



Agenda

Planning and Licensing Committee

Wednesday, 15 December 2021 at 7.00 pm

Council Chamber, Town Hall, Ingrave Road, Brentwood, Essex CM15
8AY

Membership (Quorum – 4)

Cllrs Bridge (Chair), Heard (Vice-Chair), Barber, Dr Barrett, J Cloke, Cuthbert, Fryd, Gelderbloem, Laplain, Mynott, Tanner and Wiles

Substitute Members

Cllrs Barrett, Mrs Davies, Haigh, Hirst, Jakobsson and Reed

Agenda

Item	Item	Wards(s) Affected	Page No
Live broadcast			
Live broadcast to start at 7pm and available for repeat viewing.			
Contents			
1.	Apologies for Absence		
2.	Minutes of the Previous Meeting		5 - 8
3.	Minutes of the Licensing Sub Committee 3.11.21		9 - 10
4.	Minutes of the Licensing Sub-Committee 10.11.21		11 - 14
5.	Minutes of the Licensing Sub-Committee 22.11.21		15 - 16
6.	Chestnuts, Hutton, Brentwood, Essex CM13 2PA Proposed 2 storey front, side and rear extentions. Fenestration and	Hutton South	17 - 24

roof alterations

7. **Land at Wates Way 20/01221/FUL**
To follow
8. **Planning Appeal Update (July - November 2021)** All Wards 25 - 38
9. **Urgent Business**

A handwritten signature in black ink, appearing to read 'J. Stephenson', is centered on a light blue rectangular background.

Jonathan Stephenson
Chief Executive

Town Hall
Brentwood, Essex
07.12.2021

Information for Members

Substitutes

The names of substitutes shall be announced at the start of the meeting by the Chair and the substitution shall cease at the end of the meeting.

Where substitution is permitted, substitutes for quasi judicial/regulatory committees must be drawn from Members who have received training in quasi- judicial/regulatory decision making. If a casual vacancy occurs on a quasi judicial/regulatory committee it will not be filled until the nominated member has been trained.

Rights to Attend and Speak

Any Members may attend any Committee to which these procedure rules apply.

A Member who is not a member of the Committee may speak at the meeting. The Member may speak at the Chair's discretion, it being the expectation that a Member will be allowed to speak on a ward matter.

Members requiring further information, or with specific questions, are asked to raise these with the appropriate officer at least two working days before the meeting.

Point of Order/ Personal explanation/ Point of Information

Point of Order

A member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Procedure Rules or the law. The Member must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Mayor on the point of order will be final.

Personal Explanation

A member may make a personal explanation at any time. A personal explanation must relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate, or outside of the meeting. The ruling of the Mayor on the admissibility of a personal explanation will be final.

Point of Information or clarification

A point of information or clarification must relate to the matter being debated. If a Member wishes to raise a point of information, he/she must first seek the permission of the Mayor. The Member must specify the nature of the information he/she wishes to provide and its importance to the current debate. If the Mayor gives his/her permission, the Member will give the additional information succinctly. Points of Information or clarification should be used in exceptional circumstances and should not be used to interrupt other speakers or to make a further speech when he/she has already spoken during the debate. The ruling of the Mayor on the admissibility of a point of information or clarification will be final.

Information for Members of the Public

Access to Information and Meetings

You have the right to attend all meetings of the Council and Committees. You also have the right to see the agenda, which will be published no later than 5 working days before the meeting, and minutes once they are published.

Dates of the meetings are available at www.brentwood.gov.uk.

Guidelines on filming, photography, recording and use of social media at council and committee meetings

The council welcomes the filming, photography, recording and use of social media at council and committee meetings as a means of reporting on its proceedings because it helps to make the council more transparent and accountable to its local communities.

Where members of the public use a laptop, tablet device, smart phone or similar devices to make recordings, these devices must be set to 'silent' mode to avoid interrupting proceedings of the council or committee.

If you wish to record the proceedings of a meeting and have any special requirements or are intending to bring in large equipment then please contact the Communications Team before the meeting.

The use of flash photography or additional lighting may be allowed provided it has been discussed prior to the meeting and agreement reached to ensure that it will not disrupt proceedings.

The Chair of the meeting may terminate or suspend filming, photography, recording and use of social media if any of

these activities, in their opinion, are disrupting proceedings at the meeting.

 **Private Session**

Occasionally meetings will need to discuss some of its business in private. This can only happen on a limited range of issues, which are set by law. When a Committee does so, you will be asked to leave the meeting.

 **modern.gov app**

View upcoming public committee documents on your Apple or Android device with the free modern.gov app.

 **Access**

There is wheelchair access to the meeting venue from the Main Entrance. If you do wish to attend this meeting, please contact the clerk should you have specific accessibility needs. There is an induction loop in the meeting room.

 **Evacuation Procedures**

Evacuate the building using the nearest available exit and congregate at the assembly point in the Car Park.



Minutes

Planning and Licensing Committee Tuesday, 23rd November, 2021

Attendance

Cllr Bridge (Vice-Chair, in the Chair)	Cllr Heard (Vice-Chair)
Cllr Barber	Cllr Laplain
Cllr Dr Barrett	Cllr Mynott
Cllr Cuthbert	Cllr Tanner
Cllr Fryd	Cllr Wiles
Cllr Gelderbloem	

Apologies

Cllr J Cloke (Chair)

Substitute Present

Cllr Jakobsson

Also Present

Cllr Parker
Cllr Mrs Pearson
Cllr Poppy

Officers Present

Phil Drane	- Corporate Director (Planning and Economy)
Caroline Corrigan	- Corporate Manager (Planning Development Management)
Carole Vint	- Planning Officer
Claire Mayhew	- Corporate Manager (Democratic Services)
David Carter	- Environmental Health Manager
Dave Leonard	- Licensing Officer
Zoe Borman	- Governance and Member Support Officer

LIVE BROADCAST

[Live broadcast to start at 7pm and available for repeat viewing.](#)

176. Apologies for Absence

Apologies had been received from Cllr Cloke and Cllr Jacobsson was substitute.

Vice Chair, Cllr Bridge acting as Chair, **MOVED** and Cllr Tanner **SECONDED** that Cllr Heard act as Vice Chair for the duration of the meeting. This was **AGREED**.

177. Minutes of the Previous Meeting

The Minutes of the Planning and Licensing Committee held on 20th October 2021 were approved as a true record.

178. Minutes of the Licensing Sub Committee 26.10.21

The Minutes of the Licensing Sub-Committee held on 26th October 2021 were agreed as a true record.

179. The Brave Nelson, Woodman Road, Warley, Brentwood, CM14 5AL

This application had been referred to committee at the request of Cllr Cuthbert for the reason outlined in the report.

The application relates to the retention of a pergola constructed in the public garden area of The Brave Nelson Public House, Woodman Road, Warley

Mrs Carole Vint presented the report to Members.

Mr Ian Palmer, local resident, addressed the Committee, in support of the application and in particular the recommendation to remove the television screens from the area in question.

Mr Paul Duly, Licence holder, addressed the Committee in support of the application.

Cllr Cuthbert, Ward Councillor, also addressed the Committee in support of the application and welcomed the removal of the television screens.

A motion was **MOVED** by Cllr Mynott and **SECONDED** by Cllr Tanner to **APPROVE** the application.

Members requested a slight amendments to the wording to Recommendation 2 U0043623 No televisions to read:

“Within 2 months of the date of approval of this application, all outdoor televisions located in the pergola shall be permanently removed and no future **outside broadcast** shall be installed or used in the pergola.”

