

SITE PLAN ATTACHED

31 DOCKLANDS AVENUE INGATESTONE ESSEX CM4 9EQ

FIRST FLOOR SIDE EXTENSION, FENESTRATION ALTERATIONS.

APPLICATION NO: 21/01845/HHA

WARD	Ingatestone, Fryerning & Mountnessing	8/13 WEEK DATE	27 December 2021
PARISH	Ingatestone & Fryerning	POLICIES	CP1
CASE OFFICER	Mr Daryl Cook	01277 312500	
Drawing no(s) relevant to this decision:	2021-74-04; 2021-74-01; 2021-74-02; 2021-74-03; 2021-74-05;		

The application has been referred to Planning and Licensing Committee by Cllr. Noelle Hones (Ward Councillor – Ingatestone, Fryerning and Mountnessing) for the following reason(s):

- **Complies with the above planning policies.**
- **At this property's previous application (20/01749/HHA) and in the judgement of the Inspector, the appeal was dismissed because the design of the extension was not subservient to the main building. In the judgement of the then planning officer both the Ward Councillors and the applicant were told that a very small reduction in the roof height would have obtained approval. Not only has the applicant now complied with this but has also reduced the size of the extension in total. A height difference of 2 1/2" was mentioned.**

1. Proposals

The proposal seeks to construct a first floor side extension and alter the fenestration at 31 Docklands Avenue, Ingatestone, Essex, CM4 9EQ.

2. Policy Context

National Planning Policy Framework 2021 (NPPF)

National Planning Practice Guidance (NPPG)

National Design Guide (NDG)

Brentwood Replacement Local Plan (BRLP):

- Policy CP1 General Development Criteria

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The Brentwood Replacement Local Plan 2005 remains the Development Plan and its policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the National Planning Policy Framework (NPPF).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

3. Relevant History

- 89/00606/FUL: Two Storey Extension at Front and Side Together With Detached Double Garage At The Rear - Application Permitted
- 93/00393/FUL: Single Storey Side Extension and Front Porch. - Application Permitted
- 94/00699/FUL: Continued Use of Part of The Premises For The Storage And Use Of Litho Repro Studio Equipment. - Application Permitted
- 96/00602/FUL: Continued Use of Part of Dwelling For The Storage And Use of litho Repro Studio Equipment. - Application Permitted

- 13/01043/FUL: Demolition of existing single storey side extension, construction of 2 storey 3 bedroom detached house - Application Refused
- 20/01749/HHA: First floor side extension - Application Refused (**Appeal dismissed - APP/W1525/D/21/3272532**).

4. Neighbour Responses

This application has been advertised by way of neighbour notification letters. At the time of writing this report, 10 neighbour representations have been received for this application in general support of the proposal.

5. Consultation Responses

- **Parish Council:**

Ingatestone & Fryerning Parish Council raise NO OBJECTION to planning application 21/01845/HHA - 31 Docklands Avenue, Ingatestone, CM4 9EQ.

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 2021 (NPPF) and National Planning Practice Guidance (NPPG). Previous decisions relating to the site are likely to be material to further applications.

The main issue which requires consideration as part of the determination of this application is:

- Impact of the proposal upon the character, appearance and visual amenity of the area.

Officer comments upon reason for referral

- The Inspectors decision is a material planning consideration.
- The case officer has not had any communication with any Ward Councillor regarding this application before committee or the previous refused application which was subject to an appeal. Nor have they referenced a 2 1/2" reduction.
- The applicant has previously been advised that the merits of the proposal can be discussed through pre-application.

- In addition, revisions were sought with the applicant's current agent to alter the width of the enlargement to overcome all of the harm identified by the Inspector within the appeal decision. The applicant has chosen not to amend the proposal further and the application has therefore been assessed as submitted.

Site Context

The application dwelling is located within a residential area characterised primarily by two-storey dwellinghouses. The existing building is a semi-detached, two-storey, three-bedroom building. The application site occupies a corner plot on a junction shared with Pine Close within a visually prominent location.

