

SITE PLAN ATTACHED

**LAND TO THE REAR OF 131 TO 135 HATCH ROAD, PILGRIMS HATCH,
BRENTWOOD**

**CONSTRUCTION OF A PAIR OF SEMI-DETACHED HOUSES WITH ASSOCIATED
PARKING**

APPLICATION NO: 20/00895/FUL

WARD	Pilgrims Hatch	8/13 WEEK DATE	26.08.2020
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PARISH		Ext. Of Time	tbc
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CASE OFFICER	Brooke Pride
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Drawing no(s) relevant to this decision:	DESIGN AND ACCESS STATEMENT; 03; 10 REV K;
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**The application has been referred to the Committee at the request of Councillor
Aspinell for the following reason(s):**

The proposal conflicts with the policies that cover highways safety and traffic levels, design, appearance and layout, conservation of buildings, trees and open land, impact on the appearance of the area, effect on the level of daylight and privacy of the existing property: My opinion and that of my ward colleagues this application is far more detrimental than previously reviewed applications on this sites.

1. Proposals

This application relates to the construction of a pair of semi-detached dwellings with associated parking. The application site forms part of the rear gardens of 131, 133 and 135 Hatch Road and is rectangular in shape. The new dwellings would face Gloucester Road; plot 1 would form a side boundary with the properties facing Hatch Road and plot 2 would form a side boundary with the rear gardens of 79 and 77 Cornwall Road. Three trees are shown within the plot, all of which are shown to be retained. Surrounding development is made up of a mix of two storey dwellings, short rows of terraces, detached and semi-detached houses.

2. Policy Context

Brentwood Replacement Local Plan 2005:

- Policy CP1 General Development Criteria
- Policy H17 Dormer Windows
- Policy T2 New Development and Highway Considerations
- Policy H14 Housing Density

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The Brentwood Replacement Local Plan 2005 remains the Development Plan and its policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the National Planning Policy Framework (NPPF).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, following revisions to the detailed wording of some of the proposed housing allocations, later in the year. Its submission to the Planning Inspectorate on behalf of the Secretary of State (Regulation 22) was agreed at Ordinary Council in January 2020 and submission took place in February 2020. The Examination in Public will open in December 2020, concentrating on strategic matters, with other hearings due in February 2021, as set out in draft 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 later in 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 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 draft housing and employment allocations. While submission of the Local Plan is a further step in progress towards adoption, as the plan has yet to be inspected through an Examination in Public it is still considered that it currently has limited weight in the decision making process.

National policy and advice

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

3. Relevant History

- BRW/31/89: Erection of three houses – Application Permitted.

- 18/01864/FUL: Construction of three 2 bed dwellings with off street parking and garden areas. – Application Refused/Appeal Dismissed
- 19/01265/FUL: Construction of a pair of semi-detached houses, with associated landscaping and off-street parking. – Application Refused
- 20/00098/FUL: Construction of a pair of semi-detached houses, with associated garden and off-street parking. – Application Refused

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/>

- Loss of privacy
- Loss of outlook
- Out of character
- Close to the start/stop of the bus route and bus stop
- Size of development is excessive
- Overlooking
- Overdevelopment
- Development will lead to highway problems with extra cars being parked on Gloucester Road
- The development falls short of the 15 metre window guidance in Appendix 5
- No loft extensions have previously been applied for or approved to dwellings in the immediate area of Cromwell Road and Hatch Road.

5. Consultation Responses

- **Arboriculturalist-** No comments received

- **Highway Authority-**

Construction of a pair of semi-detached houses with associated parking.

A site visit has been previously undertaken and the information that was submitted in association with the application has been fully considered by the Highway Authority. The revised proposal now includes a red line that follows the highway boundary. The two new vehicular accesses will each be provided with visibility splays in accordance with the current standards. Each dwelling includes adequate off-street parking, therefore:

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

- **Environmental Health & Enforcement Manager-** No comments received.