“Reason: In order to protect the amenity of neighbours from noise and disturbance.”

A vote was taken and Members voted as followed:

FOR: Cllrs Bridge, Barber, Dr. Barrett, Fryd, Gelderbloem, Heard, Jakobsson, Laplain, Mynott, Tanner (10)

AGAINST: (0)

ABSTAIN: Cllrs Wiles (1)

Cllr Cuthbert referred the application and did not vote.

The application was approved.

180. Park Farm ,Dunton Road, Herongate, Brentwood, Essex, CM13 3SG

This application had been referred to committee at the discretion of the Director of Planning as a major application that is likely to be of interest to the committee.

The application relates to the installation of solar photovoltaic (PV) panels and associated infrastructure. Access to the site would be achieved direct from Dunton Road via an existing field access adjacent to Park Farm. A second access for the point of connection (POC) would utilize an existing substation access junction on the western side of Lower Dunton Road. A series of access maintenance tracks would then diverge within the envelope of the site.

Mrs Caroline Corrigan presented the report.

Mr James Harley-Bond was present at the meeting and addressed the committee on behalf of the applicant.

Cllr Pearson, Ward Councillor, spoke in favour of the application.

Following a full discussion Cllr Dr Barrett **MOVED** and Cllr Tanner **SECONDED** that the application be **APPROVED**.

A vote was taken and Members voted as follows:

FOR: Cllrs Bridge, Barber, Dr Barrett, Cuthbert, Fryd, Gelderbloem, Heard, Jakobsson, Laplain, Mynott, Tanner, Wiles (12)

AGAINST: (0)

ABSTAIN: (0)

The application was approved. The Committee decided that there were very special circumstances that clearly outweighed the harm to the Green Belt:

- Relates to green infrastructure to address climate change
- Accords with Council's green agenda
- Benefits of the proposal outweigh Mod.gov1
- the harm to the green belt

As such, the resolution would be referred to the Secretary of State for Levelling Up, Housing and Communities.

In the event that the application is not called in by the Secretary of State, it was suggested that planning conditions be attached to the permission to include: Standard time and in accordance with submitted drawings. Details of design and materials and final layout of all infrastructure; temporary period of 40 years; removal of equipment/infrastructure if farm ceases to export electricity; construction management plan; archaeology investigation; scheme of detailed surface water drainage; scheme to minimise off site flooding; CEMP; landscape scheme; landscape and ecological management plan; details of security.

181. Planning Enforcement Activity Overview

This report summarises the enforcement activity undertaken in Brentwood Borough for the period between 1 January 2021 and 30 September 2021.

Mrs Caroline Corrigan presented the report to Members.

Although Members welcomed the report requests, were made regarding how the data would be presented for future reports, including age of on-hand cases. Also that Parish Council's would welcome a regular update of cases in their parishes. Officers noted Members' comments.

Members noted the information in the report.

182. Urgent Business

There were no items of urgent business.

The meeting concluded at 20.16



Minutes

Licensing Sub-Committee Wednesday, 3rd November, 2021

Membership/Attendance

Cllr Barber (Chair)
Cllr Gelderbloem

Cllr Mynott

Substitute Present

Also Present

Officers Present

Dave Leonard	- Licensing Officer
Paul Adams	- Principal Licensing Officer
Zoe Borman	- Governance and Member Support Officer
Maria Moses	- Licensing Officer
Christopher Irwin	- Legal Representative

167. Appointment of Chair

168. Administrative Function

Members were respectfully reminded that, in determining the matters listed below, they were exercising an administrative function with the civil burden of proof, ie, 'on the balance of probabilities.' The matter would be determined on the facts before the Sub-Committee and the rules of natural justice would apply.

169. Consideration of the suitability of a Hackney Carriage/Private Hire Driver to continue to hold a licence

Members considered the report with appendices, together with all the information

made available at the hearing to determine whether the licence holder remains a fit and proper person to hold a Hackney Carriage and Private Hire Drivers Licence; and decided whether to either:

- a) Suspend the licence;
- b) Revoke the licence;
- c) Any other decision the Sub-Committee deems reasonable, which may include passing an approved Taxi Driver Assessment, issuing a written warning; or
- d) To take no further action.

Based on all the evidence, the Committee resolved that no further action should be taken.



Minutes

Licensing Sub-Committee Wednesday, 10th November, 2021

Attendance

Cllr Barber (Chair)
Cllr Fryd

Cllr Gelderbloem

Apologies

Substitute Present

Also Present

Officers Present

Dave Leonard	- Licensing Officer
Paul Adams	- Principal Licensing Officer
Zoe Borman	- Governance and Member Support Officer
Sam Haldane	- For and on behalf of the Council Solicitor

LIVE BROADCAST

[Live broadcast to start at 7pm and available for repeat viewing.](#)

170. Appointment of Chair

Members resolved that Cllr Barber would chair the meeting.

171. Administrative Function

Members were respectfully reminded that, in determining the matters listed below, they are exercising an administrative function with the civil burden of proof, i.e. 'on the balance of probabilities'. The matter will be

determined on the facts before the Sub-Committee and the rules of natural justice will apply.

172. Determination of Objection to Temporary Event Notice - Bloc 40, First Floor, 40 High Street, Brentwood CM14 4AJ

The Licensing Office had received an objection from the Essex Police Senior Licensing Officer, Mr Gary Burke, with regards to a Temporary Event Notice (TEN) submitted in relation to in-house events to be held at Bloc 40, First Floor, 40 High Street, Brentwood CM14 4AJ on Saturday 13 November 2021 and Sunday 14 November 2021. The objection relates to the prevention of crime & disorder licensing objective.

Section 104 (2) Licensing Act 2003, allows the Police or Environmental Health to object to a Temporary Event Notice if they believe that allowing the premises to be used in accordance with a Temporary Event Notice will undermine one or more of the licensing objectives.

The licensing objectives are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm.

The Committee in making its determination had regard to the Authority's own licensing statement and guidance issued by the Secretary of State under section 182 of the same Act.

In respect of imposing conditions on a TEN, the Committee had particular regard to s106A of the Licensing Act 2005 and s7.38-7.39 of the Guidance issued under s182 of the Act. The Committee also noted its duty under section 17 of the Crime & Disorder Act 1998.

The Committee noted the presence of the Applicant at the hearing and accordingly, the Committee agreed to proceed with the hearing.

The Committee also noted that the Essex police were agreeable to a last entry time of 1:00 am, if the condition could be modified.

The Applicant had communicated to the licensing authority that it was happy to accept the existing conditions on its premises licence save for the condition requiring last entry/re-entry time to be at midnight. The Applicant seeks a last entry/re-entry time of 1:00am.

The Committee considered carefully the difference in the proposed entry times but ultimately found that the police's representations and being agreeable to the entry/re-entry time of 1:00am carried weight and merit.

The committee noted that they could only apply conditions from the original notice to the temporary event notice having sought legal advice. On that basis the Committee resolved to accept a written assurance from BLOC 40 that they will fully comply and undertake with the requirement from Essex Police that last entry be at 1:00am. The Committee further applied all other conditions as requested on the original notice to the temporary event notice.

The Committee imposed all the existing conditions on the premises licence the temporary event notices pursuant to s106A of the Licensing Act 2003, save for condition 8 of Annex 3, requiring last entry/re-entry time to be at midnight. The Applicant seeks a last entry/re-entry time of 1:00am and has offered an undertaking to this effect.