Recent Planning History

The application dwelling has previously benefitted from a single storey side extension and front porch. Planning permission has previously been refused for a detached dwellinghouse adjacent to the existing dwelling (application reference: 13/01043/FUL).

Most recently, the previous submission 20/01749/HHA was refused and subject to a dismissed appeal from the Planning Inspectorate (a full copy of the Inspectors decision is within Appendix 1 of this report). The application was refused for the following reason:

R1 *The proposed first-floor side extension by reason of its size, bulk and poor design would appear as an incongruous form of development harmful to the established character and appearance of this area. The proposed development would fail to comply with policy CP1 of the Brentwood Replacement Local Plan and the aims and objectives of both the National Planning Policy Framework and the National Design Guide.*

Within the revised submission, the applicant has amended the height of the extension marginally through a set down of the ridge (approximately 15cm) and a partial recess from the front façade – 50 cm at first floor level. The rear elevation would remain in line with the existing rear wall of the dwelling as proposed in the appeal scheme. The arrangement of fenestration has been altered. This report will look to identify whether the harm has been overcome through the revisions made. The Planning Inspectors decision is a material planning consideration of significant weight.

Design, Character and Appearance considerations

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 compatible with their location and the existing building where applicable (in terms of size, siting, scale, style, design and materials). Developments should also provide satisfactory access and parking which can be accommodated by local highway infrastructure.

In terms of design, the proposal seeks to construct a first floor side extension and incorporate fenestration alterations to the proposal in order to overcome the previous reason for refusal and objections raised in the Inspectors decision.

The fenestration amendments are considered to be acceptable. The enlargement is set down from the ridge and recessed from the front façade which are positive though very small changes. The materials are illustrated to match those existing. However, the width of the enlarged part has not been amended. It would extend the full width of the existing single storey side extension. Paragraph 5 of the Inspectors decision states:

“From my observations, due to the width and height and bulk of the proposal, it would not appear as a subordinate addition. As such it would appear out of scale with the existing building. ... For these reasons, in such a prominent position, I consider that the proposal would appear as an incongruous addition, not in keeping with the character and appearance of the surrounding area.”

The revised application has not amended the width of the extension. As a consequence of this and the minimal changes to the height of the extension the overall bulk of the enlarged part, would continue to appear out of scale with the existing building and an incongruous addition harmful to the character and appearance of the surrounding area. The changes from the scheme dismissed at appeal, when viewed from the side and rear elevations (Pine Close), would be almost imperceptible.

The proposal is contrary to policy CP1 of the Brentwood Replacement Local Plan (BRLP) and the aims and objectives of both the National Planning Policy Framework (NPPF) and National Design Guide (NDG) the latter in which seeks to ensure that new development responds positively to the surrounding context.

Living Conditions

The proposed bedroom would provide adequate floor space, ventilation, light and outlook to provide acceptable living conditions to future occupiers.

Impact on Neighbour Amenity

With respect to impact on the amenity of the occupiers of neighbouring residential properties, as a result of the height, size, position and design of the proposed

extension, it is considered that the proposed first-floor side extension would not cause any greater harm to the amenity of any existing residential properties by reason of overlooking, dominance, loss of outlook, loss of sunlight or loss of outlook.

Therefore, it is considered the proposed development would comply with policy CP1 (ii) of the BRLP and the aims and objectives of the NPPF.

Parking and Highway considerations

The proposed development seeks to increase the number of bedrooms within the existing building. However, adequate parking provision is retained on site in accordance with the adopted parking standards. Therefore, the proposed development would comply with policy CP1 (iv) of the BRLP.

Other Matters

The Parish Council raise no objection to this proposal.

