
Appeal Decision

Site visit made on 18 October 2016

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

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

Decision date: 8 November 2016

Appeal Ref: APP/H1515/D/16/3158871

77 Avenue Road, Ingatestone, CM4 9HB

- 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 M McMahon against the decision of Brentwood Borough Council.
 - The application Ref 16/00579/FUL, dated 25 April 2016, was refused by notice dated 4 July 2016.
 - The development proposed is front porch enlargement, gable roof to front elevation, first floor side extension and two storey rear extension.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. Part of the first floor wall of the proposed extension would be angled away from the neighbouring property at No 79. Application drawing Nos 1861/2 Rev E and 1861/3 show that the pitched roof above this section of wall would not be similarly shaped. The appellant states that this is a drafting error which will be rectified. However, no drawings showing the amended roof have been provided. Therefore, I am unable to assess the extent and effect of any change. Moreover, the effect of the extension, including the roof, on the outlook of the occupiers of No 79 was a concern of those occupiers and the Council. To consider an amended scheme at this stage would deprive interested parties of the opportunity to comment on it. Consequently, my decision is based on the scheme shown on the submitted drawings.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of No 79 with particular regard to the outlook from the rear garden.

Reasons

4. The appeal property is a detached two storey dwelling which is proposed to be extended, including to the side and rear. At ground floor level the proposed extension would be sited on the common boundary with No 79 and project some 7.7m beyond the rear wall of the neighbouring dwelling. At first floor level the extension would be set in from the boundary by 1m and project beyond the rear wall of No 79 by around 5.2m overall. As explained above, although the final 1.4m approximately of this wall would be angled away from the boundary, the roof above it would not.
-

5. By virtue of its height and length, the proposed extension would appear as a bulky and imposing structure close to the boundary with No 79 and to the private garden area adjoining the rear of the house. Views from this part of the neighbouring garden would be dominated by the proposed extension. Notwithstanding the angled part of the first floor wall, which may otherwise help to reduce this impact, the full extent of the extension, when looking up from the neighbouring garden, would be defined by the straight edge of the pitched roof above it.
6. The appellant has referred to a cherry tree in the garden of No 79 close to the proposed extension. However, at the time of my site visit, the tree had been cut back extensively compared with its size in the picture at Appendix 3 of the appellant's statement and would have limited effect in screening the proposed extension.
7. Consequently, I find that the proposal would have an overbearing effect on the outlook from the garden of No 79 and, therefore, would be harmful to the living conditions of the occupiers of that property. As such, it would conflict with Brentwood Replacement Local Plan 2005 Policy CP1 (ii) which presumes against development that would have a detrimental impact on the amenities of nearby occupiers by way of its overbearing effect, among other things. Nor would the proposal accord with paragraph 17 of the National Planning Policy Framework to the extent that it has similar aims.
8. The appellant has drawn my attention to planning permissions for extensions to nearby dwellings at 78 and 80 Avenue Road (Application Nos 13/00892/FUL and 14/00706/FUL). I note from the plan submitted at Appendix 2 of the appellant's statement that the first floor element of the extension to No 80 does not project beyond the conservatory of the neighbouring property. On the basis of this plan, it would appear not to affect the neighbouring garden in the same way as the appeal proposal. Whilst the appellant states that the two storey extension to No 78 would project 8m beyond rear elevation of No 76, no drawings showing the relationship between the properties have been provided. Nor have the details of the circumstances which led the Council to approve the cited applications been submitted. As such, I give them limited weight.

Other Matters

9. The appellant's statement quotes from parts of the officer report which find that the proposal would not be harmful in certain other respects. However, the absence of further harm does not amount to a positive point outweighing the concerns set out above.
10. I have had regard to the other concerns expressed locally, but none has led me to a different overall conclusion.

Conclusion

11. For the reasons set out above, the appeal should be dismissed.

Simon Warder

INSPECTOR