This page is intentionally left blank



Minutes

Licensing Sub-Committee Monday, 22nd November, 2021

Attendance

Cllr Barber
Cllr Fryd

Cllr Gelderbloem

Apologies

Substitute Present

Also Present

Officers Present

Dave Leonard	-	Licensing Officer
Paul Adams	-	Principal Licensing Officer
Sam Haldane	-	For and on behalf of the Council Solicitor

LIVE BROADCAST

[Live broadcast to start at 10am and available for repeat viewing.](#)

173. Appointment of Chair

Members resolved that Cllr Barber would Chair the meeting.

174. Administrative Function

Members were respectfully reminded that, in determining the matters listed below, they are exercising an administrative function with the civil burden of proof, i.e. 'on the balance of probabilities'. The matter will be determined on the facts before the Sub-Committee and the rules of natural justice will apply.

175. Determination of Objection to Temporary Event Notice, Bloc 40, First Floor, 40 High Street, Brentwood CM14 4AJ

The Licensing Office had received an objection from the Essex Police Senior Licensing Officer, Mr Gary Burke, with regards to a Temporary Event Notice (TEN) submitted in relation to in-house events to be held at Bloc 40, First Floor, 40 High Street, Brentwood CM14 4AJ on Saturday 27 November 2021 and Sunday 28 November 2021. The objection relates to the prevention of crime and disorder licensing objective.

Section 104 (2) Licensing Act 2003, allows the Police or Environmental Health to object to a Temporary Event Notice if they believe that allowing the premises to be used in accordance with a Temporary Event Notice will undermine one or more of the licensing objectives.

The licensing objectives are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm.

The Committee in making its determination had regard to the Authority's own licensing statement and guidance issued by the Secretary of State under section 182 of the same Act.

In respect of imposing conditions on a TEN, the Committee had particular regard to s106A of the Licensing Act 2005 and s7.38-7.39 of the Guidance issued under s182 of the Act. The Committee also noted its duty under section 17 of the Crime & Disorder Act 1998.

The Committee noted the absence of the Applicant at the hearing and accordingly, the Committee agreed to proceed with the hearing.

The Committee also noted that Essex police were opposed to a voluntary undertaking regarding last entry time and required the last entry time to be a condition.

The Applicant had communicated to the licensing authority that it is happy to accept the existing conditions on its premises licence save for the condition requiring last entry/re-entry time to be at midnight. The Applicant seeks a last entry/re-entry time of 1:00am.

The Committee considered carefully the difference in the proposed entry times but ultimately found that the police's representations regarding conditions versus voluntary undertakings had merit.

Having sought legal advice the committee resolved to impose the TEN with the full conditions that are on the original premises license.

SITE PLAN ATTACHED

CHESTNUTS HUTTON BRENTWOOD ESSEX CM13 2PA

PROPOSED 2 STOREY FRONT, SIDE AND REAR EXTENSIONS. FENESTRATION AND ROOF ALTERATIONS.

APPLICATION NO: 21/01738/HHA

WARD Hutton South **8 WEEK DATE** 3 December 2021

CASE OFFICER Ms Tessa Outram

Drawing no(s) relevant to this decision: 3033-L01 REV A; 3033-L02 REV A; 3033-S02; 3033-S03; 3033-S01;

This application has been referred to committee at the request of Councillor Hirst for the following reason.

- I cannot see how the proposed extension contravenes our planning regulations, and so cannot see why it is recommended for refusal. The issue of roof layout appears to be a matter of planning officer taste rather than policy.

1. Proposals

Planning permission is sought for the significant re-modelling and extension of an existing dwelling, via two storey front, rear and side extensions, new roof and alterations to fenestration, at 4 Chestnuts, Hutton Mount.

The main considerations in the determination of this application are the impact on the character and appearance of the surrounding area of Hutton Mount, the impact on the amenity of existing and future occupiers and parking and highway considerations and whether it has overcome the reasons for refusing the previous similar scheme.

2. Policy Context

Brentwood Replacement Local Plan 2005

- Policy CP1 General Development Criteria
- Policy H15 Hutton Mount
- Policy T5 Parking

Emerging Local Development Plan (LDP) to 2033

The Brentwood Replacement Local Plan 2005 remains the Development Plan and its policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the National Planning Policy Framework (NPPF). Due weight should be given to them, according to their degree of consistency with the NPPF - the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given.

The emerging Local Development Plan went through Pre-Submission (Publication Draft) Stage (Regulation 19) consultation early in 2019, with a further focused consultation later that year following revisions to the detailed wording of some of the proposed housing allocations. The plan was submitted to the Planning Inspectorate in February 2020. The examination hearing sessions opened in December 2020, concentrating on strategic matters, with hearings on more detailed matters held from February to July 2021. The Council proposes to make modifications to the plan and a six-week public consultation has been held, ending on 11 November 2021. The Inspectors will consider any representations made as a result of the consultation. Provided the Inspectors find the plan to be sound, it is anticipated that it could be adopted by the Council in early 2022.

As the emerging plan advances and objections become resolved, more weight can be applied to the policies within it. At this stage there are outstanding objections to be resolved, although issues have been discussed through hearing sessions and main modifications for soundness have been published. The plan provides a good indication of the direction of travel in terms of aspirations for growth in the borough and where development is likely to come forward through proposed housing and employment allocations. While the examination is a further step in progress towards adoption, because the plan has yet to be adopted it is still considered to have limited weight in the decision-making process.

National policy

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)

3. Relevant History

- 21/01042/HHA: Proposed 2 storey front, side and rear extensions. Fenestration and roof alterations. -Application Refused. No appeal submitted.
- 19/00602/FUL: Demolition of existing dwelling and construct 5 bedroom 2 storey dwelling -Application Permitted

4. Neighbour Responses

Where applications are subject to public consultation those comments are summarised below. The full version of each neighbour response can be viewed on

the Council's website via Public Access at the following link:
<http://publicaccess.brentwood.gov.uk/online-applications/>

- No representations have been received at the time of writing this report.

5. Consultation Responses

- **Highway Authority:** The information that was submitted in association with the application has been fully considered by the Highway Authority. The proposal includes extensions to the property including re-provision of a larger garage, offstreet parking is also retained on the driveway, therefore:
From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following condition:
1. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.
Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

6. Summary of Issues

The starting point for determining a planning application is the Development Plan, in this case the Brentwood Replacement Local Plan 2005. Planning legislation states that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant material considerations for determining this application are the National Planning Policy Framework 2021 (NPPF) and National Planning Practice Guidance (NPPG). Although individual policies in the Local Plan should not be read in isolation, the plan contains policies of particular relevance to this proposal which are listed in section 2 above. In this case the planning history of previously determined applications is a material consideration, irrespective of whether they were officer or committee decisions.

Planning History

Permission has previously been refused for a similar proposal under application ref: 21/01042/HHA. The application was refused for the following reason:

“The development proposes unsympathetic extension of the existing building, resulting in a building of a disproportionate depth, un-characterful and poorly designed roof and an unarticulated mass and bulk of built form that would detract from the character and appearance of the host dwelling and surrounding area. The development fails to comply with local policy CP1 (i) and (iii), the NPPF (chapter 12) and the National Design Guide.”

The previous application found no material harm in respect of amenity, parking, spatial separation (H15) or the living conditions of the future occupiers. These matters remain unchanged.

