
Appeal Decision

Site visit made on 7 November 2016

by J L Cheesley BA(Hons) DIPTP MRTPI

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

Decision date: 16 November 2016

Appeal Ref: APP/C1570/D/16/3155341

46 Barnston Green, Barnston, Dunmow, Essex CM6 1PH

- 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 Henry Appiah against the decision of Uttlesford District Council.
 - The application Ref UTT/16/1301/HHF was refused by notice dated 30 June 2016.
 - The development proposed is the erection of a two-storey rear extension.
-

Decision

1. The appeal is dismissed.

Main Issue

2. I consider the main issue to be the effect of the proposal on the living conditions of occupiers of neighbouring properties, with particular reference to visual impact.

Reasons

3. Policies GEN2 and H8 in the Uttlesford Local Plan (2005) and guidance in Uttlesford District Council's Supplementary Planning Document - Home Extensions (SPD) (2005) seek to ensure that extensions do not have an overbearing effect on neighbouring properties.
 4. At the time of my site visit, the proposed extension was partially constructed at ground floor level. I understand this corresponds to the footprint for a permitted single-storey rear extension.
 5. The proposal includes a two-storey rear extension which would have an eaves height matching that of the main two-storey of the original dwelling, although it would have a lower roof height. The side facing the boundary with 47 Barnston Green would comprise a two-storey brick wall. It would extend to correspond with the side elevation of an existing single-storey side projection.
 6. I note that there is a large coniferous tree within the rear garden of 47 Barnston Green which would provide some screening of the proposal. Nevertheless, due to the bulk of the proposal and its position close to the side boundary, I consider that it would be unacceptably overbearing to occupiers of
-

47 Barnston Green when in their rear garden, making this a less pleasant place to use.

7. I note that the current occupiers of 47 Barnston Green have not objected to the proposal. Nevertheless, I consider it appropriate for me to consider the effect of the proposal on the living conditions of existing and possible future occupiers of this property.
8. The occupiers of Garwood, to the rear of the appeal site, have objected to the proposal. From my observations, due to the distance between the proposal and the rear of that dwelling, and the extent of the rear garden of that neighbouring dwelling, I do not consider that the proposal would have an unacceptably overbearing effect on occupiers of Garwood.
9. In reaching my conclusion, I have had regard to all matters raised. In conclusion, whilst I have found that the proposal would not have an adverse effect on the living conditions of occupiers of Garwood, I have found that it would have an adverse effect on the living conditions of the occupiers of 47 Barnston Green. This harm is of such significant to dismiss the appeal. Thus, the proposal would be contrary to guidance in SPD and would be contrary to Local Plan Policies GEN2 and H8. I consider these policies are broadly in accordance with the National Planning Policy Framework as far as they meet the Framework's core principles; particularly that planning should be seeking a good standard of amenity for all existing and future occupants of land and buildings.

J L Cheesley

INSPECTOR