

**SITE PLAN ATTACHED**

**27 HAMPDEN CRESCENT WARLEY BRENTWOOD ESSEX CM14 5BD**

**DEMOLITION OF EXISTING OUTBUILDINGS AND GARAGE.  
CONSTRUCTION OF BUNGALOW IN SAME LOCATION, INCLUDING  
PARKING, PRIVATE AMENITY, BIN STORAGE AND SECURE GARDEN  
STORAGE FOR BICYCLES.**

**APPLICATION NO: 19/01251/FUL**

<b>WARD</b>	Warley	<b>8/13 WEEK DATE</b>	19.11.2019
<b>PARISH</b>		<b>POLICIES</b>	NPPF, NPPG, CP1, T2
<b>CASE OFFICER</b>	Mr Daryl Cook		
<b>Drawing no(s) relevant to this decision:</b>	100 (Site Location Plan); 001 (Block Plan); Topographic Survey; 202 04; 201 04;		

**The application has been referred to Planning and Licensing Committee at the request of Councillor McCheyne on the following grounds:**

- **The need for bungalows**
- **The design is a nice bungalow**
- **Objections to materials doesn't stack up to what has already been approved next door**
- **The redevelopment of the empty dwelling site is now being put to good use**

**1. Proposals**

The proposal seeks to demolish existing outbuildings and garage and construct a bungalow within the same location providing a parking space, private amenity area, bin storage and secure garden storage for bicycles at 27 Hampden Crescent, Warley.

**2. Policy Context**

Brentwood Replacement Local Plan 2005

- Policy CP1 General Development Criteria
- Policy T2 New Development and Highway Considerations
- Policy T5 Parking – General

#### 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The Brentwood Replacement Local Plan 2005 remains the development plan and its policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the National Planning Policy Framework (NPPF).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)

### **3. Relevant History**

- 18/00332/FUL: Single-storey front extension, two-storey side extension and part single-storey part two-storey storey rear extension. - Application Permitted
- 19/00354/FUL: Demolish of existing outbuildings and garage and construct two storey block of 2 No. maisonettes with parking, private amenity, bin storage and secure cycle storage - Application Refused
- 19/00947/S192: Application for a Lawful Development Certificate for a proposed use or development for a rear dormer. - Application Withdrawn
- 19/01091/FUL: Loft conversion to include dormer to rear and change to material finish. (Retrospective permission) - Application Permitted

#### **4. Neighbour Responses**

This application has been advertised by way of public site notice and neighbour letters. No neighbour representations have been received.

#### **5. Consultation Responses**

- **Highway Authority:**

A site visit has been undertaken and the information that was submitted in association with the application has been fully considered by the Highway Authority.

The host dwelling was subject to a recent planning approval 18/00332/FUL which included provision for two parking spaces. This proposal will sub-divide the site and the host dwelling will lose one parking space. However, this proposal includes one off-street parking space for both the host and proposed dwelling, each accessed from a private road. The local highway network is protected by parking restrictions and in transport terms the site is considered to be in a sustainable location with good access to frequent and extensive public transport, therefore:

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:

1. Prior to first occupation the cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with policy T2.

2. Prior to first occupation of the proposed development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policy T2.

3. 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 T2.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

- **Brentwood Borough Council Assets Department:**

This planning application requires access from the access to the Garage site (owned by Brentwood Borough Council) we are in the process of converting into parking spaces for Tesco and this will be a pedestrian access into our site.

There is also an existing pedestrian right of way along the council access and around the Tesco store onto the main road. This will present a danger to pedestrians as there is no pavement along this access.

Brentwood Council have not given permission, nor will we do so for this property to have access from our land. We therefore object to this application and trust the application will be rejected.

## **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 requires that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant material considerations for determining this application include the planning history, the National Planning Policy Framework 2019 (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.

The main issues which require consideration as part of the determination of this application are:

- Impact of the proposal on the character and appearance of the area.
- Impact on the living conditions of the occupiers of the proposed dwelling.

The application site relates to the land adjacent to 27 Hampden Crescent which comprises outbuildings and a garage which were previously ancillary to No.27 Hampden Crescent.

## **Recent Planning History**

The application follows a previous refused application 19/00354/FUL to 'Demolish existing outbuildings and garage and construct two storey block of 2 No. maisonettes with parking, private amenity, bin storage and secure cycle storage'.

The application was refused for the following reasons:

RFR 1: *The proposed development is of an unacceptable and incompatible design by way of its form, layout and materials which is not supportive of the local character and appears cramped and contrived within its plot to the detriment of the surrounding area, in conflict with policy CP1 (i) and (iii) of the local plan and the design principles of the NPPF.*

RFR 2: *The proposal would fail to provide outlook to all habitable rooms amounting to a substandard quality of accommodation for the future occupiers of the proposed development and would lead to a loss of outlook and overbearing impact on the occupiers of No.27 Hampden Crescent and amount to materially overlooking to the rear garden of No.26 Hampden Crescent contrary to policy CP1 and paragraph 127(f) of the NPPF which states developments should ensure that places are created with a high standard of amenity for existing and future users.*

No pre-application advice has been sought prior to the submission of this amended scheme. The report will look to identify whether the reasons for refusal have been overcome with the amendments made.

## **Design, Character and Appearance**

Policy CP1 is supportive of development proposals provided they protect the character and appearance of the surrounding area, protect the amenities of neighbours, are of a high standard of design and have satisfactory access and parking and can be accommodated by local highway infrastructure.

In terms of design, the building remains contemporary in nature comprising a 6.3m pitched roof over the majority of the dwelling, clad with zinc, the remainder having a 3 metre tall flat roof. The character of Hampden Crescent comprises primarily of mid C20th traditional brick-built/plain tile roofs dwellings with a combination of semi-detached and maisonette flats. The surrounding area within Warley Hill comprises Victorian properties in terms of their character, layout and appearance. Whilst there are some minor examples of 'contemporary' features, i.e. timber cladding at No.27, this was not considered to detract from the overall character of the street scene.

The proposed bungalow would be positioned within a narrow strip of land to the west of No.27 Hampden Crescent, orientated away from any street frontage and only accessible by a private road leading to a row of existing garages and a footpath leading to Warley Hill.

Paragraph 131 of the National Planning Policy Framework 2019 (NPPF) states that great weight should be given to innovative designs which help raise the standard of design within an area, so long as they fit in with the overall form and layout of their surroundings. There is no reason to consider the proposed dwelling as 'innovative'. Furthermore, much like the previous scheme, the bungalow would be crammed into a contrived, small semi backland plot which detracts from the spacious and considered cul-de-sac and linear row of Victorian properties along Warley Hill. Whilst the palette of materials has been amended, they still utilise a non-clay-based roof material with the design, form and layout of development remaining incongruous with surrounding development. The amended scheme would still appear prominent and detract from the street scape and long view.

Therefore, it is considered that the proposed development would be of an unacceptable and incompatible design by way of its form, layout and materials which is not supportive of the local character and appears cramped and contrived within its plot to the detriment of the surrounding area, in conflict with policy CP1 (i) and (iii) of the Brentwood Replacement Local Plan (BRLP) and the design principles of the NPPF.

### **Impact on Neighbour Amenity**

In terms of an overbearing impact, the proposal is for a bungalow with a maximum height of 6.3 metres at the highest point. The flat roof element to the rear would be approximately 3 metres. The previous scheme, albeit of a different design, was taller and bulkier than the amended scheme proposed. In terms of outlook, when considering the nearest fenestration opening serves a utility room at No.27 at ground-floor (non-habitable), the amended scheme would not intercept a 45-degree angle for the ground-floor windows at No.27. Therefore, it is no longer considered the development as proposed would amount to an overbearing effect which would lead to a subsequent loss of outlook to the detriment of No.27.

In terms of loss of privacy and overlooking, the proposal no longer features any first-floor windows. Ground-floor window serving the dining room and hallway are proposed albeit the hallway windows would be screened by the timber fencing erected to the flank of No.27. The existing private road separates the application dwelling and the side amenity area of No.26 with some vegetation at No.26 offering a form of boundary treatment. In this respect, the loss of first-floor windows ensures that the proposed development would not have 'direct views' and thus it is considered that there would be no significant loss of privacy or overlooking effect detrimental to the amenities of these two dwellings.

Whilst it is acknowledged this was not previously identified within the previous submission, the rear private amenity area of the proposed bungalow would be overlooked by No.27 Hampden Crescent, and to a lesser extent No.28, from the

first-floor rear windows. Whilst there is a degree of mutual overlooking within this area, it is reasonably expected new dwellings provide adequate living conditions for future occupiers by way of an unoverlooked private amenity area. Given this was not previously identified as a reason for refusal, it would be unreasonable to introduce this now. However, the point emphasises the poorly designed scheme within an area of land which is considered to be unsuitable for the proposed development.

### **Living Conditions**

Whilst not formally adopted, the Government issued *Technical Housing Standards 2015* (THS) offer guidance to what can be considered sufficient 'living standards' for new dwelling houses. A two-bedroom, four person, single-storey dwelling, is recommended to have a minimum gross internal floor area (with internal storage) of 70 sqm. The proposed dwelling provides in excess of 115sqm in terms floorspace albeit that internal storage falls short. However, there would be ample space for freestanding storage areas within the proposed dwelling.

Limited information has been supplied regarding boundary treatments, but at present, the proposed bedrooms would have an outlook onto close boarded fencing. Even if this were to be replaced with an alternative treatment, the outlook is within 500mm of the boundary and is considered to be unacceptable resulting in a sense of enclosure and poor living conditions by reason of its outlook for future occupiers regardless of the dwellings overall floor space.