Design, Character and Appearance

The differences between the refused scheme and this current proposal are minor and include a reduction in total height by 0.7m and sinking the flat top of the crown roof to the front and side which does very little to improve the scheme. The crown roof has also been increased in depth and its 'mock' nature is clearly apparent in the bulk of the roof and the treatment of the rear elevation.

Chestnuts is characterized by large, detached properties of varying styles and appearance, many of which have been replaced or extended. Whilst the material palette and style of the dwellings is varied, traditional materials are predominant within the street scene.

The proposed extensions would significantly alter the existing character of the dwelling; little of its existing form would be retained and the proposal would affectively result in the appearance of a replacement dwelling. The existing building at two storey level measures 11.4 m long and 6.1 m wide. The existing building has a steep, chalet pitched roof with ridge to the front and rear with slim steep gables to the sides. The proposal would have a tall roof with large, flatted area in the centre, forming a crown roof, to cover the expansive depth of the dwelling created by the extensions. Given its much more bulky footprint, the dwelling cannot be roofed with a conventional single range pitched roof.

The proposal would be of significantly increased bulk, 15.5m long and 14.6 m wide. Crown roofs are indicative of a roof providing a level of interior space that a pitched roof cannot accommodate. With single plane pitches surrounding a flat or submerged flat roof they do not achieve the pretence of a pitched roof, instead, resulting in a significantly bulky and contrived roof form. This is not in keeping with the Hutton Mount vernacular, which consists of predominantly pitched roof typologies. Particularly within the Chestnuts which favours a varied and articulated roofscape comprising both steep roof pitches and chalet style dwellings and two storey traditional forms.

The Development Plan's main design policy is CP1. The accompanying text to the policy says "New development of whatever scale should not be viewed in isolation but should have regard to both the immediately neighbouring buildings and the townscape/landscape of the wider area." It continues by saying that the authority has identified "the need to protect the quality and character of existing urban areas. The Council will, therefore, seek to protect existing residential areas, such as *Hutton Mount* and *Tor Bryan*, from development that would impact detrimentally on the special character of an area." The site is within one of those identified areas.

As indicated in its title, Policy CP1 contains criteria – eight - on which developments will be assessed. The policy therefore operates on the basis of clear requirements which require planning judgements; neither the policy nor the process of reaching a planning

judgement should not be downplayed as being subjective. The policy requires that any development will need to satisfy all criteria.

The Planning History section of this report, above, identifies where, in common with the last proposal, the scheme meets part of the requirements of Policy CP1. Policy CP1(i and iii) contain requirements that development proposals should be of a high standard of design compatible with their location, character of the area and any surrounding development; in the case of alterations and extensions, with the existing building, *in terms of size, siting, scale, style, design and materials*. The development fails those tests and proposes unsympathetic extensions to the existing building, resulting in a building of a disproportionate depth, un-characterful and poorly designed roof and an unarticulated mass and bulk of built form that would detract from the character and appearance of the host dwelling and visual amenity of the area, which favours traditional roof forms.

The changes from the refused scheme made in this application do not materially alter the previous assessment. The flatted area has been enlarged, the roof form remains unarticulated, is all of the same height and would appear flat when viewed from the street scene. It is not persuasive that sinking the flat top of the crown roof would materially alter this position given the depth of the dwelling which would still be apparent from neighbouring properties. Given Policy CP1's requirement for all criteria to be met and the specific design related objections identified above, the application does not comply with Policy CP1.

The development fails to overcome the previous reason for refusal is therefore contrary to local policy CP1 (i) and (iii), the NPPF (chapter 12) and the National Design Guide.

Other Matters

The planning agent has put forward two examples of crown roofs that have been permitted in the borough. The Hutton Mount example put forward in the DAS - Sussex Cottage, 2 Challacombe Close (19/00578/FUL), is not considered directly comparable. A small linear section of flatted roof was permitted, however the approved dwelling had a traditional roof form fronting Challacombe Close and the flatted section of roof was screened by the gable and hip projections to either side. The flat roof proposed with this application at Chestnuts is firstly much larger, whilst sunken is not articulated and the expanse and disproportionate depth of the dwelling is still apparent.

The London Road example (16/01468/FUL) was permitted prior to the national design guide and updated NPPF which places a greater emphasis on high quality design. The London Road example is also a much smaller area of flatted roof and again linear. Its position within the street scene within a linear row of properties would make the side elevations less noticeable from both the public and neighbouring dwellings.

It is not considered the permitted examples put forward would justify the approval of this unacceptable development. Planning does not operate on the basis of precedents, but each application is required to be assessed on its merits - in relation to the surrounding context, the crown roof proposed here is of poor architectural design, is far larger than

those approved elsewhere and would lead to a dwelling appearing unarticulated and out of character within a cul-de-sac of traditional pitched roof forms.

Furthermore, were other developments to be given significance in the planning balance it would tend to lead to a progressive reduction in quality over time. What isn't apparent from casual observation is those developments which through revision and negotiation have been improved to avoid poor design forms, for example crown roofs.

Conclusion

The previous reason for refusal has not been overcome, the development remains contrary to local and national design policy and the application is recommended for refusal.

7. **Recommendation**

The Application be REFUSED for the following reasons:-

R1 U0043778

The development proposes unsympathetic extension of the existing building, resulting in a building of a disproportionate depth, un-characterful and poorly designed roof and an unarticulated mass and bulk of built form that would detract from the character and appearance of the host dwelling and surrounding area. The development fails to comply with local policy CP1 (i) and (iii), the NPPF (chapter 12) and the National Design Guide.

Informative(s)

1 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, H15, T5, National Planning Policy Framework (NPPF) 2021 and NPPG 2014.

