
Appeal Decision

Site visit made on 8 September 2014

by Kenneth Stone Bsc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 September 2014

Appeal Ref: APP/H1515/A/14/2220676

Sawyers Church, Sawyers Hall Lane, Brentwood, Essex CM15 9BN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Peter Jordan (Sawyers Church) against the decision of Brentwood Borough Council.
 - The application Ref 13/00500/FUL, dated 10 May 2013, was refused by notice dated 11 April 2014.
 - The development proposed is described as 'demolition of existing church building and construction of new church building'.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing church building and construction of a new church building at Sawyers Church, Sawyers Hall Lane, Brentwood, Essex CM15 9BN in accordance with the terms of the application, Ref 13/00500/FUL dated 10 May 2013, subject to the conditions contained within the schedule at the end of this decision.

Procedural matters

2. I note in the appeal forms the appellant indicated an intention to submit a costs application with this appeal. However, no formal application for costs was submitted setting out the basis for unreasonable behaviour and demonstrating whether unnecessary or wasted expense had been incurred. Accordingly it is not necessary for me to issue a separate costs decision.

Main Issues

3. The main issues in this appeal are:
 - the effect of the proposed development on the living conditions of the occupiers of Homehurst House, with particular reference to outlook; and
 - the effect of the proposed parking arrangements on the safe and efficient operation of the highway, general inconvenience and disturbance for local residents in the area.

Reasons

4. The appeal site is located within Brentford Town Centre but just outside the Brentford Town Centre Conservation Area (CA). It presently accommodates a primarily single storey red brick building of limited design merit, with the front

boundary delineated by a red brick wall, enclosing space which, other than the building footprint, is covered with tarmac and utilized for informal parking in association with the church use. To the north is Homehurst House, a two and three storey residential home; to the south is a group of Victorian terraced properties, which are within the CA; and to the west a six storey office building.

5. Parking restrictions in the form of double yellow lines and single yellow lines, operating between 8am and 6pm Monday to Saturdays apply on Sawyers Hall Lane. A number of parking bays are located within the Controlled Parking Zone which includes disabled bays immediately outside the site and pay and display bays further along the road. To the north are a number of residential culs-de-sac which also have single yellow line restricted parking between 9am and 6pm Monday to Saturday with permit holder bays operating within these times.

Living conditions

6. The proposed development would be a contemporary design architecturally articulated with individual block elements integrated with common materials and curved metal roofs. The church would be repositioned on the site, further forward and closer to the northern boundary than the existing building. The building would generally have a three storey bulk and mass towards the front with the main hall accommodated in a lower element of the building towards the rear of the site, producing a generally two-storey residential massing. On the north-west elevation a two storey projection adjacent to the main three storey element and a single storey projection next to the main hall add further articulation to the mass of the building.
7. Homehurst house is not set square with its boundaries and is a composition of three main elements with two outer wings joined by a central section, forming a 'z' shape as referred to by the Council. The main three storey block element of the proposed church would project forward of the main front elevation of Homehurst House which given its orientation at this point has its principal views onto Sawyers Hall Lane. The proposed development would not significantly intrude into the views available from the habitable room windows in that elevation.
8. The southern elevation of Homehurst house contains a number of windows serving habitable rooms and would be at an angle to the proposed church building such that the separation between the buildings would be greater towards the rear of the site. Towards the eastern end of this southern elevation of Homehurst house the views from the flats would look beyond the rear of the proposed church. Where there would be the greatest degree of conflict the church building at its two storey bulk would range from between 13m and 18m from Homehurst House. Given the intervening space, boundary treatment and existing trees the building would not appear in my view excessively imposing or overbearing. The existing trees would filter the views and the angled nature of the relationship, separation distances and low profile roof form of the proposed church would ensure that the structure would not appear dominating for the occupants of these properties.
9. The east facing elevation of the western wing of Homehurst House would be set in the region of 13m from the rear of the proposed church building, which at this point would have a two storey mass. This however would be at the corner of the building and would not significantly overlap with the views from these

