
Appeal Decision

Site visit made on 14 March 2017

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

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

Decision date: 30th March 2017

Appeal Reference: APP/Z1510/D/17/3167061

'Primrose Cottage', Chapel End Way, Stambourne, Essex CO9 4NZ

- 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 K Smith against the decision of Braintree District Council.
 - The application (reference 16/01148/FUL, dated 3 July 2016) was refused by notice dated 17 November 2016.
 - The development proposed is described in the application form as a "proposed rear first floor extension to build on existing flat roof extension (with substantial foundations) of property (Primrose Cottage) to create additional bedroom and shower room/toilet ..."
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue to be determined in this appeal is the effect of the proposed development on the residential amenities of neighbours (whether unacceptable harm would be caused by overbearing appearance or overshadowing).

Reasons

3. The appeal site is located on the southern frontage of Chapel End Way, within a ribbon of development that forms a small hamlet surrounded by agricultural land in a rural landscape. The rear of the property looks southwards across a large arable field.
4. 'Primrose Cottage' itself is a pleasant but rather small dwelling, attached to its neighbour to the east, 'Jasmine Cottage', which has a similar character. The cottages are constructed in a traditional form and both have been altered over the years. Indeed, a substantial extension has been added to the east of 'Jasmine Cottage', away from its neighbour.
5. At 'Primrose Cottage', a rear extension has been built in the past, with a flat roof that is out of keeping with the original house. At the present time, a further single storey extension is under construction at the rear of the property. On the first floor, the cottage has three bedrooms, of which the third is very small and awkwardly shaped.
6. The layout of the plots of the two cottages is unconventional, since the rear garden of 'Primrose Cottage' extends behind that of 'Jasmine Cottage', which is

- bounded by a high fence, to provide privacy, while the garden of 'Primrose Cottage' is reached by way of the access track to the field to the south.
7. It is now proposed to construct a first floor extension at the rear of 'Primrose Cottage', above the earlier flat roof extension. The proposed new extension would provide for the creation of a relatively large new bedroom, with an adjoining en-suite bathroom (and toilet), but the layout of the existing bedrooms would also be affected to some extent. However, the unsatisfactory third bedroom would appear to be substantially unchanged while the existing rear bedroom would become an internal room ("bed 2").
 8. Among other things, the 'National Planning Policy Framework' emphasises the aim of "requiring good design" in the broadest sense (notably at Section 7). It is aimed at achieving good design standards generally, which includes protecting existing residential amenities and providing good standards of accommodation.
 9. An emphasis on the importance of good design is also to be found in local policies. In particular, Policy RLP17 of the 'Braintree District Local Plan Review', which was adopted in 2005, deals with "Extensions and Alterations to Dwellings in Towns and Villages", pointing out the need to protect the amenities of adjoining residential properties. Policy RLP90 deals with the "Layout and Design of Development" more generally and includes a similar criterion for the control of proposed development.
 10. It is argued that the existing third bedroom is proving too small for a child to occupy comfortably and the room is undeniably very cramped and awkward. The new bedroom would be relatively large and would have the benefit of an en-suite bathroom but the submitted drawings do not show that existing bedrooms would be obviously improved.
 11. At the same time, however, it is clear that the proposed first floor extension would add significantly to the bulk of the building at the rear. It would increase the amount of overshadowing of some windows of the neighbouring property and it would dominate the adjacent garden space to a significant degree. The scheme as presented would undoubtedly have an adverse effect on 'Jasmine Cottage', to some extent, even though certain of the affected neighbouring windows may not be particularly sensitive, since the first floor dormer window is glazed in obscured glass while the rear projection of the neighbours' house (referred to as a "breakfast room") appears to have windows on both its long sides.
 12. In short, it appears that the proposed extension at 'Primrose Cottage' might provide a useful addition to the accommodation but, nevertheless, I am convinced that the benefits of the scheme, such as they are, do not outweigh the harm that would be done to the amenities of the neighbouring house. The later drawings, incorporating "special effect 'lead' roofing", would, if anything, magnify the impact on the neighbouring site.
 13. The submitted drawings are of poor quality and it may be (perhaps) that an alternative scheme could be devised that would provide for a rear extension the benefits of which would outweigh any effect on the neighbouring property. In this case, however, I am convinced that the appeal scheme would conflict with both national and local policies that are intended to protect residential

amenities and that it would have an impact on the neighbours' amenities (by reason of its overbearing nature and overshadowing effect) that would not be justified.

14. I am convinced, therefore, that this appeal must fail and, although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.

Roger C Shrimplin

INSPECTOR