2 INF20

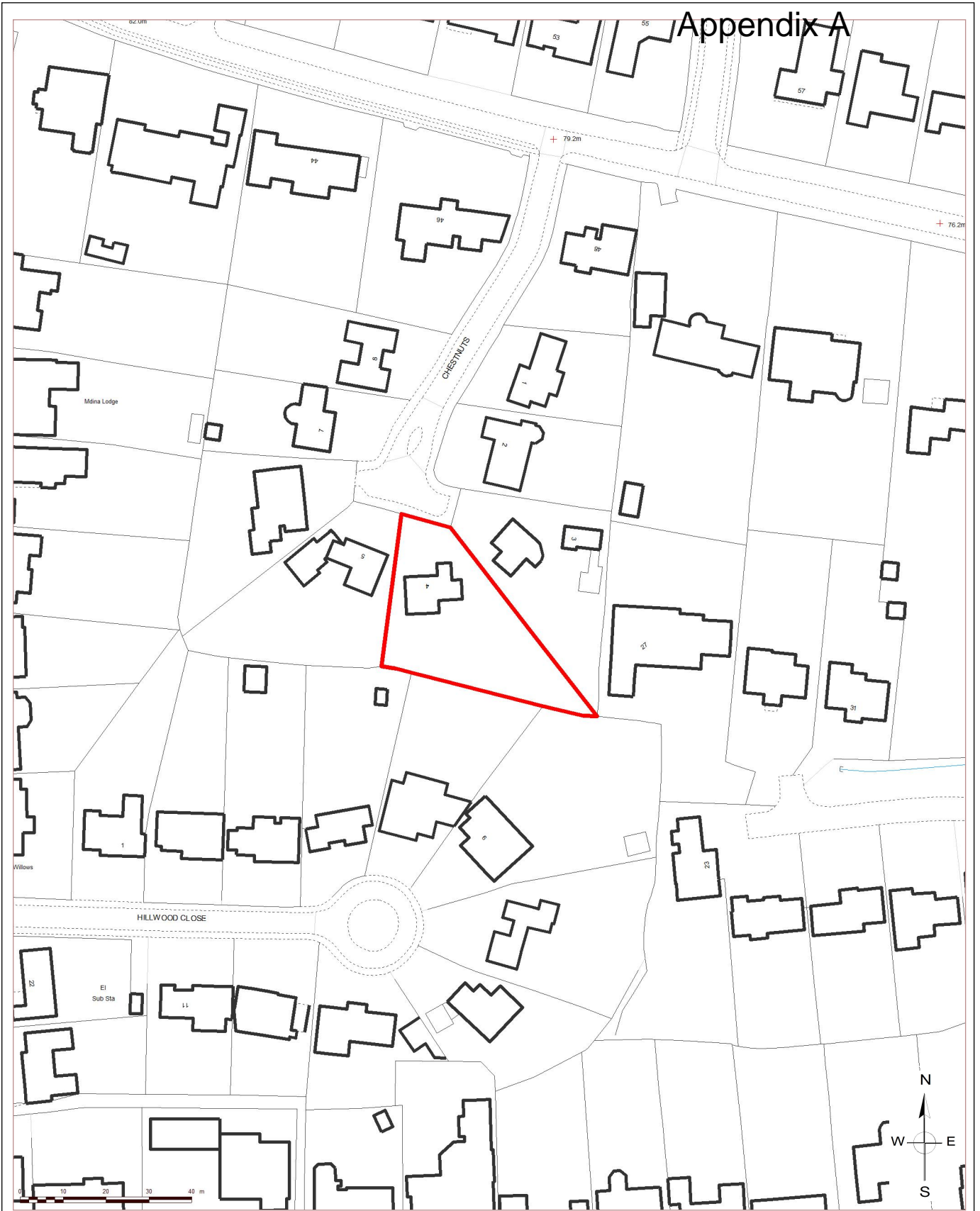
The drawing numbers listed above are relevant to this decision

3 INF25

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development. Details of the pre-application service can be found on the Council's website at <https://www.brentwood.gov.uk/planning-advice-and-permissions>

BACKGROUND DOCUMENTS

DECIDED:



Title : 4 Chestnuts, Hutton, Brentwood, Essex, CM13 2PA

21/01768/HHA

Scale at A4 : 1:1250

Date : 15th December 2021

Brentwood Borough Council
Town Hall, Ingrave Road
Brentwood, CM15 8AY
Tel.: (01277) 312500



© Crown copyright and database rights 2020 Ordnance Survey 100018309

This page is intentionally left blank

Committee(s): Planning and Licensing Committee	Date: 15 December 2021
Subject: Planning Appeal Update (July – November 2021)	Wards affected: All
Report of: Phil Drane, Corporate Director (Planning and Economy)	Public
Report Author: Mike Ovenden, Associate Consultant Planner Tel: 01277 312500 Email: mike.ovenden@brentwood.gov.uk	For Information

Summary

This report summarises recent planning appeal decisions between July and November 2021. This is part of regular updates provided to Planning & Licensing Committee, the last provided in July 2021 (Item 90).

Main Report

Introduction and Background

1. This report provides a summary of recent decisions concerning appeals relating to sites in the borough. This is part of a regular series of updates brought to the Planning and Licensing Committee for information, the most recent update brought on 27 July 2021 (Item 90).
2. Comments made by inspectors may be informative and useful when making decisions on current and future planning applications. Summaries can highlight different approaches taken by individual inspectors on similar matters, for example the degree of consistency between the 2005 local plan and the National Planning Policy Framework (NPPF). Inspectors are sometimes inconsistent in their approach to the conditions they are willing to impose, for example requiring provision of a travel information pack, wheel washing and keeping the highway clear of mud from construction sites, often requested by highways, and also on the removal of specified permitted development rights.
3. The committee is aware that a local planning authority's record of success of defending appeals is the measure taken by the Department for Levelling Up,

Housing and Communities (DLUHC) to assess the quality of its decision making. This is broken down into Majors (M) and Non Majors (NM) with a maximum allowable 'loss rate' of ten percent of the total number of applications of that type determined. The measure is challenging for Majors due to the low number of such applications the authority receives, in contrast to the measure for non Majors. The summary below identifies the type of appeal in each case. Any cases relating to applications determined by the committee are marked with a (C).

4. The application documents and the appeal decisions are available to view on the Council's website at www.brentwood.gov.uk/planning via Public Access.

Appeal Decisions

5. The following appeal decisions have been received since 1 July 2021.

Application No:	19/01717/FUL (NM) (C)
Location:	Canterbury Tye Hall, Doddinghurst Road, Pilgrims Hatch
Proposal:	Demolition of buildings and conversion of former farm buildings to form 4 dwellinghouses.
Appeal Decision:	Appeal dismissed 13 September 2021

6. The Inspector identified the main issues as:
 - a) The effect of the proposed works on the special architectural and historic interest of a) the Grade II listed building 'Barn 30 Metres North East of Canterbury Tye Hall Farmhouse' (Ref: 1197208) (the listed barn) and b) the Grade II curtilage listed barn buildings, and c) the setting of the Grade II listed building, 'Canterbury Tye Hall Farmhouse' (Ref: 1206468) (the listed farmhouse); and
 - b) The effect of the proposal on highway safety.
7. The Inspector agreed with the local planning authority assessment on Green Belt and was not a reason for refusal or a main issue in this case.
8. The Inspector agreed that the proposed works to buildings B and C would have a positive impact on the special interest of the listed farmhouse and barn, and the curtilage listed barn groups. It was also agreed that the alterations to the pole

barn to provide a pair of semi-detached dwellings would also have a neutral impact upon the listed farmhouse and barn retaining its separation by the proposed agricultural materials and appearance.

9. The Inspector had concerns regarding the proposed cutting of studs and sole plates in the listed barn. The Inspector found that there was not sufficiently clear detail and analysis of the proposed loss of stud and sole plate fabric in the listed barn, in the appeal evidence, to demonstrate that this would be justified. Therefore, he found that the proposed loss of stud and sole plate fabric would have a negative impact on the special interest of the listed barn, therefore would fail to preserve the special interest of the Barn 30 metres north east of Canterbury Tye Hall Farmhouse. The harm to the listed barn is less than substantial, however of considerable importance and weight.
10. The concerns of residents in the local area were taken into account, including highway related concerns, however the Inspector considered the vehicles serving the converted farmstead are likely to be more agile than commercial vehicles servicing and using the commercial and storage units. The volume of traffic arising from the proposal would be limited by the limited number of new dwellings and this echoes the view of the highway authority. The Inspector concluded the proposal would result in a modest improvement to the highway safety in the vicinity of the site access.
11. The Inspector concluded that whilst the listed building harm was only in the reason for refusal of the application in appeal A (LBC) it results in decisive conflict with the Act, the Framework and the Development Plan. Thus, it is grounds for dismissal of both appeals and the appeal is dismissed on this basis.

