



Appeal Decision

Site visit made on 10 February 2026

by **S F Barnes MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16th April 2026

Appeal Ref: APP/H1515/D/25/3373618

23 Great Oaks, Hutton, Essex CM13 1AZ

- 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 Ashwani Saraswat against the decision of Brentwood Borough Council.
 - The application Ref is 25/00496/HHA.
 - The development proposed is a side/rear single-storey extension.
-

Decision

1. The appeal is allowed and planning permission is granted for a side/rear single-storey extension at 23 Great Oaks, Hutton, Essex CM13 1AZ in accordance with the terms of the application, Ref 25/00496/HHA, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the approved plans: NH-045-PL-004 Rev A; NH-045-PL-005 Rev A; NH-045-PL-006 Rev A; NH-045-PL-007 Rev A and NH-045-PL-008.
 - 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.

Preliminary Matters

2. As the description given on the application form contains unnecessary detail, in the interests of brevity I have removed wording that does not describe the operative part of development in both the heading and my formal decision above.
3. The application form states that the development was completed in January 2025. I saw that an extension has been erected in the position indicated on the submitted plans but it is not entirely consistent with those plans. Discrepancies include the crude detailing at the junction of the roof and the side wall visible from the neighbouring property, 50 Rayleigh Road ('No 50'); this side wall also having a sloping rather than straight profile; and the rooflights being a different design, not a matching pair.
4. For clarity, I am assessing the scheme as indicated on the plans before me, as that is the scheme for which permission is sought. Any works carried out not in accordance with those plans would be a matter between the Council and appellant.

Main Issues

5. The main issues are the effect of the proposal on the:
 - character and appearance of the area; and
 - living conditions of neighbouring occupiers, with particular regard to outlook and enclosure.

Reasons

Character and appearance

6. The appeal site contains a large detached, 2-storey dwelling set-back from its boundaries within a generous garden plot on the corner of Great Oaks and Rayleigh Road. Surrounding properties fronting those roads are generally detached and set within plots that, whilst varying size and shape, are overall generous and benefit from verdant private gardens. A group of trees, six of which are subject of a tree preservation order (Order No.23 of 1986)), line the common boundary with No 50. The adjoining property at 23 Great Oaks (No 23) is a detached dwelling that sits parallel to the host property and occupies a similar position within its plot.
7. Permission was previously granted for extensions to the rear and side of the host property of a broadly comparable scale and position¹. The evidence indicates that the proposal before me would be slightly taller and have a greater length along the boundary with No 23 than had been permitted, projecting the full length of the common boundary, rather than retaining a slight set back from the boundary with No 50. To the rear of the host building, the proposal would be slightly greater in width than the previously approved rear extension and also incorporate an external fireplace feature which protrudes a modest height above the flat roof.
8. I recognise that a tipping point can be reached where cumulative additions to a property and plot might overwhelm its composition and cause harm. However, the scale and proportions of the proposal would remain subservient to the substantial host building. The additional massing at the rear of the host building would not be readily apparent in views from public domain given the surrounding built form, boundary treatments and established vegetation. The use of matching materials and similar fenestration would ensure a sympathetic appearance that assists its integration with the host building.
9. The site would retain ample garden space free of development, maintaining the positive, spacious quality experienced from within there. Whilst the proposal would extend up to the common boundary at No 50, the impact on the spacious appearance of the plot that can be appreciated from the public realm and surrounding sites would be limited due to its modest height and massing.
10. For these reasons, the proposal would not cause material harm to the character and appearance of the area. The proposal would therefore comply with Strategic Policy BE14 of the Brentwood Local Plan 2016-2033 (2022) ('BLP'). Amongst other things, this policy seeks to ensure proposals meet high design standards including through responding positively and sympathetically to their context.

Living conditions

11. The land at No 50 sits higher than the appeal site, and this neighbouring house is set a short distance from the boundary where the proposal's side wall would stand. Additional garden space extends further to the rear. The proposed side wall would sit behind No 50's detached garage, and both would be similar in height. This part of No 50's plot already experiences a degree of enclosure and shading due to the garage and the established tall trees. In this context, the proposal would not

¹ Application references 24/00899/HHA and 24/00715/HHA.

harmfully increase the sense of enclosure. Its modest scale and discreet siting also mean the rest of the rear garden would remain unaffected.

12. Although No 50's main entrance and circulation space have windows facing towards the proposed side wall, these are not main habitable spaces which occupiers would ordinarily rely upon for outlook or daylight. My view is reinforced by the fact that daylight and outlook available are already limited by the proximity to the line of trees at the boundary. Given the proposal's siting and limited size, outlook and light received at windows serving habitable rooms would remain unaffected by it.
13. The Council considers No 23 to be sufficiently separated from the proposal to avoid adverse effects on privacy, light or outlook. I find no reason to disagree with its conclusions in this regard. As I have found the proposal would be acceptable in design terms based on the plans before me, I am satisfied living conditions of occupiers of this neighbouring property would be safeguarded.
14. Concluding on this main issue, the proposal would not harm the living conditions of neighbouring occupiers. The proposal would therefore comply with relevant provisions of Strategic Policy BE14 of the BLP (2022). Amongst other things, this policy seeks proposals to safeguard the living conditions of adjacent residents.

Other Matters

15. I have taken into account concerns regarding pruning of trees and possible root loss. However, there is no substantial evidence before me to corroborate the view that the development has compromised the future health of the tree or unauthorised tree works have been carried out. As the trees are subject to a TPO, any relevant tree works to be carried out on them would require permission.
16. An interested party has raised concern about compliance with the Building Regulations, however those approvals are separate to the planning process. Concerns about alleged trespass and the ownership of boundary treatments are civil matters between the parties involved. The appellant has confirmed that they are the sole owner of all of the land to which the appeal relates and there is no substantiated evidence before me which indicates otherwise. Accordingly, these matters have not led me to an alternative conclusion on the main issues in this case, which I have considered solely on its planning merits.

Conditions

17. Notwithstanding that a development of the nature described in the formal decision has clearly begun, discrepancies remain between what has been built and what is shown on the plans that I have assessed. For certainty, it is therefore necessary to impose a condition that the development is carried out in accordance with the approved plans. In the interests of character and appearance, any external materials shall match those used in the existing construction.

18. The Council, in its Officer Report, identifies that the site falls within a Critical Drainage Area. Had the application been approved, it would have been minded to impose a condition to requiring approval of a scheme of sustainable drainage measures. However, in view of its small scale and the absence of any evidence before me to suggest that the development has resulted in the loss of any impermeable surfaces, I am not convinced that a material change to either surface water run-off or flood risk has occurred at either the site level or locally. Such a condition would therefore be unnecessary.

Conclusion

19. For the reasons given, the appeal should be allowed.

S F Barnes

INSPECTOR