- units. They would in effect be looking along the flank wall of the church which would not be in such close proximity as to appear significantly oppressive.
10. The area immediately to the south outside the main elevations of Homehurst House is an amenity space that given its southerly orientation provides a pleasant setting for the residents. The proposed building form would be visible from within this space and indeed from many of the flats. However the fact it would be visible is not justification to refuse permission. The site is located within a town centre where one would have a reasonable expectation to make the most efficient use of land. There are other buildings and structures in the locality which are of a similar or larger scale and the increase in scale, bulk and mass of the built form on this town centre site is not unreasonable given its context. The proximity of the building to the boundary would increase the perceived presence of the building, but given the separation distances this would not be so overwhelming on the adjacent site that would warrant dismissal of this appeal.
11. For the reasons given above I conclude that the proposed development would not result in material harm to the living conditions of the occupiers of Homehurst House, with particular reference to outlook. Consequently it would not conflict with Policy CP1 of the Brentwood Replacement Local Plan, 2005 (LP) which, amongst other things, seeks development that does not have an unacceptable detrimental impact on the general amenities of nearby occupiers by way of an overbearing effect. The proposal is also consistent with the core planning principles in paragraph 17, in particular bullet point 4 and paragraphs 60 and 64, which advise the planning system should seek to secure high quality development and a good standard of amenity for all existing and future occupants of land and buildings and should refuse development of poor design that fails to take the opportunities available for improving the quality of an area and the way it functions.

Parking arrangements

12. The development proposals identify some 25 parking spaces albeit the Council is concerned that these would not meet their space or layout standards. It is suggested that some adjustments may be required which would result in changes to the proposed layout that may reduce this number although no firm indication of final numbers is provided. This redesign could be addressed by way of a suitably worded condition. The proposed parking arrangements suggest that any overspill parking arising from the development could be accommodated on the road, at times when demand was low, or at alternative locations in the town centre or where the church has agreements in place to park vehicles away from the site. I have not been provided full details of these off site agreements nor are they suggested to be secured through this planning permission. As there is no certainty around the length and continuing availability of these spaces I afford these arrangements little weight.
13. The Council's parking standards are set as maximum standards and the proposal is therefore in compliance with the standards a point accepted by the Council. However, I accept that parking standards are only one element of the concerns and it is reasonable to consider the consequences of the development on the highway network and adjoining neighbours.
14. The potential levels of demand for parking off site vary with the Council contending this could reasonably be expected to be in excess of 75 spaces, as

a demand would be generated for 100 spaces on a typical Sunday service. They however provide no reasonable justification of how they arrive at this figure. The Appellant on the other hand refers to the survey undertaken as part of the travel plan which identified 84 parishioners travelling by car and therefore requiring parking. They note that the increase in likely attendance to 300 would be likely to raise this to in the region of 90 spaces on a pro rata basis. The appellant has identified some 50 parking spaces available on street in Sawyers Hall Lane and the Council has not disputed this figure. This would suggest that the potential demand would exceed the available space in the immediate vicinity of the site. A travel plan has been suggested to seek to reduce demand and encourage the use of alternative means of transport to the site.

15. The Highway Authority has not objected to the proposal and did not consider that the overflow parking on-street would be prejudicial to Highway Safety or the free flow of traffic. The appellant has provided a draft travel plan and a detailed travel plan could be the subject of a planning condition. This could have the effect of reducing demand and encouraging alternative means of transport to the site. Added to this is the availability of other parking in the vicinity of the town centre, the availability of public transport and the town centre location. The advice at paragraph 34 of the Framework indicates that decisions should ensure that developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable modes can be maximised, a town centre site such as this is in my view such a place. I am satisfied that the additional parking that may arise from the development could be safely accommodated on the public highway and within nearby town centre parking facilities, which given the sites town centre location it would be reasonable to expect should support such a use as proposed and the location.
16. There are limited direct individual residential accesses on to Sawyers Hall Lane and the existing accesses predominantly serve small parking courts or culs-de-sac where it would be reasonable for drivers to pay due care and attention when exiting. The Council refer to reversing manoeuvres however I do not see how additional parking on the highway would prevent vehicles from exiting the site in a forward gear from the majority of these locations given turning facilities are available within these parking areas. Paragraph 32 of the Framework makes it clear that development should only be prevented or refused on transport grounds where the residual cumulative impacts are severe. The Highway Authority has not objected to the scheme and the Council have not demonstrated that the impacts of the additional parking would be severe.
17. Whilst the potential comings and goings associated with the use would be reasonably high on Sundays, given the parking demand, this is a town centre location and the peak times of the general movements are not at particularly sensitive times of the day. In this regard the on-street parking that may be generated as a result of the proposal would not result in significant disturbance and inconvenience for local residents. During the weekday evenings the numbers attending the site would be significantly reduced as would be the consequent activity. The time can be suitably controlled by condition and those suggested, given the town centre location, are not unreasonable.