Application No:	19/01718/LBC (NM) (C)
Location:	Canterbury Tye Hall, Doddinghurst Road, Pilgrims Hatch
Proposal:	Demolition of buildings and conversion of former farm buildings to form 4 dwellinghouses.
Appeal Decision:	Appeal dismissed and costs dismissed 13 September 2021

12. The Inspector identified the main issues were:
 - a) The effect of the proposed works on the special architectural and historic interest of a) the Grade II listed building 'Barn 30 Metres North East of Canterbury Tye Hall Farmhouse' (Ref: 1197208) (the listed barn) and b) the Grade II curtilage listed barn buildings, and c) the setting of the Grade II listed building, 'Canterbury Tye Hall Farmhouse' (Ref: 1206468) (the listed farmhouse); and
 - b) The effect of the proposal on highway safety.
13. The Inspector agreed with the local planning authority assessment on Green Belt and was not a reason for refusal or a main issue within this case.
14. The inspector agreed that the proposed works to buildings B and C would have a positive impact on the special interest of the listed farmhouse and barn, and the curtilage listed barn groups. It was also agreed that the alterations to the pole barn to provide a pair of semi-detached dwellings would also have a neutral impact upon the listed farmhouse and barn retaining its separation by the proposed agricultural materials and appearance.
15. The inspector had concerns regarding the proposed cutting of studs and sole plates within the listed barn. The inspector found that it was not sufficiently clear detail and analysis of proposed loss of stud and sole plate fabric in the listed barn, in the appeal evidence, to demonstrate that this would be justified. Therefore, found that the proposed loss of stud and sole plate fabric would have a negative impact on the special interest of the listed barn, therefore would fail to preserve the special interest of the Barn 30 metres north east of Canterbury Tye Hall Farmhouse.
16. The harm to the listed barn is less than substantial, however of considerable importance and weight. For the reason above the appeal was dismissed,
17. In terms of the costs decision application made against the Council, the Inspector concluded that in relation to matters (a), (b) and (c) and the listed building reason for refusal, the Council had acted unreasonably through not recognising the substantive public benefit. In relation to matters (a) and (b) and the highway safety objections, the Council had acted unreasonably through failing to articulate a substantive, evidence-based rationale for its assertion of additional traffic, and consequent highway safety harm. However, given the harm to the listed barn's

fabric, and community concern about the safety of the access, it was seen that it was not clear that had the Council's decisions reflected more closely the above matters, the appeals would have been avoided or the core arguments been substantially different in scope.

18. Unreasonable behaviour resulting in unnecessary or wasted expense as described in the Planning Practice Guidance, was not demonstrated and therefore the application for costs was refused.

Application No:	20/01447/HHA (NM)
Location	98 Worrin Road, Shenfield
Proposal:	Demolition of existing part single and part two-storey rear extensions and erection of part single storey and part two-storey side and rear extensions; extension of roof over front porch; conversion of loft to habitable space with rear facing Juliette balcony.
Appeal Decision:	Appeal allowed 10 September 2021

19. The Inspector considered the main issues were the effect upon the character and appearance of the area. The Inspector agreed with the Council's report in relation to the proposed works at the front of the property, the single storey side elements and the conversion of the roof space, in that these elements did not raise concerns or objections.
20. In relation to the works to the roof at the rear, the Inspector noted the variety of roof forms within the surrounding area and noted that whilst the Gambrel roof is a less common roof design, it would be set in and set down from the original roof and the shallow roof pitch would not be visually prominent. With limited views of the proposed roof from the street, the Inspector did not consider the rear roof design to be harmful in this particular case. The appeal was allowed.

Application No:	20/01031/FUL (NM)
Location:	12 Bournebridge Close, Hutton
Proposal:	Construction of 2 x 2 bed dwellings.
Appeal Decision:	Appeal allowed 16 July 2021

21. The Inspector considered the main issues were (i) the effect upon the character and appearance of the area and (ii) whether the proposal would include satisfactory vehicular access with particular regard to safety and convenience.
22. The Inspector noted that various aspects of the proposal had been accepted by a previous inspector when considering a similar proposal, although that appeal had been dismissed. He also considered that those aspects that had been unacceptable had been addressed through the later refused application now appealed. The Inspector acknowledged that parking in the locality was difficult, and this development may lead to inconvenience for some existing residents in accessing on street parking, but he did not consider this to be a significant problem. The appeal was allowed.

Application No:	20/01151/HHA (NM) & 20/01152/LBC (NM)
Location:	Holly Cottage, Padhams Green, Mountnessing
Proposal:	First floor rear/side extension to include alterations to roof, to include dormer window.
Appeal Decision:	Appeal dismissed 19 July 2021

23. The Inspector considered the two appeals concurrently, but on their own merits, because there were common matters between them. The Inspector identified the main issues in these appeals were:
 - a) Whether the proposal would be inappropriate development in the Green Belt and its effect on the openness of the Green Belt (Appeal A);
 - b) Whether the proposed works and development would preserve the Grade II listed building known as Holly Cottage or any features of special architectural interest that it possesses (Appeals A and B); and
 - c) whether there were any Very Special Circumstances to overcome the harm to Green Belt and any other harm (Appeal A).
24. The Inspector agreed with the LPAs assessment on Green Belt and noted that whilst the extensions in isolation were modest, the original cottage was not large and combined with the previous extensions to the building the appeal scheme would be a disproportionate extension over and above the size of the original dwelling and would therefore be inappropriate development in the Green Belt which would, by definition, harm the Green Belt. The Inspector concluded that

the proposal would result in some limited harm to the openness of the Green Belt.

25. The Inspector considered the proposal would over-extend the property and therefore harmfully erode the character and interest presently expressed in its modest size. The extension's height and detailing would also be 'problematic'. The Inspector noted that historic, evidential and aesthetic value of the building as a surviving vernacular cottage would be meaningfully harmed contrary to local and national policy and the Planning (Listed Buildings and Conservation Areas) Act. The Inspector did not consider the very limited public benefits put forward would outweigh the harm.
26. The Inspector concluded that the harm to the Green Belt, along with the other harm to the openness of the Green Belt and the less than substantial harm to the listed building, was not clearly outweighed by the other considerations identified, which he afforded very limited weight. Therefore, the very special circumstances necessary to justify the proposal did not exist and the appeals were dismissed.

Application No:	20/01469/HHA (NM)
Location:	154 High Street, Ingatestone
Proposal:	Pitched roof to porch and new front window and new boundary wall (Retrospective)
Appeal Decision:	Part Dismissed and Part Allowed 19 July 2021

27. The Inspector considered the main issues were:
- a) the effect on the character and appearance of the conservation area;
 - b) the character and appearance of the host dwelling and surrounding area;
and
 - c) highway safety.
28. On the first two issues the Inspector considered the boundary wall to be harmful, although of less than substantial harm, giving no public benefit, and was unacceptable. The proposal would give rise to highway dangers. Neither the Council nor the Inspector had any concerns about the porch that had been erected and that element was permitted (hence the split decision) though the appeal on the rest of the proposal was dismissed.

