

SITE PLAN ATTACHED

65 MAGNOLIA WAY PILGRIMS HATCH BRENTWOOD ESSEX CM15 9PP

TWO STOREY SIDE EXTENSION AND SINGLE STOREY FRONT AND REAR EXTENSION TO INCLUDE ROOF LANTERN.

APPLICATION NO: 19/01371/FUL

WARD	Pilgrims Hatch	8/13 WEEK DATE	13.11.2019
PARISH		POLICIES	
CASE OFFICER	Mrs Nikki Dawney	01277312500	
Drawing no(s) relevant to this decision:	REVO/4182; Site Location Plan; REVO/4181/A;		

The application has been referred by Cllr Davies for the following reason:

The application if allowed would reduce the natural light to numbers 57, 59, 61 and 63 Magnolia Way.

The building would have a detrimental visual impact on the street scene.

The works appear to extend beyond the property boundary.

The walkway adjacent would be become dark and possibly reduce the safety of the area attracting anti-social behaviour.

1. Proposals

Planning permission is sought for the construction of a two storey side extension and single storey front and rear extension with roof lantern. The original submission proposed extensions which were in alignment with the ridge line and front and rear building lines. In order to address neighbour concerns, a revised proposal (Drawing number REVO/4181 revA) has been submitted which offers a reduction in height and is setback from the front elevation.

2. **Policy Context**

Local Development Plan:

The Brentwood Replacement Local Plan 2005 remains the development plan and its policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the National Planning Policy Framework (NPPF).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. The Council subsequently resolved to revise the detailed wording of some of the proposed housing allocations and undertake a focused consultation on those revisions. This was carried out over a six week period ending on 26 November 2019 and responses are currently being considered. The LDP will be submitted to the Secretary of State in early 2020 for an Examination in Public. This is likely to be held in mid 2020, subject to timetabling by the Secretary of State. Provided the Inspector finds the plan to be sound, it is projected that it could be adopted by the Council in late 2020 or 2021.

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, nevertheless, the Local Plan Pre-Submission (Publication Draft) 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 draft housing and employment allocations. However as the plan has yet to be inspected at the Examination in Public it is currently considered that it has limited weight in the decision making process.

National Policy

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)
National Design Guidance 2019

Local Plan Saved Policies:

Policy CP1 Development Criteria

3. **Relevant History**

- : - None relevant

4. **Neighbour Responses**

A total of 9 letters of objection have been received from 4 properties relating to overbearing development, reduction in openness to existing pathway, impact of construction.

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/>

5. Consultation Responses

- : None undertaken

6. Summary of Issues

65 Magnolia Way is a two storey end of terrace dwelling located in the heart of a uniform area of mid 20th century development. Adjacent to no.65 is a formal pathway which provides primary pedestrian access to the main entrances of the neighbouring terrace which has a vertical orientation to Magolia Way as opposed to the horizontal orientation of the subject site. The buildings forming the wider context are similar in context and design, some have two storey side extensions and these additions appear subordinate, being set down from the ridge and back from the front elevation.

Design

Criterion (i) of local plan policy CP1 (General Development Criteria) states that the Council will need to be satisfied that the proposed development would not have an unacceptable detrimental impact on the visual amenity and character and appearance of the surrounding area. Criterion (iii) states that the proposal should be of a high standard of design and layout and should be compatible with its location and any surrounding development in terms of size, siting, scale, style design and materials.

The proposed development would continue the design aesthetic of the existing building and the character of the immediate surroundings. The development is subordinate in nature and would conform to the prevailing pattern of extensions approved in the area. As such it is considered that in terms of the design the proposed extension would be in keeping with the host dwelling and surrounding built form.

In terms of streetscene, it is noted that the proposed development would extend the bulk of the building to the common boundary with the footpath. However, the extension is relatively minor in width (1.6m) and within the boundary of the site. The distance between the side flank of the proposed extension to the front elevation of the neighbour immediately opposite would be 4.4m of open space. This distance is sufficient to retain the spatial openness between the dwellings and would continue to conform to the

established layout of the area as a whole. Therefore, it is considered that the proposed development would be of a good standard of design and would be compatible with the surrounding built form and compliant with criteria (i) and (iii) of policy CP1.

Residential amenity

Criterion (ii) of policy CP1 states that the Council will also need to be satisfied that the proposed development would not have an unacceptable detrimental impact upon the general amenities of nearby occupiers of the proposed development by way of overlooking, lack of privacy, overbearing effect or general disturbance.

Objections have been raised regarding the potentially oppressive nature of a two storey plain brick wall reaching up to the apex of the roof which could severely reduce daylight through the windows at the front of the neighbouring dwelling (no59).

The existing side elevation of 65 Magnolia Way is a plain brick wall or blank flank, 6m from the front elevation of 59 Magnolia Way. The proposed extension would measure 1.6m wide and would project within the confines of the site boundary. The existing distance of separation would be reduced to 4.4m. It is considered that a facing blank flank is already in situ and this orientation of built form is typical within the area. It is considered that the distance of separation is not reduced to a degree that would reduce the existing levels of daylight or create an overbearing effect over that which already exists on the occupiers opposite. Equally, this reduction in width is not anticipated to reduce visibility to users of the footpath.

Concerns are raised regarding a tunnelling effect from the proposed development to users of the pathway and the occupants of no.56. The width of the development has been outlined above. The length of the two storey extension would largely accord with the length of the existing building save for a 0.5m setback from the front elevation. A single storey element of approximately 3m would project further to the rear. The new built form would abut the common boundary but retain 4.4m of open space between the development and no 56. When combined these factors are considered sufficient to safeguard the residential amenity of neighbouring dwellings and passing pedestrians compliant with criterion (ii) of policy CP1.

Other matters

Concerns have been raised regarding noise and nuisance resulting from construction. A condition is suggested requesting a construction management plan which will address such issues as, times of construction, noise and dust management.

Concerns have also been raised regarding the relocation of the side pedestrian access to the application site. This matter falls outside of planning law and legislation but it is understood that it is the right of the owner to relocate this access (should they wish) provided it is on land within their ownership.

7. Recommendation

The Application be APPROVED subject to the following conditions:-

1 TIM01 Standard Time - Full

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 DRA01A Development in accordance with drawings

The development hereby permitted shall not be carried out except in complete accordance with the approved drawing(s) listed above and specifications.

Reason: To ensure that the development is as permitted by the local planning authority and for the avoidance of doubt.

3 MAT03 Materials to match

The materials to be used in the construction of the external surfaces of the building hereby permitted shall match those used in the existing building.

Reason: In order to safeguard the character and appearance of the area.

4 CON1 Construction Method Statement

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
- viii. hours of working and hours during which deliveries may be taken at the site

Reason: In the interests of highway safety, visual and neighbour amenity.

Informative(s)

1 INF02

Reason for approval: The proposal would accord with the relevant policies of the development plan as set out below. The Council has had regard to the concerns expressed by residents but the matters raised are not sufficient to justify the refusal of permission.

2 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: National Planning Policy Framework (NPPF) 2019 and NPPG 2014.

3 INF22

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

BACKGROUND DOCUMENTS

DECIDED:
