

Appeal Decision

Site visit made on 23 March 2016

by H Lock BA (Hons) DipTP MRTPI

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

Decision date: 1 April 2016

Appeal Ref: APP/Z1510/D/16/3142203

Grove House, Cross End, Pebmarsh, HALSTEAD, Essex, CO9 2NU

- 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 S Stapleton against the decision of Braintree District Council.
 - The application Ref. 15/00831/FUL was refused by notice dated 11 December 2015.
 - The development proposed is first floor side extension.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on (1) the character and appearance of the appeal property and the street scene; and (2) the living conditions of occupants of 1 Le Mote Cottages, with particular reference to privacy.

Reasons

Character and Appearance

3. The appeal property is a detached house set within a road where a number of properties share the same general design and form. Although a number of dwellings in the group have been extended, a sense of space is retained between buildings at first-floor level as a result of gaps to boundaries, and/or above single-storey garages or extensions. In addition, an asymmetrical, sloping roof is a characteristic feature of some of the dwellings in the vicinity, albeit some have been extended. Although some buildings occupy almost the full width of their plots, the upper level gaps serve to maintain a perception of space.
 4. The appeal site is located within the defined village envelope of Cross End within the Braintree District Local Plan Review 2005 (LP), where there is no objection in principle to the addition of a first floor extension. However, LP Policy RLP 17 requires, amongst other criteria, regard to the relationship to plot boundaries, and to the impact on the street scene, and scale and character of the area. It also requires the siting, bulk, form and materials of an extension to be compatible with the original dwelling. As identified by the appellant, there
-

is no policy justification that requires the size of the dwelling as it currently exists to be preserved for its own sake.

5. In this context, the existing garage is already built up to the shared boundary. Although it is proposed to have a hipped roof with a lower ridge height than the main house, the proposed extension would infill much of the existing gap above the garage. With the exception of a pedestrian access, two-storey built form would occupy most of the width of the plot. This would be out of keeping with the more spacious pattern of development in the vicinity, and the appeal property would be reliant on the continued openness of land at 1 Le Mote Cottages for its setting.
6. Given the overall size of the site I do not share the Council's view that it would be over-developed, but the resultant building would nonetheless appear cramped in relation to its boundaries and the more spacious street scene. I accept the appellant's view that the enlarged house would not cause harm simply by definition of being bigger, but find that the extended building would appear overly large and dominant when viewed within the confines of the plot width and the wider development pattern. It is not the loss of the side roof slope that would detract from the street scene, but rather the loss of the gap that it creates.
7. In architectural terms – and in isolation – the detailed design of the proposal would respect the character and appearance of the building, and would be compatible in its form and materials. However, in view of the proposed scale and siting, I conclude that the proposal would adversely affect the character and appearance of the appeal property and the street scene, in conflict with LP Policy RLP 17, and the aims of LP Policy RLP 90, which requires the height, mass, form, scale and impact to be in harmony with the character and appearance of the surrounding area; and with LP Policy RLP 3, which requires residential development to seek to protect the character of the existing street scene and to ensure that it does not materially detract from the character of the settlement.
8. Although the reasons for refusal refer to advice contained in the Essex Design Guide for Residential and Mixed Use Areas, it is not evident from the officer report and the guidance document supplied that the proposal would be in conflict with any specific standards, but that does not alter my conclusion above.

Living Conditions

9. The appeal property would be extended close to the boundary with 1 Le Mote Cottages, and a rear-facing first floor window would be positioned such that it would enable views down into the garden of that property. However, the relative positions of the proposed extension and the neighbouring house means that views of the area of garden directly behind the house would be at oblique angles, and therefore restricted. Although wider views of the rear garden would be at closer quarters than existing, it is not unusual to have such an arrangement between properties, and indeed similar relationships are found elsewhere in the vicinity.
10. I therefore find that the privacy for occupants of 1 Le Mote Cottages would not be affected to an extent that living conditions would be harmed, and therefore

the proposal would comply with the requirements of LP Policies RLP 17 and RLP 90, that there should be no unacceptable adverse impact on the amenities of adjoining residential properties in matters such as privacy. However, this does not alter my conclusion on the first main issue.

Conclusion

11. The National Planning Policy Framework establishes a presumption in favour of sustainable development, and part of the environmental strand of this is to contribute to protecting and enhancing the built environment. A core planning principle of the Framework is to always seek to secure high quality design, but for the reasons given above the proposal would not comply with this principle and would not be sustainable development supported through the Framework. As a consequence, I conclude that this appeal should be dismissed.

H Lock

INSPECTOR