Application No:	20/01220/FUL (NM)
Location:	13 Westwood Avenue, Brentwood
Proposal:	Demolition of garage and construct 1 detached bungalow with associated parking and landscaping with site access between 4 and 5 The Terlings
Appeal Decision:	Appeal allowed and costs dismissed 20 August 2021

29. The main issue relating to the merits of the proposed dwelling was the effect on the character and appearance of the area. The Inspector considered that the proposal was poorly related to other properties, was ‘an incongruous’ form of backland development and therefore harmful to the character and appearance of the area contrary to Policy CP1. However, as the authority does not have a 5-year land supply and a history of poor delivery, the Inspector considered the ‘tilted balance’ to be engaged. This advocates granting permission unless the harm of doing so would significantly and demonstrably outweigh the benefits of the additional dwelling. The Inspector concluded that the development would not result in harm of this magnitude and therefore should be permitted. The Inspector noted that the authority had not shared the concerns of neighbours about loss of light, noise, access or disturbance and considered that to be correct. Issues about restricted covenants and land ownership were not relevant to his decision.
30. In terms of the costs decision following an application made against the Council, this was made on the basis that the Council should have applied the tilted balance and had regard to an appeal decision in the locality. The Council had taken account of both matters. While the Inspector had allowed the appeal that was on the basis of a planning judgement and the Council in having exercised its planning judgement had acted reasonably. The costs application was refused.

Application No:	20/01749/HHA (NM)
Location:	31 Docklands Avenue, Ingatestone
Proposal:	First floor side extension
Appeal Decision:	Appeal Dismissed 19 July 2021

31. The Inspector identified the main issue to be the effect of the proposal on the character and appearance of the surrounding area.
32. The appeal property is located on a prominent corner plot and proposed a substantial side extension which was in line with the existing main front and rear

facades and extending off of the existing ridge line. The Inspector considered the width, height and bulk of the proposal to not appear subordinate to the main building and consequently out of scale with the existing building. Secondly, the fenestration (windows/doors) would be at odds with the existing fenestration pattern. The cumulative effect of the works would appear incongruous and not in keeping with the character and appearance of the surrounding area.

33. The Inspector had regard to the Public Sector Equality (PSED) contained within the Equality Act 2010 the purpose of which is to set out the need to eliminate unlawful discrimination, harassment and victimisation and to advance equality of opportunity. The appellant had set out a case of specific needs and personal circumstances and their contended justification for the extension which the Inspector considered the needs would fall within the auspices of the PSED. The Inspector concluded that the proposal before them was not the only way to meet the specified needs of the appellant.
34. The Inspector considered the proposal contrary to local Policy CP1, national policy and the aims of the National Design Guide and dismissed the appeal.

Application No:	19/01324/FUL (NM)
Location:	Woodbarns Farm, Blackmore Road, Fryerning
Proposal:	Retention of existing conservatory
Appeal Decision:	Appeal Allowed 3 August 2021

35. The Inspector considered the main issues were whether the proposed works and development would preserve the character of the Grade II listed building. The Inspector discussed the history of the building, with its evolution into a grand country residence and that the age of the building gives it historic value, with its significance being found in the historic, evidential and aesthetic values. It was considered that the timber painted joinery, balanced elevations, being traditional in design, along with the handmade brick plinth that matches the modern extension it adjoins, resulted in a harmonious addition that fitted the scale, narrative and character of a grand country residence. Subsequently it was considered to not offend the aesthetic value of the listed building and is sympathetic to its character. The appeal was allowed.

Application No:	19/01325/LBC (NM)
Location:	Woodbarns Farm, Blackmore Road, Fryerning
Proposal:	Retention of existing conservatory
Appeal Decision:	Appeal Allowed 3 August 2021

36. The Inspector considered the main issues were whether the proposed works and development would preserve the character of the Grade II listed building. The Inspector discussed the history of the building, with its evolution into a grand country residence and that the age of the building gives it historic value, with its significance being found in the historic, evidential and aesthetic values. It was considered that the timber painted joinery, balanced elevations, being traditional in design, along with the handmade brick plinth that matches the modern extension it adjoins, resulted in a harmonious addition that fitted the scale, narrative and character of a grand country residence. Subsequently it was considered to not offend the aesthetic value of the listed building and is sympathetic to its character. The addition elongates the plan of the building, with the proposal set away from the early modern core, resulting in no loss of historic fabric. The proposal was considered modest in scale, respecting the hierarchy of the building and subsequently the appeal was allowed.

Application No:	20/00531/PNTEL (NM) (C)
Location:	Masefield Court, Victoria Road, Warley
Proposal:	Installation of 3no rooftop tripods accommodating 12no antenna apertures, 3no support poles accommodating 4no transmission dishes, plus the installation of 9no equipment cabinets and ancillary development thereto
Appeal Decision:	Appeal Allowed 12 August 2021

37. The Inspector considered that the proposal would be out of character with the existing building and surrounding area and therefore contrary to Policy IR2. He also considered that the proposal would adversely affect the outlook from the penthouse flats, though only to a limited degree, and therefore be contrary to Policy CP1. He concluded however that the need for mobile coverage, for the emergency services network coverage, and 5G roll out, outweighed the harm of the development. The appeal was allowed.

Application No:	20/01722/FUL (NM)
Location:	70 Larchwood Gardens, Pilgrims Hatch
Proposal:	Demolition of existing garage and construction of part single part two storey side extension to create new dwelling.
Appeal Decision:	Appeal Allowed 18 August 2021

38. The Inspector identified the main issues were:
- a) The effect on the character and appearance of the area; and
 - b) The effect on the living conditions of the occupiers of the host dwelling No.70 Larchwood Gardens.
39. The inspector agreed that the scale of the proposal would overall amount to overdevelopment of the site due to the overall width, depth and height of the proposed house. It would be out of keeping with the scale of side extensions and infill residential development within the surrounding area. The proposal would conflict with Policy CP1.
40. The inspector disagreed that the proposal would result in harm to the surrounding occupiers of the site or the host dwelling due to the nearby windows of the proposed development not occupying habitable rooms and the single storey addition would project further than the new dwelling. The Inspector noted the Council's position with regard to land supply and housing delivery and considered the 'tilted balance' to be engaged.
41. The inspector concluded that the proposal would result in one additional house, supporting the Government's objective of significantly boosting the supply of homes and given the shortfall of housing land attracts moderate weight and therefore the benefits would significantly outweigh the harm arising from the development of the character and appearance of the surrounding area. The appeal was allowed.

Application No:	20/01776/HHA (NM)
Location:	79 Cornwall Road, Pilgrims Hatch
Proposal:	Two storey side/rear extension
Appeal Decision:	Appeal Allowed 19 August 2021

42. The Inspector identified the main issue to be the effect of the proposal on the character and appearance of the surrounding area.
43. The proposal sought to extend from the existing eaves and ridge line in line with the principal elevation of the building. The Inspector considered this to be a natural extension with the retention of a gable end and did not consider a set

back of the enlarged part or set down from the ridge to be appropriate within this row of terraces.

44. Within the wider area, the Inspector noted examples of two-storey side (and rear) extensions on corner plots. The Inspector concluded that adequate spatial distances from the side boundary with a presence of a grass verge and footway providing spatial quality along this edge. The Inspector concluded the enlargement, despite being on a prominent corner plot, would not appear unduly dominant or incompatible with its surroundings compliant with Policy CP1. The appeal was allowed subject to standard conditions (time, drawings in accordance, materials to match).

Application No:	20/01608/HHA (NM) (C)
Location:	13 Warleywoods Crescent, Warley
Proposal:	Proposed dropped kerb/cross over to provide vehicular access from Crescent Road
Appeal Decision:	Appeal Dismissed 2 September 2021

45. The main issue was the effect of the proposal on the character and appearance of the street scene. The Inspector considered that the proposed tarmac crossover would encroach onto the grass verge and would undermine its visual benefits in the street scene and was not convinced that the suggested planning conditions could resolve this harm. The proposal would detract from the character and appearance of the street scene, and the information supplied did not demonstrate that the harm to the environmental asset would be outweighed by the need for the development.