The full version of each consultee response can be viewed on the Council's website via Public Access at the following link: <http://publicaccess.brentwood.gov.uk/online-applications/>

6. Summary of Issues

Background

The application site has an extensive planning history including a recent appeal decision for the proposal of a terrace of three, two storey dwellings (Reference 18/01864/FUL:

The reason(s) for refusal were:

R1) It is considered the proposed development would result in a dwelling of a size, layout and scale that would appear cramped within a back garden plot that is out of character within an area of an otherwise low density development; detrimental to the character and appearance of the area, in conflict with policy H14 and CP1 (i) and (iii) of the local plan which seeks to ensure a high standard of design that is compatible with its location and the design objectives contained in part 12 of the NPPF which seeks to promote high quality design of a good layout which is sympathetic to local character.

R2) The development would fail to provide any private unoverlooked amenity space of an appropriate size for the reasonable use of the occupiers of the new dwelling contrary to policy CP1 (ii) of the local plan and paragraph 127 NPPF which seeks to secure a high standard of amenity for all existing and future users.

In dismissing the appeal, the Inspector considered that the main issues were the effects of the proposal on the locality and whether or not the proposal made adequate provision for private rear amenity space (for the new dwellings).

The inspector concluded that the proposal would appear very restricted within the appeal site, out of character with the prevailing pattern of development and there would be inadequate private amenity area for the occupiers of the new dwellings.

A subsequent application ref 19/01265/FUL reduced the number of dwellings from 3 to 2 moving the bulk of the buildings away from the side boundaries and providing tandem

parking for x2 vehicles for each house. The layout and footprint of the dwellings was considered acceptable, however, the application was refused on the basis that it had failed to overcome concerns relating to provision of private amenity space for the occupant of the proposed dwellings.

The current application is for a pair of two storey, handed semi-detached properties, with accommodation in the roof. The layout remains broadly the same as the previous application with the inclusion of a) single storey attached utility/bin store to the rear/side of each property and b) rear facing dormers within the roofspace.

Therefore, the main issues for consideration are:

- The effect of the proposal on the character and appearance of the surrounding area,
- The effect of the proposal on the living conditions of nearby neighbours
- Has adequate private amenity space been provided for the occupiers of the new dwellings?

Design, Character and Appearance

Local Plan Policy CP1 is supportive of development proposals provided they protect the character and appearance of the surrounding area, are of a high standard of design and have satisfactory access and parking and can be accommodated by local highway infrastructure. Policy H17 of the Local Plan requires dormer windows to be of a relatable scale and design and remain a subsidiary to the roof slope. For example, they should be set in from the walls and down from the ridge.

The single storey extension would be 1m from the boundary, With the exception of the new rear utility/store extension, the footprint, height and distances to boundaries remains the same as the previous scheme and is considered acceptable in terms of spatial standards around the development and within the context of surrounding development. Tandem parking to the side of each building allows for the introduction of soft planting to the front.

The size and bulk of the dwellings considers and respects the surrounding area. External facing materials are proposed as render, with boarding to the dormers and roof tiles. The proportions and design would not be out of keeping with dwellings found within Gloucester Road and Cornwall Road. The pitched roof dormers are considered modest and fit comfortably within the roofscape; the rear single storey extensions are equally modest. Dormer windows are evident in the surrounding area, namely numbers 149, 151, 157 and 161 Hatch Road. Dormer windows can also in many instances be constructed without permission from the local planning authority.

Taking all these matters into consideration it is considered the revised scheme with the addition of dormers and rear extension is acceptable in terms of design and size and would not be out of character with the surrounding area.

The effect of the proposal on the living conditions of nearby neighbours:

The flank walls of the building would be approx. 15 metres away from the closest rear wall of the dwellings 131-135 Hatch Road and 9 from 79 Cromwell Road. A space of 3m would be provided to each side of the properties to allow for parking.

First floor side facing windows would be obscure glazed. The single storey rear extension will be set 1 metre away from the side boundary. The position of the new building would be far enough away from neighbours so as not to be overbearing or result in loss of privacy or cause overshadowing.

The rear dormers would afford views towards the rear of gardens along Hatch Road and to a lesser degree, at oblique angles to those in Cromwell Road. However, there would be no direct overlooking into the habitable rooms or private amenity areas of these dwellings. In any event, inter-overlooking already occurs to a degree in this urban location, and it is considered that the provision of dormers would not result in any material harm to the existing situation.

