

Appeal Decision

Site visit made on 6 December 2016

by Alex Hutson MATP CMLI MArborA

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

Decision date: 12 January 2017

Appeal Ref: APP/N1540/D/16/3160158

130 Little Pynchons, Harlow, Essex CM18 7DF

- 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 Stuart Walker against the decision of Harlow District Council.
 - The application Ref HW/HSE/16/00332, dated 20 July 2016, was refused by notice dated 22 August 2016.
 - The development proposed is First floor rear extension (Scheme B).
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: the effect of the proposal on the character and appearance of the area; and the effect of the proposal on the living conditions of the occupiers of 129 Little Pynchons, with particular regard to outlook and sunlight and daylight.

Reasons

Character and appearance

3. The appeal property is a two-storey, mid-terrace dwelling with a single storey rear extension and is located on the eastern side of Little Pynchons. The wider area is residential in character. The pattern of development in the locality, including along Little Pynchons, is predominantly characterised by two-storey terraced dwellings. This provides a strong level of uniformity within the streetscape and surrounding area. The rear elevations of dwellings along the eastern side of Little Pynchons, including that of the appeal property, are clearly visible from public vantage points along Pear Tree Mead and from an area of open space to the rear of the appeal property which appeared to be publicly accessible. Whilst many of these properties have single storey rear extensions, the lack of any first floor rear extensions is noticeable. This maintains a strong level of uniformity between these properties. This strong level of uniformity is a defining characteristic of the area. Consequently, the appeal property, in its current form, makes a positive contribution to the character and appearance of the area.
 4. The proposal seeks to erect a first floor rear extension above the ground floor rear extension to create a larger bedroom/dressing room area and an ensuite.
-

It would incorporate a hipped roof that would be set down from the main ridge height.

5. I acknowledge that the proposal would be constructed in materials to match those of the appeal property. I also recognise that the appellant has sought to reduce the bulk and massing of the proposal through the use of a hipped roof. I also note that the eaves would be no higher than the eaves of the appeal property. However, the proposal would introduce a visible and uncharacteristic form of development to the rear of the appeal property that would appear considerably at odds with the prevailing uniform pattern of development along Little Pynchons.
6. The appellant has highlighted a number of other examples of first floor rear extensions in the wider area. Nevertheless, these seem to me to be a considerable exception to the norm. Furthermore, none of these examples are located to the rear of the terraced dwellings on the eastern side of Little Pynchons. As such, these examples do not sit within the same context as that of the appeal property and do not justify a planning permission in this instance.
7. I therefore conclude that the proposal, by virtue of its height, bulk, massing and inconsistency with the prevailing pattern of development, would appear incongruous within the context of its surroundings. This would result in significant harm to the character and appearance of the area.
8. The proposal would therefore be contrary to Policy BE1 of the Adopted Replacement Harlow Local Plan 2006 (Local Plan), which requires, amongst other things, development to relate to its setting and to strengthen, enhance, protect or create local character. This policy is consistent with the aims and objectives of the National Planning Policy Framework (the Framework) which require planning to take account of the different roles and character of different areas.
9. The proposal would also conflict with the guidance of the Harlow Design Guide Supplementary Planning Document 2011 (SPD), which advises that rear extensions should not negatively impact on the street scene.

Living conditions

10. No 129 lies to the immediate north of the appeal property. As such, the proximity and orientation of the proposal in relation to the nearest first floor and ground floor windows of this property, would likely have some effect on the level of sunlight and daylight that would reach the rooms that they serve. However, according to the submitted plans, the nearest first floor window serves a bathroom and the nearest ground floor windows serve a kitchen.
11. Given that these rooms are generally not considered to be the main habitable rooms of a house, I do not consider that any loss of either sunlight or daylight to these rooms would result in any material harm. In addition, the proposal would appear to accord with the guidance of the SPD in respect of maintaining a 45 degree angle from a first floor rear bedroom window at No 129. It is therefore unlikely that there would be a material loss of either sunlight or daylight to this room.
12. For the same reasons, and given that the proposal would not obstruct any views obtained down the rear garden from any rear facing windows at No 129,

I do not consider that the proposal would appear overbearing for the occupiers of this property.

13. I therefore conclude that the proposal would maintain adequate living conditions for the occupiers of No 129, in respect of sunlight and daylight and outlook, and as such it would not detrimentally affect their enjoyment of their home.
14. Whilst the Council cite conflict with Policy BE1 in respect of living conditions matters, this policy relates to character and appearance and is therefore not relevant to this main issue. Nevertheless, the proposal would comply with the aims and objectives of the Framework which seek planning to secure a good standard of amenity for all existing and future occupants of land and buildings.
15. The proposal would also comply with the guidance of the SPD which advises that rear extensions should not have a significant impact upon adjacent properties including in terms of overshadowing, sunlight and daylight and outlook.

Other matters

16. I have carefully considered the personal circumstances of the appellant and his wife and I acknowledge that the proposal would provide a considerable benefit to their living arrangements and requirements. Nevertheless, this matter is not, in my opinion, sufficient to outweigh the harm I have found to the character and appearance of the area.

Conclusion

17. Whilst I have not found harm in respect of neighbour living conditions, I have found harm to the character and appearance of the area. The harm so caused would be significant and would not be outweighed by the benefits. For the reasons set out above and having regard to all other matters, I conclude that the appeal should be dismissed.

Alex Hutson

INSPECTOR