Whilst not referenced within a supporting statement, as part of the appeal process the Inspector gave consideration to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010 which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. In particular, they had regard to the steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled. However, in that particular instance, with no substantive changes made within this proposal, they were not satisfied that the proposal was the only way to meet the specified needs of the applicant. It is not considered this position has changed with the (very) minor changes made to the proposal.

In terms of a way forward, as discussed with the applicant's agent during the course of determination, the width of the proposed extension needs to be reduced in order to appear proportionate in scale with the existing building. The applicant's agent has advised they wish for the application to be determined as submitted.

Conclusion

The proposed development, for the reasoning outlined above, is considered to be contrary to policy CP1 of the BRLP and the aims and objectives of both the NPPF and the NDG. The proposed development is consequently recommended for refusal, consistent with the dismissed appeal following the last refusal.

7. **Recommendation**

The Application be REFUSED for the following reason:-

R1 The proposed first-floor side extension by reason of its width, bulk and design would appear as an incongruous form of development out of scale with the existing building and harmful to the established character and appearance of this area. The proposed development would fail to comply with policy CP1 of the Brentwood Replacement Local Plan and the aims and objectives of both the National Planning Policy Framework 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, National Planning Policy Framework (NPPF) 2021 and NPPG 2014.

2 INF20

The drawing numbers listed above are relevant to this decision

3 INF24

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. Further advice may be sought from the Local Planning Authority via the pre-application service prior to the submission of any revised scheme. Details of the pre-application service can be found on the Council's website at <https://www.brentwood.gov.uk/planning-advice-and-permissions>

Appendix 1: Appeal Decision APP/W1525/D/21/3272532



Appeal Decision

Site visit made on 13 July 2021

by J L Cheesley BA(Hons) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2021

Appeal Ref: APP/W1525/D/21/3272532

31 Docklands Avenue, Ingatestone, Essex CM4 9EQ

- 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 Mrs Alison Heales against the decision of Brentwood Borough Council.
 - The application Ref 20/01749/HHA was refused by notice dated 15 January 2021.
 - The development proposed is a first floor side extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. I consider the main issue to be the effect of the proposal on the character and appearance of the surrounding area.

Reasons

3. The appeal property lies within a primarily residential area comprising predominately of semi-detached and detached two - storey dwellings of similar design and scale. Single storey side projections, which are usually garages, provide a break in built form at first floor level. Where there is first floor side development, this is largely set back from the main front façade or there is usually a single-storey forward projection below. These features define the character and appearance of the area.
4. The appeal property is situated on a prominent corner location. It is a two-storey semi-detached dwelling with single-storey front and side projections. The proposed first floor extension would be above the side projection. It would be in line with the existing main front and rear facades and would extend the existing main ridge line.
5. From my observations, due to the width and height and bulk of the proposal, it would not appear as a subordinate addition. As such it would appear out of scale with the existing building. In addition, the proposed fenestration would appear at odds with the pattern of existing fenestration. For these reasons, in such a prominent position, I consider that the proposal would appear as an

<https://www.gov.uk/planning-inspectorate>

incongruous addition, not in keeping with the character and appearance of the surrounding area.

6. I have great sympathy with the family circumstances. In reaching my conclusion, I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. In particular, I have had due regard to the steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled. In this particular instance, from the evidence before me, I am not satisfied that the proposal is the only way to meet the specified needs.
7. For the reasons stated above and having taken into consideration all matters raised, I conclude that the proposed first floor extension would have an adverse effect on the character and appearance of the surrounding area. This would be contrary to saved Policy CP1 in the Brentwood Replacement Local Plan (2005) where it seeks a high standard of design and for new development to not have an unacceptable impact on the character and appearance of the surrounding area. I consider this policy to be broadly consistent with the National Planning Policy Framework, especially where the Framework seeks to ensure good design. In addition, the proposal would be contrary to guidance in the National Design Guide, where it seeks to ensure that new development responds positively to the surrounding context.

J L Cheesley

INSPECTOR

BACKGROUND DOCUMENTS

DECIDED: