



Appeal Decision

Site visit made on 19 May 2025

by **A Hickey MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24th June 2025

Appeal Ref: APP/H1515/W/24/3353966

2 Weald Road, Brentwood, Essex CM14 4SX

- 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 Ralp Holdings LTD against the decision of Brentwood Borough Council.
 - The application Ref is 23/01607/FUL.
 - The development proposed is change of use from training centre to residential (C3) with the addition of 1 storey including roof accommodation comprising 6 self contained flats (4 x 2 bed, and 2 x 1 bed) with provision of refuse and bicycle storage.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from training centre to residential (C3) with the addition of 1 storey including roof accommodation comprising 6 self contained flats (4 x 2 bed, and 2 x 1 bed) with provision of refuse and bicycle storage at 2 Weald Road, Brentwood, Essex CM14 4SX in accordance with the terms of the application ref: 23/01607/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. I have adopted the revised description of development as it appears on the decision notice and formally agreed by the appellant and Council.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and
 - the effect of the proposal on the living conditions of the occupiers of 4 Weald Road (No 4) with particular regard to noise.

Reasons

Character and appearance

4. The appeal site is situated on the western side of Weald Road, a busy route serving a number of commercial, leisure and residential properties. This side of Weald Road, closest to the appeal building, consists of a large, recently constructed six-storey building at the junction. Attached to this building is a three-storey fronted building (The Apartments) which rises to four-storey at the rear. The appeal building is adjacent to The Apartments and is made up of three-storeys with a flat roof. There is then a gap before a row of modest terrace dwellings on this side of the road. As such, there is a short row of buildings that are stepped

down, albeit the staggered roof of The Apartments building distorts the stepped down perception to some degree when seen from nearby views.

5. The appeal site is located close to the Brentwood Town Centre Conservation Area (CA). The significance of the CA, particularly this part closest to the appeal site is derived from the age and styles of buildings and their irregular frontages and building heights. As a result of the position of the appeal building, its lower height with adjoining buildings closer to the CA, it currently makes a neutral contribution to the setting of the CA.
6. While there is a gradual decrease in building height away from the junction, it is also not wholly consistent, on this side and section of the road, as there are properties within the terrace row which do not follow this stepped-down pattern of development. Similarly, many other nearby buildings follow a similar pattern of development, whereby roofs are at differing heights rather than stepped down. The variation in heights and roof types, along with differing materials, adds visual interest and character to the area.
7. The proposed additional storey would have minimal inset distance from the existing flank wall. This would add extra bulk and massing that would interrupt the stepped-down appearance on this section of the road. However, the additional storey would be well set back from the front elevation. As such, the overall scale, height and form of the roof extension would sit comfortably within the street scene, including from Western Road where the relationship with nearby buildings would be most visible. When seen in combination, it would not further dominate the appearance of No 4 or the terrace row, any more than the existing relationship.
8. Given my findings above, the proposal would not harm the setting of the CA or how it is experienced. Moreover, the proposed development would not harm the character and appearance of the area. It would therefore comply with Brentwood Local Plan (BLP) Policy BE14 insofar as it requires development to be of a high standard that responds positively and sympathetically to its context. For similar reasons, it would accord with the aims of the National Planning Policy Framework (the Framework) and National Design Guide (NDG).

Living Conditions

9. During my site visit, I observed an open passageway between the appeal building and No 4 that allowed access from Weald Road through to the junction with Tower Hill. On the flank wall of the appeal building, a short distance from the footway of Weald Road, I noted two existing commercial-sized waste bins sited in the narrower part of the passageway.
10. The evidence before me identifies that the proposed refuse and recycling for both commercial and residential uses would be contained within the appeal building until the required collection day. External doors would need to be opened outward to take the bins out on the day of collection, which may generate some level of noise. However, this would be infrequent and at a relatively low level. Moreover, the proposed arrangement would remove the need for users of the building to go outside to dispose of rubbish. This would result in fewer external trips and noise and would also be a visual improvement over the existing arrangement to the benefit of the occupiers of No 4.

11. There is no compelling evidence presented that the bin store areas would be left open to allow members of the public access. Indeed, leaving open access would provide entry to the wider building such that users of the building would be inclined to ensure these areas remain restricted from public access. Whilst occupiers may use the bin store areas at the same time, it is unlikely to be an area in which they congregate. Additionally, there is limited evidence to suggest that the passageway would experience increased levels of people congregating, or that any associated increase in noise would be at a harmful level to existing nearby occupants.
12. For these reasons, the development would not harm the living conditions of the occupiers of No 4. It would therefore not conflict with BLP Policy BE14, which expects, amongst other things, proposals to safeguard the living conditions of adjacent residents, including through sensitively integrated refuse and recycling points. Policy BE14 is broadly in accordance with the aims of the Framework and the NDG, which seek developments that function well over their lifetime and provide a high standard of amenity for existing and future users.

