
Appeal Decision

Site visit made on 6 February 2017

by J L Cheesley BA(Hons) DIPTP MRTPI

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

Decision date: 9th February 2017

Appeal Ref: APP/C1570/D/16/3165754

21 Tyler Avenue, Flitch Green, Dunmow, Essex CM6 3GB

- 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 Dr Jagjit Takhar against the decision of Uttlesford District Council.
 - The application Ref UTT/16/1992/HHF was refused by notice dated 3 October 2016.
 - The development proposed is a loft conversion with rear roof dormers.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider the main issues to be:

the effect of the proposal on the character and appearance of the host dwelling and surrounding area; and

the effect of the proposal on the living conditions of occupiers of neighbouring residential properties, with particular reference to privacy.

Reasons

Character and Appearance

3. The appeal site lies on the edge of a modern residential estate. This part of the estate comprises primarily detached properties of various designs. There is a distinct consistency of design of dormer windows, in that they are primarily small windows that do not dominate the roof structures. In my opinion, the distinct design of dormer windows makes a positive contribution to the character and appearance of the surrounding area.
 4. The appeal property is a large detached dwelling. Whilst gables are part of the front roof plane, the rear roof plane is a simple pitch. The proposal includes two flat roof rear dormers with a recessed veranda between them. They would be visible in part from neighbouring rear gardens and their bulk would be apparent from within the streetscene. Due to their scale, bulk and design, I consider that they would appear excessively dominant within the roof plane. They would appear as incongruous additions, totally overwhelming the existing
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dwelling and be out of keeping with the scale and design of dormers in the surrounding area.

5. For the above reasons, I conclude on this matter that the proposal would have an adverse effect on the character and appearance of the host dwelling and surrounding area. Thus, the proposal would be contrary to saved Policies GEN2 and H8 in the Uttlesford Local Plan (2005), particularly where they seek to ensure that new development is compatible with surrounding buildings and respects the scale and design of the original building.
6. I consider that the policies referred to above 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 taking account of the different roles and character of an area and should be seeking to ensure high quality design.
7. I have been referred to saved Local Plan Policy S3, but have not been made aware of the relevance of this policy. Thus, I have not taken it into consideration in my determination of this appeal.

Living Conditions

8. The neighbouring properties have wide rear gardens. I have seen the extent of views from existing first floor rear windows in the appeal property. Currently there is some overlooking of neighbouring gardens. This is at obscure angles and is to the extent one would reasonably expect from a residential development of this density.
9. The proposal includes three large sections of bi-fold doors and an inset veranda. Whilst there would be more opportunity for overlooking into neighbouring gardens, this would be at obscure angles. In my opinion, the level of overlooking would not be materially significantly increased from the present situation. On this basis, I conclude on this matter that the proposal would not have an adverse impact on the privacy of neighbours. Thus, the proposal would be in accordance with saved Local Plan Policies GEN2 and Policy H8, where they seek to ensure that new development would not have a materially adverse effect on the reasonable occupation and enjoyment of residential property.
10. I consider the policies referred to above are broadly in accordance with the Framework where they meet the Framework's core principles; particularly that planning should be seeking a good standard of amenity for all existing occupants of land and buildings.

Public Sector Equality Duty

11. The appellant has stated that there are six current occupants in the five bedroom executive property. The extended family is growing and the client wishes to develop more purposeful accommodation.
12. I have had due regard to the Public Sector Equality Duty (PSED) contained in the *Equality Act 2010*, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity. I have had due regard to the cultural needs of the appellant, particularly the need to care for elderly parents.

13. I have seen the existing internal arrangements in the house. I am aware of the number of people currently occupying the property. I consider these to be reasonable and proportionate steps of inquiry into this issue for me to understand the likely impact of my decision on the equality needs which are potentially affected by this decision. I have attributed significant weight to the equality impacts of my decision.
14. Whilst I note that the two further bedrooms in the proposed roof extension would provide additional living accommodation, and I note the need for a study to work from home, I do not consider the proposed cinema to be essential to the cultural needs of the appellant's extended family. The roof void is a large area and my decision is concerned with the detailed design, rather than the principle of converting the loft area to allow for further living accommodation. The proposal before me is not the only means of providing further living accommodation. Having had due regard to the PSED, I have found in the wider public interest.

Conclusion

15. In reaching my conclusion, I have had regard to all matters raised including due regard to the PSED. I have found that the proposal would not have an adverse effect on the living conditions of neighbours. Nevertheless, I have found that the proposal would have an adverse effect on the character and appearance of the host dwelling and surrounding area. These are so significant as to justify dismissing the appeal.

J L Cheesley

INSPECTOR