proximity of the proposed dwellings to their boundaries and the existing dwelling, the proposal would appear unduly cramped. In particular, Plot 1 would be sited very close to the rear boundary of the site and the proposed turning area and new boundary for Plot 2 would be sited extremely close to No 42. The proposed built form and areas of hardstanding would have an urbanising impact on the locality. Furthermore, the extent of built form and the cramped layout would harmfully detract from the open and verdant character that the appeal site and the area currently exhibits.
11. I appreciate that both the new dwellings and the existing dwelling would have good sized gardens and that the density of development would be below the minimum density set out within Policy HP03 b) of the Brentwood Local Plan 2016 – 2033, adopted March 2022 (the Local Plan). Nevertheless, I do not find that these factors justify the harm that I have identified above.

12. The proposed development would be largely screened from the street by the existing built form and would be screened from the golf course within the RPG by the existing trees. The proposed development would be visible from neighbouring properties and from the path that runs along the rear and one of the side boundaries of the site. This path provides access from the recreation ground to the RPG. The appellant's site plan confirms that this land is being used as a public footpath. While this path is not a designated public right of way (PRoW), it appears to have been used by the public for some time and there seems to be no prospect of that ceasing. While I appreciate that the Essex Garden Trust raised no objections to the proposal, I find that the proposed development would be highly prominent from the path and would diminish the positive contribution that the appeal site makes to the CA and the setting of the RPG.
13. For the reasons given above, I conclude that the proposal would fail to preserve the character and appearance of the CA as a whole and the setting of the RPG. I find the harm to be less than substantial, but nevertheless of considerable importance and weight. In accordance with paragraph 215 of the Framework, that harm should be weighed against any public benefits of the proposal.
14. The proposal would align with the objectives of the Framework, which seek to significantly boost housing supply and promote the effective use of land. The proposal would provide two new dwellings on a windfall site, which would make a small contribution to the supply of housing within the borough, which I afford limited positive weight.
15. There would be a small economic benefit from the proposal during the construction phase of the development. Furthermore, future residents would help to contribute towards the economic vitality and viability of the village. I give the economic benefits of the proposal limited weight in my decision as a public benefit. The removal of the tennis court also has the potential to benefit T13, which I give limited positive weight in my decision.
16. Overall, the proposed public benefits carry limited weight in favour of the development. As a result, the collective public benefits are insufficient to outweigh the great weight afforded to the preservation of heritage assets.
17. For the reasons given above, I conclude that the proposal would fail to preserve the character and appearance of the CA and would harm the setting of the RPG. The proposal would fail to accord with the requirements of the Act and the historic environment policies of the Framework. The proposal would conflict with Policies BE14, BE16 and HP03 and NE07 of the Local Plan. These policies among other things require that proposals sustain and wherever possible enhance the significance of heritage assets and their settings and are sympathetic to the local character.

Conclusion

18. For the reasons given above, the proposal would conflict with the development plan as a whole and there are no other material considerations, including the Framework, that would outweigh that conflict. Therefore, I conclude that the appeal should be dismissed.

A James INSPECTOR