
Appeal Decision

Site visit made on 13 September 2016

by J L Cheesley BA(Hons) DIPTP MRTPI

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

Decision date: 19 September 2016

Appeal Ref: APP/N1540/D/16/3153541

15 The Chase, Newhall, Harlow, Essex CM17 9JA

- 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 and Mrs Ray Sinfield against the decision of Harlow Council.
 - The application Ref HW/HSE/16/00175 was refused by notice dated 23 May 2016.
 - The development proposed is a single-storey rear extension.
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Decision

1. The appeal is allowed and planning permission granted for a single-storey rear extension at 15 The Chase, Newhall, Harlow, Essex CM17 9JA in accordance with the terms of the application, Ref HW/HSE/16/00175, dated 15 April 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 14/074/A/01 and 14/074/A/01A.

Main Issue

2. I consider the main issue to be the effect of the proposal on the living conditions of occupiers of 13 and 17 The Chase, with particular reference to visual impact, daylight and sunlight.

Reasons

3. The appeal property is a three storey mid-terrace house in a modern estate. The shallow rear gardens are divided by 1.8 metre high close boarded fences. The proposal includes a flat roof single-storey rear extension ranging from some 2.7 metres in depth adjacent to No. 17 and some 3 metres in depth adjacent to No. 13. It would extend across the width of the existing dwelling and would be some 2.7 metres in height. Such an extension would normally be permitted development. However, I note that such permitted development rights were removed for the wider estate.
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4. The rear windows and French doors in the neighbouring properties face down their gardens. Obscure views of the proposed rear projection would be obtained from these windows and the side elevations of the proposed projection would be visible within their rear gardens. From my observations, due to the orientation of the dwellings and the size and siting of the proposed rear projection, I do not consider that the proposal would appear as an unacceptably overbearing development when viewed from within the neighbouring dwellings or from within their rear gardens.
5. The Council has raised concern regarding overshadowing of the property at No. 13. Although there is a small window in the rear elevation of No.13 close to the side boundary, this appears to be for a utility room. From my observations, due to the small scale of the proposed extension, it would not cause significant loss of daylight or sunlight into the rear French doors of No.13, which are positioned away from the side boundary. For the same reasons, the use of the rear garden at No. 13 as a private amenity space would not be adversely affected by the proposal.
6. In reaching my conclusion, I have had regard to all matters raised. I consider that the proposal would not have an adverse effect on the living conditions of neighbours. Thus, the proposal would be in accordance with Policy BE1 in the Adopted Replacement Harlow Local Plan (2006) and guidance in The Harlow Design Guide Supplementary Planning Document (2011), where they seek to ensure that new extensions relate to their setting.
7. I consider that Policy BE1 is broadly in accordance with the National Planning Policy Framework as far as it meets the Framework's core principles; particularly that planning should be seeking a good standard of amenity for all existing occupants of land and buildings.
8. The Council has suggested standard time, materials and plans conditions. I consider it reasonable and necessary to impose such conditions.

J L Cheesley

INSPECTOR