

Appeal Decision

Site visit made on 7 February 2017

by J Bell-Williamson MA MRTPI

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

Decision date: 23 February 2017

Appeal Ref: APP/Z1510/D/16/3164434

Willow Cottage, Fuller Street, Fairstead CM3 2BB

- 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 Darren White against the decision of Braintree District Council.
 - The application Ref 16/01649/FUL, dated 28 September 2016, was refused by notice dated 25 November 2016.
 - The development proposed is remove existing single garage, single storey extension to rear, side and front of existing property, new detached double garage, and alterations to existing property.
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Decision

1. The appeal is dismissed insofar as it relates to the single storey extension to rear, side and front of existing property, but is allowed insofar as it relates to the removal of existing single garage, new detached double garage and alterations to existing property. Accordingly, planning permission is granted for removal of existing single garage, new detached double garage and alterations to existing property at Willow Cottage, Fuller Street, Fairstead CM3 2BB in accordance with the terms of the application, Ref 16/01649/FUL, dated 28 September 2016, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) Development shall be carried out in accordance with the following approved plans, so far as relevant to the replacement garage and alterations hereby permitted: location plan, proposed site plan, proposed garage (elevations and floor plan), proposed elevations (left elevation).
 - 3) The materials to be used in the alterations to the left elevation hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host dwelling and street scene.
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Reasons

3. Willow Cottage is a two storey detached dwelling with a frontage close to Fuller Street, the main road running through the rural hamlet of Fairstead.
4. The appeal property includes a two storey extension to the southern side, with a smaller two storey element to the northern end, set down from the main roof ridge and set back from the front elevation. Its current appearance is of a well-proportioned two storey dwelling which is particularly prominent in views from the surrounding area and which makes a positive contribution to the street scene. This prominence is due to the open aspect to the north with a generous gap to the next property, as well as the dwelling's position opposite the triangular road junction and the open countryside behind it.
5. The proposed single storey extension would wrap around the front and side of the property, projecting to the rear across two-thirds of the dwelling's width. The existing two-storey set back at the northern end of the cottage helps to break up the mass and alignment of the front elevation of the main part of the building. This adds visual interest but maintains the two-storey form and proportions of the dwelling. The infilling of the set-back at the ground floor would result in a more complex built form which would upset this proportionate and simple appearance. However, the addition to the side seen from the front would reflect the same gable ends of the host dwelling. Moreover, the extent of the sideways extension away from the host dwelling would be in keeping with the proportions and scale of the existing building.
6. The effects of the extension as a whole would most obviously be seen in views approaching the building along Fuller Street from the north and from across the triangular road junction. From these open views the side elevation of the existing building is seen in the form of two complementary gables of different sizes, but with the same roof pitch, providing a strong vertical alignment to views of the dwelling. The extension would, however, appear as a disproportionately wider feature running on a horizontal alignment from the front of the property and extending beyond the rear. This single built addition would require an extensive shallow pitched roof, which would contrast unfavourably with the two uniform gables above with the same, but much steeper pitched roof form. This would mark out the extension as an incongruous addition, which would upset the form and proportions of the host dwelling as it currently exists and so, due to its prominence, would be harmful to the street scene.
7. I accept that there are examples of properties with extensions in the immediate area, including the dwelling opposite and the nearby public house; and that more modern buildings have been built recently within Fairstead. However, given the different designs and positions of these buildings compared to the appeal property, they cannot be considered as direct precedents for what is proposed here. Moreover, I have considered the proposed extension on its individual merits and, therefore, these other examples can be given only limited weight.
8. While a hedge along the northern boundary may help to screen some views of the extension and the harmful effects described, given the extensive surrounding open aspect this would only be partially successful. Moreover, an

extensive hedge of relatively substantial height intended principally for screening a building, would appear incongruous in the otherwise open setting. I accept that a deeper rear extension could be built under permitted development rights, but this would not have the same effects to the front and side of the existing property as the current proposal. I accept also that the extension would allow for better insulation and environmental standards but this is not sufficient reason to overcome the harm that has been found.

9. The proposed garage would be an ancillary outbuilding within the residential curtilage that would be subordinate in scale and appearance to the host dwelling. As such, together with removal of the existing garage, its position and appearance would not be harmful. I have no evidence to suggest, as contended by an interested party, that without an additional access door the garage will not be able to be used as intended. I agree with the Council that the condition attached to an earlier consent for use of an outbuilding, which was granted on appeal, removed permitted development rights for further outbuildings. Therefore, this application for a garage complies with that requirement.
10. The proposal includes alterations to the left side southern elevation that appear to be independent of the proposed extension. These involve changing a ground floor window to a door and adding a door with Juliette balcony above this and a first floor window adjacent to it. The submitted plans show the position and design of these additional openings as matching the existing fenestration pattern and design of the rest of the dwelling. As such, these limited changes would not be harmful to the existing building's character and appearance or that of the street scene.
11. The appellant alleges a factual inaccuracy in the officer's report concerning the planning history of the appeal site. While I note this it does not have a direct bearing on the outcome of the appeal, which I have determined based on all the written submissions and the site inspection.
12. Accordingly, for the reasons given, I conclude that the single storey extension would have an unacceptably harmful effect on the character and appearance of the host dwelling and street scene; although there would be no such harm with regard to the replacement garage and alterations to the left elevation. Consequently, the proposed extension is contrary to Policy CS9 of the Braintree District Core Strategy and RLP90 of the Braintree District Local Plan Review, both of which require high design standards in all new development; and to Policy RLP18 of the Local Plan Review, which concerns extensions to dwellings in the countryside, including that extensions should be compatible with the scale and character of the existing dwelling. These policies are consistent with the National Planning Policy Framework, particularly section seven concerning good design.
13. I note the appellant's reference to the draft local plan and implication that this had some bearing with respect to the Council's decision. However, in my reading of the appeal submissions, while the draft local plan is mentioned in the officer's report it does not appear to form any part of the Council's formal decision, which is based on the policies referred to above.

14. As the extension, garage and alterations are physically separate elements of the overall proposal and given my conclusion that the garage and alterations would not be harmful, it is possible to sever these elements and dismiss the appeal insofar as it relates to the single storey extension, but allow it insofar as it relates to the replacement garage and alterations to the left elevation.

Other Matters

15. An interested party raises concerns that the new first floor openings in the left elevation may result in overlooking of the adjacent property or annexe to the appeal property. However, the separation distance from the neighbouring dwelling is sufficient to avoid any loss of privacy and the annexe is associated with the use of Willow Cottage. Consequently, no harm would arise with regard to this matter. One of the windows would in any case serve a bathroom and therefore would include obscured glass.

Conditions

16. Of the Council's suggested conditions I have imposed the standard time condition and, to ensure the proper implementation of development, one requiring development to be carried out in accordance with the relevant approved plans. I agree also that a condition requiring the materials used for the alterations to the left elevation to match those of the existing building is needed in the interests of the appearance of the host dwelling and wider area. It is not necessary to require this in respect of the garage as the external materials are shown on the submitted plans and are intended to match other existing outbuildings.

Conclusion

17. For the reasons given above, the appeal succeeds in respect of the replacement garage and alterations to the existing dwelling but fails in respect of the proposed extension.

J Bell-Williamson

INSPECTOR