18. For the reasons given above I conclude that the effect of the proposed parking arrangements would not result in material harm to the safe and efficient operation of the highway, nor lead to general inconvenience and disturbance for local residents in the area. It would therefore not conflict with policies CP1 or T2 of the LP which, amongst other things, require development to provide satisfactory parking arrangements and do not result in an unacceptable detrimental impact on the transport system nor the general amenities of nearby occupiers.

Other matters

19. I note that the site abuts the CA and that the Council concluded that the proposal due to the buildings height and bulk would result in less than substantial harm to the setting of the heritage asset. From my site visit and the evidence presented I see no reason to differ from these conclusions. Similarly I note the Council's conclusions that this harm would be outweighed by the public benefits arising from the development, in the form of the community and wider benefits attributed to it, and would assist in securing the sites optimum viable use. I also agree with those findings.
20. A number of concerns have been raised with regard to noise and disturbance associated with the development however the Council's environmental health department raised no objections to the scheme and the acoustic report submitted with the application demonstrated that the acoustic performance of the proposed building would be better than that of the existing building. Subject to suitable conditions restricting the occupation and timing of uses associated with the development, including the crèche, I conclude that there would be no material harm arising from noise and disturbance.
21. The impact on the stability of the adjoining Homehurst house can be addressed satisfactorily under other legislation and there is no substantial technical evidence before me to suggest that this is not the case.
22. It is suggested that there is the potential for other sites and buildings in the vicinity of the site to be used for the proposed use. However these are not within the control of the appellant and it is the proposals that are in front of me that I must consider in terms of their impact on the area.
23. The additional landscaping and tree planting proposed within the scheme would compensate for the loss of any landscaping present on the site and would result in a small positive contribution to the character and appearance of the area.

Conclusions and conditions

24. For the reasons given above I conclude that the appeal should be allowed.
25. I have considered the suggested conditions provided by the Council in the context of the advice in the Planning Practice Guidance (PPG) and the wording of the suggested models of acceptable conditions in appendix A to Circular 11/95 'The use of conditions in planning permissions' which remains extant. I have imposed, with some alterations amendments or amalgamation, the suggested conditions in the light of the advice as detailed below.
26. Condition 2 specifying the approved plans is required for the avoidance of doubt and in the interests of proper planning as advised at paragraph 21a-022

- of the PPG. Conditions 3, 4, 14, 15, 16 and 21 are required in the interests of the character and appearance of the development and the wider area. With those related to trees also required in the interests of good arboricultural practice. Condition 5 is required to encourage the use of other modes of transport than the private motor car. I have however required this to be submitted to and approved by the local planning authority as for planning purposes they are the determining authority. Conditions 6, 7 and 8 are required to ensure appropriate parking facilities are provided.
27. Condition 9 is required to minimise the effect of the construction of the development on the area and conditions 10 and 11 are required in the interests of highway safety. Conditions 12, 17, 18 and 19 are required to protect the amenities presently enjoyed by the occupants of adjoining properties. Condition 13 is required to ensure satisfactory waste facilities are provided and condition 20 is required to ensure the site is satisfactorily drained.
28. The proposed development is for a church, with ancillary facilities, and it is on this basis that the appeal has been considered and determined. A development is not fully controlled by its description of development and a further condition, as referred to in the Council's appeal statement, is appropriate to restrict the main use of the site to the principal use as a church. Whilst there are other activities suggested these are ancillary to the main function and would be acceptable within that context. However, a subsequent change of the building to other uses within the same Use Class may result in impacts that are materially different from the detail submitted to support this case and therefore such a restriction is justified in this case and I have imposed this as condition 22.