Other Matters

13. I have paid regard to comments in objection to the scheme. Comments related to issues with the construction of the nearby six-storey building are matters that fall outside the scope of this appeal. Moreover, the appeal scheme is of a much smaller scale, incorporating the existing building. Additionally, matters related to fly tipping are existing and there is no cogent evidence to suggest that the proposed development with its internal bin store area will lead to additional fly tipping from occupiers of the building. Works to existing infrastructure, such as internet connections, are also existing matters outside the bounds of this appeal.
14. The evidence presented within the appeal documents shows that there would be some minimal effect on daylight and sunlight to nearby properties and their occupiers. However, substantive evidence to show this would not be at a detrimental level has been presented and I find no reason to disagree. Matters relating to any legal 'Right to Light' are private matters and fall outside of the scope of this appeal.
15. Concerns over the lack of parking and inconsiderate or illegal parking are also raised. However, the Council does not object to the proposal on these grounds, and I have no reason to reach a different conclusion based on the evidence before me. It is unlikely that, once completed, the proposed development would generate a significant number of vehicle trips compared to the existing uses of the building. In addition, the site is within proximity of public car parks, and the site has good access to public transport. Taking these factors into account, there is no reason to resist the proposal on the grounds of highway safety or parking.
16. Representations have also been made relating to disturbance to neighbours, including during construction, privacy, sewage, housing mix and consultation of the application. Construction management works are to be agreed by condition to limit nuisance to nearby residents whilst construction takes place. Conditions on obscure glazing and privacy screens would also avoid an adverse impact on the living conditions of surrounding residents. I have not been provided with any evidence of sewage insufficiencies, which the Council has not considered. I am not aware of the complete details regarding the sale and occupation of the flats in the area. Nonetheless, there is no detailed evidence that demonstrates there is an

oversupply of this type of accommodation within the district. In addition, the BLP supports the principle of residential use on upper floors.

17. The evidence before me indicates that sufficient and correct public consultation as required by The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) has been undertaken by the Council.
18. Any future application for additional storeys to buildings or tall buildings would be assessed on their own merits. In any case, given that I have concluded that the proposal would be acceptable, I see no reason why it would lead to harmful developments on other sites. Additionally, while previous schemes on the appeal site have been refused, I have considered this proposal on its own merits and found it acceptable for the reasons set out.
19. Limited details have been provided to show that the development would give rise to harmful effects on the provision of access to health care and education facilities within the area. Concerns in respect of loss of view from, and devaluation of, neighbouring properties are not material considerations in the determination of this appeal. I note the comments in relation to a legal easement for nearby residents, but this is a matter outside the remit of this appeal. While I understand this decision will be disappointing for some local residents, the evidence before me does not lead me to conclude that the matters raised, either individually or cumulatively, would be an overriding reason to warrant dismissal of the appeal.

Conditions

20. The Council have suggested that 10 conditions be imposed, which I conclude on below. In imposing conditions, I have had regard to the approach in the Framework and the Planning Practice Guidance. I have accordingly modified the wording or form of certain conditions without altering their fundamental aims. Where pre-commencement conditions have been imposed these have been agreed by the appellant.
21. In addition to the standard time limit condition, condition 2 (plans) specifies the relevant drawings as this provides certainty. Condition 3 (Construction Method Statement) is necessary in order to minimise the disruption during construction. Condition 4 is necessary in order to ensure that suitable noise mitigation is provided to create acceptable living conditions. Conditions 5 and 6 are necessary in order to ensure a high design quality and appropriate materials given the nearby CA. Condition 7 for cycle storage is needed in the interests of ensuring a sustainable development and safety. Condition 8 for a travel pack is necessary in order to ensure sustainable transport opportunities are maximised. Conditions 9 and 10 are required in the interest of protecting privacy of nearby and future occupiers.

Conclusion

22. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

A Hickey

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 177-3EX-00; 177-3GA-01; 177-3GA-02; 177-3GA-03A; 177-3GA-04A; 177-3GA-05; 177-3GA-06; 177-3GA-07A; 177-3GA-08B; 177-3GA-09A; 177-3GA-10 Proposed Section 01; 177-3GA-11 Proposed Section 02; 177-3GA-12A Proposed Fire Strategy G/F; 177-3GA-13 Proposed fire strategy Mezzanine; 177-3GA-14A Proposed fire strategy First Floor; 177-3GA-15A Proposed fire strategy Second Floor and 177-3GA-16 Proposed fire strategy Third Floor.
- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - the parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - wheel and underbody washing facilities; and
 - delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 4) No development shall take place until details of a scheme of mitigation, covering the facade, glazing, ventilation specifications, sound protection and insulation measures for the building to be converted (including fenestration alterations) has been submitted to and approved in writing by the local planning authority. Details should include a scheme for protecting the residential dwellings from noise arising from activities within the ground floor commercial premises, shall be submitted to and approved in writing by or on behalf of the Local Planning Authority. The scheme shall be fully implemented and sound transmission tests shall be carried out by a competent person to demonstrate compliance with the approved scheme, the results shall be submitted to the Local Planning Authority and approved scheme shall be permanently maintained thereafter.
- 5) Prior to the commencement of above ground construction, a brick sample panel of walling measuring 1m by 1m, shall be made available for on-site inspection and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved samples.
- 6) Prior to commencement of the development hereby approved, drawings that show the proposed fenestration and typical details, including the depth of reveals, balustrading and elevation at scales between 1:20 and 1:1 as appropriate shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 7) Prior to first occupation the cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and retained at all times.

- 8) Prior to first occupation of the proposed development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.
- 9) The 1.8 metre high privacy screen as shown on the approved drawings 177-3GA-08 and 177-3GA-09A, which serve the balconies to Flats 1, 3, 5 and 6, shall be erected on the sides of those balcony areas prior to the first occupation of the proposed units and shall be retained as approved.
- 10) The windows identified on the approved drawing 177-3GA-09A as being obscure glazed 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 window(s) shall be installed prior to the first occupation of the building or use of the room of which the window(s) is installed. Those windows shall remain so glazed and non-openable. (Note the application of translucent film to clear glazed windows does not satisfy the requirements of this condition).

End