Application No:	20/01070/FUL (NM)
Location:	Land opposite Cherrywood, Blind Lane, Herongate
Proposal:	Retention of hard standing
Appeal Decision:	Appeal Dismissed 19 November 2021

46. This is a development that was carried out before the planning application was submitted. The main issues identified by the Inspector were:
- a) Whether the development is inappropriate development in the green belt and its effects on it;
 - b) Effect on character and appearance of the area;
 - c) Potential contamination; and

d) Whether very special circumstances outweighed the harm to the green belt and other interests.

47. The inspector agreed with the planning authority that it was inappropriate development, meeting none of the exceptions in the NPPF, substantially harming openness, encroaching into the countryside and conflicted with the purposes of the green belt. Similarly, the development would be harmful to the character of the area. While no information had been provided on whether the road planings and hardcore tipped on the site was contaminated, the inspector considered that testing could be required by planning condition if the development were to be permitted. With regard to very special circumstances, none were identified by the appellant or inspector. The appeal was dismissed.

Application No:	21/00940/HHA (NM)
Location:	4 Willow Close, Hutton
Proposal:	Erection of roof extensions and porch.
Appeal Decision:	Appeal Dismissed 19 November 2021

48. The Inspector identified the main issue was the effect on the character and appearance of the area.
49. The inspector agreed that the proposal would harm the character and appearance of the area, as the first-floor extension would be large, partly flat roofed and span across a significant proportion of the dwelling. The first floor would sit awkwardly above the single storey projections and the porch resulting in a front elevation that appears cramped. The appeal was dismissed.

Consultation

50. Individual applications include statutory consultation periods.

References to Corporate Strategy

51. The Council's Planning Development Management team perform statutory planning functions as the local planning authority. The team assists in achieving objectives across the Corporate Strategy, including economic growth, environmental protection, community development and delivering effective and efficient services. The planning appeals system is part of the local decision-making process.

Implications

Financial Implications

Name/Title: Jacqueline Van Mellaerts, Corporate Director (Finance & Resources)

Tel/Email: 01277 312500/jacqueline.vanmellaerts@brentwood.gov.uk

52. There are no direct financial implication arising from this report. The cost of defending appeals is covered by the Development Management budget. Lost appeals can result in additional financial implications if costs are awarded, for instance. This is projected and considered when setting the budget.

Legal Implications

Name & Title: Amanda Julian, Corporate Director (Law & Governance) and Monitoring Officer

Tel & Email: 01277 312500/amanda.julian@brentwood.gov.uk

53. There are no legal implications arising from this report.

Economic Implications

Name/Title: Phil Drane, Corporate Director (Planning & Economy)

Tel/Email: 01277 312500/philip.drane@brentwood.gov.uk

54. There are no direct economic implications arising from the report. Monitoring the performance of the Planning Development Management service is important to maintain the Council's role in delivering quality development in line with local and national policies.

Background papers

- Item 90, Planning and Licensing Committee, 27 July 2021, Planning Appeals Update (February – July 2021)

Appendices to report

None

Members Interests

Members of the Council must declare any pecuniary or non-pecuniary interests and the nature of the interest at the beginning of an agenda item and that, on declaring a pecuniary interest, they are required to leave the Chamber.

- **What are pecuniary interests?**

A person's pecuniary interests are their business interests (for example their employment trade, profession, contracts, or any company with which they are associated) and wider financial interests they might have (for example trust funds, investments, and asset including land and property).

- **Do I have any disclosable pecuniary interests?**

You have a disclosable pecuniary interest if you, your spouse or civil partner, or a person you are living with as a spouse or civil partner have a disclosable pecuniary interest set out in the Council's Members' Code of Conduct.

- **What does having a disclosable pecuniary interest stop me doing?**

If you are present at a meeting of your council or authority, of its executive or any committee of the executive, or any committee, sub-committee, joint committee, or joint sub-committee of your authority, and you have a disclosable pecuniary interest relating to any business that is or will be considered at the meeting, you must not :

- participate in any discussion of the business at the meeting, of if you become aware of your disclosable pecuniary interest during the meeting participate further in any discussion of the business or,
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

- **Other Pecuniary Interests**

Other Pecuniary Interests are also set out in the Members' Code of Conduct and apply only to you as a Member.

If you have an Other Pecuniary Interest in an item of business on the agenda then you must disclose that interest and withdraw from the room while that business is being considered

- **Non-Pecuniary Interests**

Non –pecuniary interests are set out in the Council's Code of Conduct and apply to you as a Member and also to relevant persons where the decision might reasonably be regarded as affecting their wellbeing.

A 'relevant person' is your spouse or civil partner, or a person you are living with as a spouse or civil partner

If you have a non-pecuniary interest in any business of the Authority and you are present at a meeting of the Authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest whether or not such interest is registered on your Register of Interests or for which you have made a pending notification.

Planning and Licensing Committee

Planning

- (a) Town and Country Planning Act 1990 and any related legislation including: -
- (i) determination of planning applications;
 - (ii) enforcement of planning control;
 - (iii) waste land notices, purchase notices, etc.
- (b) Listed Buildings and Conservation Areas Act 1990
- (i) determination of applications for Listed Buildings and Conservation Area consent;
 - (ii) enforcement of Listed Building and Conservation Area legislation.
- (c) To consider and determine the Council's comments where appropriate on major development outside the Borough when consulted by other Local Planning Authorities.
- (i) To guide the Council in setting its policy objectives and priorities.
 - (ii) To carry out the duties and powers of the Council under current legislation;
 - (iii) To develop, implement and monitor the relevant strategies and policies relating to the Terms of Reference of the committee.
 - (iv) To secure satisfactory standards of service provision and improvement, including monitoring of contracts, Service Level Agreements and partnership arrangements;
 - (v) To consider and approve relevant service plans;
 - (vi) To comply with the standing orders and financial regulations of the Council;
 - (vii) To operate within the budget allocated to the committee by the Council.
 - (viii) To determine fees and charges relevant to the committee;

To review and monitor the operational impact of policies and to recommend proposals for new initiatives and policy developments including new legislation or central government guidance

- (d) Powers and duties of the local planning authority in relation to the planning of sustainable development; local development schemes; local development plan and monitoring reports and neighbourhood planning

Licensing

- (a) Except in relation to the statement of Licensing Policy, to discharge all functions conferred upon the council as licensing authority under the Licensing Act 2003.
- (b) Except in relation to the statement of Licensing Policy, to discharge all functions conferred upon the council as licensing authority under the Gambling Act 2005.
- (c) To determine all fees and charges relevant to matters disposed by the Planning and Licensing Committee.
- (d) To exercise all other functions relating to licensing and registration including
- i. Trading Requirements
 - ii. All functions relating to hackney carriage drivers and vehicles and private hire drivers vehicles and operators
 - iii. Animal Welfare and Security
 - iv. Skin Piercing, Acupuncture, Electrolysis and Tattooing
 - v. Sex establishments (including Sex Entertainment Venues (SEV))
 - vi. Pavement Permits
 - vii. Charitable Collections
 - viii. Camping, Caravan Sites and Mobile Homes
 - ix. Scrap Metal
 - x. Game Dealers
- (e) Any other matters relating to licensing as may be referred to the committee for consideration.

- (f) To hear and determine licensing applications and appeals where objections and /or representations have been received in relation to any of the above functions.
- (g) To manage and monitor the budgets in respect of licensing and vehicle licensing.