Therefore, it is considered the proposed development has not overcome RFR 2 in its entirety and that the development would continue to fail to provide adequate level of amenity for existing and future occupiers in conflict with policy CP1 (ii) of the BRLP and paragraph 127(f) of the NPPF.

### **Parking and Highway Considerations**

The proposed development would seek to provide one parking space to the front of the site despite the proposal having two bedrooms. This is a reduction in the previously proposed parking. However, the site is located within a sustainable location with good transport links and whilst not ideal, would not require any parking spaces to be provided in accordance with the adopted parking standards. Whilst the parking at No.27 would also be lost; it is not considered this would substantiate a reason for refusal. Plus, as previously identified, parking could be accommodated to the front of No.27 mitigating this harm and parking restrictions within this area would ensure highway safety is not compromised. The Highway Authority has raised no objections to the scheme subject to conditions. In this regard, the proposal would comply with policy CP1 (iv) and T2 of the BRLP.

### **Brentwood Borough Council Assets Department Considerations**

The Assets team has objected to the application on the basis that as part of the strategic development of the surrounding area, the row of existing garages is proposed to be demolished and redeveloped introducing areas of new parking to be leased to Tesco (Warley Hill). This would naturally result in an intensification of the use of that

parcel of land. The proposed bungalow would include one parking space which would require access via the private road which serves the garages and pedestrian footway. It is the future intention of the Council (as landowner) to fully pedestrianise this accessway which serves the proposed bungalow. However, there is no current application pending consideration and therefore very limited weight can be attached to this consideration and which may raise future issues.

The provision and use of an access across this private road would be acceptable in planning terms and in the context of the on street parking occurring elsewhere on the estate, further on street parking by one car, in the event that agreement cannot be reached with the Council, would also be acceptable.

Whilst the objection is noted, issues relating to access across third party land are generally beyond the scope of planning applications and is a civil matter. An informative is recommended drawing this point to the developer's attention to contact the landowner.

### **Other matters**

With regard to the reasons for referring the application to committee, the Framework has a presumption in favour of development and encourages those which would provide a mixture of dwelling typology including, but not limited to, bungalows. However, it is also expressly clear that development should take into account the character and quality of existing areas. As outlined within this report, the proposal is considered to represent a cramped form of development which is not supportive of the character of Hampden Crescent. The living conditions of future occupiers would also be substandard with poor outlook from the bedroom windows.

In relation to materials, an objection has been raised in relation to the proposed roof materials only (grey standing seam) which does not reflect the traditional roof tiles within this area. The proposed building would utilise 'red brick cavity wall construction' with contemporary aluminium glazing. However, this forms only one small element of the first reason for refusal.

The proposal has also been referred on the basis this is an 'empty dwelling site'. This parcel of land formed part of the original curtilage of No.27 Hampden Crescent housing outbuildings, private amenity area and a detached garage. No.27 has subsequently been renovated and extended with the original parcel of land subdivided. The remaining parcel of land is considered to be contrived and the principle of development is not considered acceptable as any new dwelling would appear cramped and amount to overdevelopment of this site.

### **Conclusion**

The proposed development, for the reasoning above, has failed to overcome the previous reasons for refusal in their entirety and therefore would fail to comply with policy CP1 of the BRLP and the aims of the Framework. The proposal is therefore recommended for refusal, consistent with the decision on the previous application.

## 7. Recommendation

The Application be REFUSED for the following reasons:-

R1

The proposed development is of an unacceptable and incompatible design by way of its form, layout and materials which is not supportive of the local character and appears cramped and contrived within its plot to the detriment of the surrounding area, in conflict with policy CP1 (i) and (iii) of the local plan and the design principles of the NPPF.

R2

The proposal would fail to provide outlook to all habitable rooms amounting to a substandard quality of accommodation for the future occupiers of the proposed development contrary to policy CP1 and paragraph 127(f) of the NPPF which states developments should ensure that places are created with a high standard of amenity for existing and future users.

### Informative(s)

1 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, T2, T5, National Planning Policy Framework (NPPF) 2019 and NPPG 2014.

2 INF20

The drawing numbers listed above are relevant to this decision

3 INF23

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly identifying within the grounds of refusal either the defective principle of development or the significant and demonstrable harm it would cause. The issues identified are so fundamental to the proposal that based on the information submitted with the application, the Local Planning Authority do not consider a negotiable position is possible at this time.

4 It is the responsibility of the developer to ensure that any existing and future access via the private road to the land adjacent to No.27 Hampden Crescent is lawful, and that permission should be sought from the landowner – in this instance, Brentwood Borough Council.

### *BACKGROUND DOCUMENTS*

### **DECIDED:**