Kenneth Stone

INSPECTOR

SCHEDULE OF CONDITIONS FOR APPEAL REF: APP/H1515/A/14/2220676

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2121 A/01 revision A; 2121 A/02; 2121 A/03; 2121 A/04 revision B; 2121 A/05; 2121 A/06; 2121 A/07; 2121 A/08; 2121 A/09; 2121 A/10; 2121 A/11; 2121 A/12; 2121 A/13 revision A; 2121 A/14 revision A; 2121 A/15; 2121 A/16 revision B; 2121 A/17 revision A; 2121 A/18 revision A; 2121 A/19; 2121 A/20 and 2121 A-21.
- 3) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping showing details of new trees, shrubs and hedges and a programme for their planting and details of all existing trees and hedgerows on and overhanging the land, and details of any to be retained, together with measures for their protection in the course of development. The landscaping scheme shall be carried out as approved. Any newly planted tree, shrub or hedgerow or any existing tree, shrub or hedgerow to be retained which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
- 4) All tree works must be carried out in accordance with good practice as defined in BS3998.
- 5) The development shall not commence until a detailed Travel Plan has been submitted to and approved in writing by the local Planning Authority. The approved Travel Plan shall be complied with during the operation of the site for the approved uses.
- 6) Notwithstanding condition 2 the development shall not commence until details of the parking layout showing each vehicle space measuring at least 2.5 metres by 5 metres and 3 No. disabled spaces measuring at least 3.5 metres by 6 metres, within the application site, has been submitted to and approved in writing by the local planning authority. The development shall not be occupied until the parking layout has been provided in accordance with the approved details. The parking spaces shall be retained without any impediment to their designated use and shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.
- 7) The development shall not commence until details of the design and layout of cycle parking facilities in accordance with Brentwood Borough Council's adopted parking standards have been submitted to and approved in writing by the local planning authority. The approved facilities shall be secure and covered and the development shall not be occupied until the facilities are provided and thereafter they shall be retained at all times.
- 8) The development shall not commence until details of the location, design and layout of motorcycle parking facilities in accordance with Brentwood

Borough Council's adopted parking standards have been submitted to and approved in writing by the local planning authority. The approved facilities shall be secure and convenient and the development shall not be occupied until the facilities are provided and thereafter they shall be retained at all times.

- 9) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i) the parking of vehicles of site operatives and visitors
 - ii) loading and unloading of plant and materials
 - iii) storage of plant and materials used in constructing the development
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v) wheel washing facilities
 - vi) measures to control the emission of dust and dirt during construction
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works
- 10) The building shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plan drawing No. A/04 revision B.
- 11) No fence, wall or other barrier shall be erected on the site's proposed south eastern boundary, shown on drawing No. A/04 revision B, within 10 metres of the back edge of the nearside footway in Sawyers Hall Lane.
- 12) The windows/glazing proposed for the central section of the south-eastern elevation at first and second floor level shall be glazed using obscured glass to a minimum of level 3 of the "Pilkington" scale of obscuration and non-opening below a height of 1.7m above the floor of the room in which the window is installed. The windows shall be installed in accordance with the approved details prior to the first occupation of the building or use of the room in which the window(s) is installed. Those windows shall remain so glazed and non-opening.
- 13) Details of a site wide waste strategy for the development shall be submitted to and approved in writing by the local planning authority prior to any superstructure works commencing on site. The details shall include:
- i) the layout, design and appearance (shown in context) of the dedicated refuse/recycling enclosure(s);
 - ii) a waste management plan
- The development shall be carried out and operated strictly in accordance with the details and waste management strategy so approved. The physical enclosures shall be provided/ erected prior to the first occupation of the development and shall be maintained as such thereafter.

- 14) No development shall take place until drawings that show details of proposed new windows, doors, eaves and cills by section and elevation at scales between 1:20 and 1:1 as appropriate have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and shall be permanently maintained as such.
- 15) Development shall not be commenced until samples of the materials to be used on the external finishes have been submitted to and approved in writing by the local planning authority.
- 16) The development shall not commence until details of the treatment of all boundaries including drawings of any gates, fences, walls or other means of enclosure have been submitted to and approved in writing by the local planning authority. The approved boundary treatments shall be completed prior to the first occupation of the development and shall thereafter be permanently retained and maintained.
- 17) The church building hereby approved shall not operate outside the hours of 07:00 until 23:00 hours on any day.
- 18) The ground floor restaurant/bar facility hereby approved shall only operate as an ancillary service in conjunction with the operation of the site as a church and shall not be operated as a separate business.
- 19) The external play area as shown on the approved drawing No. A/04 revision B shall not operate outside the hours of:
Thursdays between the hours of 09:30 and 17:00
Fridays between the hours of 09:30 and 17:00
Sundays between the hours of 10:30 and 12:30.
- 20) Development shall not be commenced until details of surface water drainage have been submitted to and approved in writing by the local planning authority. The development hereby permitted shall be carried out in accordance with the approved surface water drainage details and shall be retained as such thereafter.
- 21) Details of existing and proposed site levels and the finished floor levels of the proposed building shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development hereby permitted. The development shall be carried out in strict accordance with the approved details.
- 22) The premises shall be used for a Church and its ancillary activities and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

END