On this basis, the proposal would protect the surrounding occupiers living conditions and comply with local plan CP1.

Living Conditions of new occupiers

Appendix 1 of the BRLP provides guidance (Private sitting out areas): all houses should have a private sitting out area not overlooked by adjacent or opposite living rooms or sitting out areas. This area should extend at least 3 metres and be screened from adjacent properties by walls or fences above eye level from a potential vantage point.

The proposed amenity areas to the rear of the dwellings provide over the 75sqm suggested in Appendix 1 of the BRLP. The addition of the single storey rear extensions to each dwelling also provides a screen from potential overlooking from the windows of the nearby properties in Cromwell Road for a courtyard area.

The proposal will therefore provide a development with amenity areas that are private and unoverlooked, compliant with policy CP1 (ii) of the local plan and Appendix 1 of the BRLP.

Trees and Landscaping

The proposal would include the loss of a medium sized conifer of the edge of the boundary, however its loss is not seen as significant by the arboricultural officer in previous submissions. Other trees are to be retained. The Council's arboricultural officers has been previously consulted and raises no objection to the removal of the conifer. A condition to protect root areas of retained trees during construction is recommended.

Highways and Parking

Based on comments received from the Highway Authority, the plans have been amended to ensure adequate parking spaces are provided. The proposal includes two new access points to provide a total of four off-street parking spaces, two for each dwelling. Subject to conditions, the proposed parking and access are considered acceptable and comply with policy T2 of the local plan.

Other Matters

Reference is made in representations to a 15m window to boundary guidance in and that the single storey extension falls short of this standard; this guidance (Appendix 1) refers to back-to-back rear facing windows and boundaries, which is not applicable in this scenario. No undue overshadowing of rear gardens would occur because of the height or orientation of buildings. Matters of off-street parking provision are addressed above. Based on advice from the Highway Authority, the proposal will not result in a hazard to any road users or cause harm to the nearby bus stop.

Conclusion

The reasons for refusal of the previous application have been overcome, and the design and location of the proposed development is considered to be acceptable.

6.0 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 MAT01 Samples (details acceptable)

No development shall take place until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been

submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

4

Prior to the commencement of the development hereby permitted details of the Method of Construction of the driveway within the Tree Protection Zone should be submitted to and approved in writing by the local planning authority. The construction of the driveway shall be constructed in accordance with the agreed details.

Reason: In order to protect trees and hedges of importance to safeguard the character and appearance of the area.

5

No development shall take place, including any ground works or 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. wheel and underbody washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy T2 of the Brentwood Replacement Local Plan.

6

Prior to first occupation of the development and as shown in principle on planning drawing 2053 10 rev K, the vehicular accesses shall each be constructed at right angles to the highway boundary and to the existing carriageway. The width of each access at its junction with the highway shall be 3.6 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge. Full details to be agreed in writing with the Local Planning Authority.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with Policy T2 of the Brentwood Replacement Local Plan.

7

Any redundant part of the existing dropped kerb vehicular access to the south of the site frontage shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge, footway and kerbing immediately the new accesses are brought into first beneficial use.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with Policy T2 of the Brentwood Replacement Local Plan.

8

Prior to first occupation and as shown in principle on planning drawing 2053 10 rev K, the tandem parking spaces shall be provided for each dwelling. The parking areas shall be retained in the agreed form at all times.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy T2 of the Brentwood Replacement Local Plan.

9

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 of the Brentwood Replacement Local Plan.

10

The windows identified on the approved drawings as being obscure glazed shall be:- a) glazed using obscured glass to a minimum of level 3 of the "Pilkington" scale of obscuration and b) non-opening below a height of 1.7m above the floor of the room in which the window is installed. The window(s) shall be installed prior to the first occupation of the building or use of the room of which the window(s) is installed. Those windows shall remain so glazed and non-openable. (Note the application of translucent film to clear glazed windows does not satisfy the requirements of this condition)

Reason: In order to prevent an unacceptable degree of overlooking of nearby residential properties.

Informative(s)

1

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

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, H17, T2, H14; National Planning Policy Framework (NPPF) 2019 and NPPG 2014.

3

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: