



Appeal Decision

Site visit made on 11 November 2025

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th November 2025

Appeal Ref: APP/H1515/W/25/3371421

7-11 Chelmsford Road, Shenfield CM15 8RG

- 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 Rooke against the decision of Brentwood Borough Council.
 - The application Ref is 25/00044/FUL.
 - The development proposed is described as one full storey upward extension with another second smaller upward set back extension over to create two new apartments with roof to terraces. Rear extension to create new rear access. Creation of balconies and ground floor terrace. Alterations to fenestration.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Although Part E of the appeal form states that the description of development has not changed a different wording has been entered by the appellant. I have used the description of the development from the Council's Decision Notice and the appellant's Appeal Statement, as it has been used by both parties and more accurately describes the proposed development.
3. The appeal site is proximate to a number of Grade II listed buildings. I have therefore born in mind the statutory requirements placed upon decision-makers by section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990 (the Act).

Main Issues

4. The main issues are:
 - i) the effect of the proposal on character and appearance of the area;
 - ii) whether the proposed development would preserve the setting of the Grade II listed building, known as Green Dragon; and
 - iii) the effect of the proposal on living conditions.

Reasons

Character and appearance

5. Chelmsford Road is a busy main road characterised by properties of varying scale. The appeal site is rectangular in shape located close to the signalised junction of Chelmsford Road with Hutton Road. It is occupied by a modest two-storey building

comprising maisonettes. A three-storey block of flats is located directly to the east of the appeal site and a two-storey building, containing a commercial use at ground floor, is located to the west.

6. The proposal would re-dress and modernise the existing building. Although there are transitions in height of the buildings in the locality the extended appeal property would appear taller than it currently is and with a different roof form that would stand in stark contrast to the wider streetscene in which it sits. Its horizontal roof profile would be at odds with the predominant hipped and gable roof forms that are present in the locality.
7. As the appeal site has a prominent position within the street the proposed extension and alterations would be apparent in views from within the wider townscape. The proposal would appear as an incongruous addition when viewed with nearby properties and for this reason, the proposal would cause harm to the character and appearance of the wider street scene.
8. Precise details of the palette of external materials of the proposed development could be conditioned if I were to allow this appeal. However, this would not sufficiently mitigate the harm I have identified in respect of the character and appearance of the area.
9. For the above reasons, I conclude the proposed building would result in unacceptable harm to the character and appearance. This draws the proposal into conflict with Policy BE14 of the Brentwood Local Plan 2016-2033 (LP) which supports new development where it responds positively and sympathetically to their context and build upon existing strengths and characteristics. The proposal would also conflict with the National Planning Policy Framework (the Framework) which seeks to ensure that development is sympathetic to local character and adds to the overall quality of the area.

Setting of the listed building

10. Beyond the junction of Hutton Road lies the Grade II listed Green Dragon public house, originally a timber framed open hall house of c. 1500, subsequently enlarged and converted to a public house in the 18th century. The significance of the listed building is derived in part from its age, surviving historic fabric and its relationship to the evolution of the settlement.
11. There is currently little intervisibility between the existing appeal building and the listed building. Nevertheless, having regard to advice set out in the Planning Practice Guidance¹, the Glossary to the Framework and case law, setting is not purely associated with visibility. It could also include, but is not limited to, economic, social and historical relationships. Furthermore, the surroundings in which a heritage asset is experienced, including its extent is not fixed and may change as the asset and its surroundings evolve.
12. I accept that many of the qualities of the listed building relates to its historic fabric, form and internal architectural features. Nevertheless, the listed building has community value associated with its use. Although the setting of the listed building has clearly changed over time, the wider context of the road in which it lies is important having regard to how the listed building is experienced, particularly with

¹ Paragraph 013 of Planning Practice Guidance ID: 18a-013-20190723

views from the Courage Playing Fields, located on the opposite side of the road. The locality includes a rich variety of buildings in terms of scale. However, gable and hipped roof lines predominate along the principal routes through the settlement. The appeal building is of no particular architectural merit and currently has a neutral effect on the significance of the designated heritage asset.

13. Whilst the upper floor of the proposed development would be recessed relative to the storeys below, the increased height of the building would likely be visible above the roofline of the neighbouring properties at the corner of Hutton Road. Indeed, the appellant's heritage statement recognises that the setting of the Green Dragon would be somewhat eroded due to the increased height and contrasting appearance of the additional attic storey.
14. The juxtaposition of the proposed orthogonal form with existing buildings would result in a discordant addition to the street scene. This would detract from the prevailing character and appearance of the area and would be particularly noticeable when viewed from Courage Playing Fields, wherein views are also afforded of the Green Dragon. This would result in some minor distraction from the listed building due to this change.
15. Having regard to the above, the proposal would fail to preserve the special historic interest and significance of the identified heritage asset. The proposal would fail to satisfy the requirements of the Act and the Framework in this regard. In this instance I find the harm to be at the lower end of the spectrum of less than substantial, but nevertheless of considerable importance and weight.
16. I have had special regard to whether the setting of other nearby listed buildings would be preserved, notably the Grade II listed Toll Bar Cottage. However, the location of the appeal scheme and the nature of the proposals relative to this building leads me to the view that its setting would be preserved. I note this is a view shared between the parties.
17. Where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
18. There is no dispute between the parties that the principle of development is acceptable in this sustainable location. Furthermore, the proposal would make a positive, albeit small, contribution to housing supply, together with employment opportunities created during the construction phase of the development and spending in the local area by future occupiers. Given the scale of the development, I attach moderate weight to these benefits.
19. The LP policies require me to consider the heritage impacts in line with the Framework. Whilst I find that the proposed development would result in less than substantial harm to the setting, and thereby the significance, of the Grade II listed building, having regard to the Framework I conclude that the public benefits arising from the development would outweigh the low-level harm. Consequently, I find that the proposal would accord with Policies BE14 and BE16 of the LP insofar as they are concerned with safeguarding heritage assets.

Living conditions

20. The proposal includes a 3-storey stairwell to the rear of the property, which includes windows to provide natural light. The extension would be located in very close proximity to bedroom windows to units 1, 2, 3, and 4. Notwithstanding the absence of a lighting assessment, the appellant does not dispute that there would be some loss of light to the bedrooms. However, they disagree that this would be detrimental to living conditions. Even if I had concluded that the offer of obscure glazing was acceptable the extent of built form would result in overshadowing and notable overbearing impact to occupiers of the residential accommodation. As the rooms only have one window this would unacceptably harm the outlook from these habitable rooms.
21. The proposed access would be directly adjacent to the bedroom window of Unit 4. Accordingly, regardless of whether or not the windows were obscure glazed the comings and goings from the access and illumination of the stairwell, would likely result in noise and disturbance to the detriment of the occupiers of Unit 4.
22. The lack of objection from the Council's Environmental Health & Enforcement Manager is noted. However, this does not equate to no harm on living conditions.
23. For the reasons stated, I conclude that the proposal would unacceptably harm the living conditions of the occupiers of Units 1, 2, 3 and 4. Conflict would therefore arise with Policy BE14 of the LP insofar as it seeks to safeguard the living conditions of future occupants of the development. The proposal would also be contrary to the Framework which, amongst other things, states that developments should create places with a high standard of amenity for future and existing users.

Other Matters

24. I note the appeal decision² referred to by the appellant. From the information before me this relates to a larger quantum of development. I do not dispute that larger scale development can be found fronting Chelmsford Road. Whilst the main issues may be similar, the scale of development differs considerably, and I do not consider the proposals to be directly comparable. In any event each proposal must be determined on its own merits, and I have considered this appeal accordingly.
25. Concerns regarding due process during the processing of the planning application fall outside of the remit of this appeal, which has been decided on the evidence and merits of the proposals before me.

Planning Balance and Conclusion

26. Section 38(6) of the Planning and Compulsory Purchase Act states that a decision must be taken in accordance with the development plan, unless material considerations indicate otherwise.
27. The appellant has drawn my attention to judgements³ that they advance provides support for the development proposal. However, the Council's ability to demonstrate a 5-year housing land supply and a positive Housing Delivery Test

² Ardleigh Court Appeal Ref: APP/H1515/W/19/3231149

³ *Cornwall Council v Corbett* [2020] EWCA Civ 508, *Cheshire East vs SSCLG* (2016) EWHC 571 (Admin), *Basingstoke and Deane Borough Council v SSLUHC & Anor* [2024] EWHC 1916 (Admin), *Peel Investments (North) Ltd v SSLUHC & Anor* [2020] EWCA Civ 1175

result is not disputed. Moreover, the LP is up to date, with its policies consistent with the Framework. As such the 'tilted balance', as set out at Paragraph 11 d) of the Framework, is not engaged.

28. I am satisfied that the public benefits of the proposal outweigh the low level of less than substantial harm to the listed building. However, the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development. For the reasons stated the proposed development would not be sympathetic to local character and there would not be a high standard of amenity for occupiers. Such failings would be determinative for this particular proposal. Thus, even if the 'tilted balance' were engaged, in this circumstance, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies taken as a whole.
29. In this circumstance, the material considerations do not indicate that the appeal should be decided other than in accordance with the development plan.
30. For the reasons given above, I therefore conclude that the appeal should be dismissed.

R Gee

INSPECTOR