

Appeal Decision

Site visit made on 4 July 2017

by J Bell-Williamson MA MRTPI

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

Decision date: 20 July 2017

Appeal Ref: APP/H1515/D/17/3173872

46 Sebastian Avenue, Shenfield, Brentwood, Essex CM15 8PW

- 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 R Erback against the decision of Brentwood Borough Council.
 - The application Ref 17/00135/FUL, dated 23 January 2017, was refused by notice dated 27 March 2017.
 - The development proposed is two storey rear and side extension.
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Preliminary Matters

1. The appeal form includes an amended description of the proposed development compared to that above taken from the application form. I have, therefore, used this amended description in determining the appeal, as follows: 'single storey front garage extension, part single part two storey side and rear extensions with 2 Juliet balconies and first floor side extension'.
2. The Council indicates that a previous application for similar development was refused (reference 16/01523/FUL). While I note this earlier application and decision, this appeal involves a separate proposal which I have considered on its own merits.

Decision

3. The appeal is allowed and planning permission is granted for single storey front garage extension, part single part two storey side and rear extensions with 2 Juliet balconies and first floor side extension at 46 Sebastian Avenue, Shenfield, Brentwood, Essex CM15 8PW. The permission is granted in accordance with the terms of the application Ref 17/00135/FUL, dated 23 January 2017, subject to the conditions included in the Schedule at Annex A.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the host dwelling and surrounding area.

Reasons

5. Sebastian Avenue is a residential street of mixed property types, including detached and semi-detached two storey dwellings as well as some bungalows.
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- No 46 is a two storey detached dwelling with a similar type of property, No 44, as an immediate neighbour on one side and a bungalow, No 48, on the other.
6. From the public realm immediately in front of the appeal property the only visible change would be the upper storey extension and dormer window above the garage. This would add limited bulk and width to the frontage and would not otherwise be incongruous or uncharacteristic in the area; for example, a similar form of development with a dormer window exists nearby at No 39.
 7. It would be possible to see the extent of the side and rear extensions in passing views along the street to either side of the property. On the side next to No 44, these views would be more limited due to the extent of the gap between the properties. Moreover, No 44 is a relatively large detached dwelling and the extended appeal property would share a similar scale and proportions so the proposed changes would not appear uncharacteristic.
 8. The rear extension would be more visible above the single storey dwelling, No 48, in passing views along the street. The extended property would, however, be seen in the context of the large neighbouring properties, Nos 42 and 44, standing behind it in these views. Furthermore, the extension beyond the large side gable next to No 48 would not add sufficient depth or bulk that it would harmfully upset the proportions of the host dwelling or materially alter the existing visual relationship with its smaller neighbour.
 9. In views from the rear, the single storey extension would be of limited depth and height and would not add any substantive bulk or mass to the property. The main effects, therefore, relate to the extent and built form of the two storey element. Given the size of the existing dwelling, from views to the rear the extension would not add such significant depth or bulk that it would harmfully upset the proportions of the host dwelling. In particular, the similar hipped roof form and rearward-facing twin features would reduce any sense of a bulkier dwelling, despite the additional depth.
 10. Moreover, the changes proposed will be viewed in the existing context of neighbouring dwellings. No 44 has a two storey rear element of similar depth to the extension proposed here; and some properties further down the road have a rear building line extending well beyond this. Consequently, the extended dwelling will not appear uncharacteristic or incongruous. The larger appeal property would further contrast with its much smaller neighbour, No 48. However, the incremental change to what is already a relatively large detached dwelling would not be so significant that it would harmfully change the visual relationship with its neighbour such that this would warrant refusal for an otherwise acceptable proposal.
 11. Accordingly, I conclude for the reasons given that the proposal would not have an unacceptably harmful effect on the character and appearance of the host dwelling and surrounding area. As such, there is no conflict with Policy CP1(i) and CP1(iii) of the Brentwood Replacement Local Plan, which require development not to have an unacceptable impact on the character and appearance of the surrounding area and to be of a high standard of design. There is also no conflict with more recent guidance in the National Planning Policy Framework, which this local policy is consistent with.

Other Matters

12. I have had regard to a number of other matters raised by the neighbouring occupiers of the properties either side of No 46. The main effect with regard to the outlook from No 48 relates to the rear conservatory. The side of the single storey rear extension would be visible from the side window of the conservatory, but the degree of retained separation between the properties and the fact that the main view from the conservatory is directly towards No 48's garden would mitigate any harm that could occur. The extension would be visible from neighbouring gardens, but given their overall depth and the design of the extension, as described above, which would help to reduce its bulk, there would be no unacceptably harmful effects from these views.
13. With regard to any effect on natural light reaching No 48, I note the Council's comment that the relative positions of the two properties means that No 46 already causes some overshadowing to No 48's conservatory and garden. I agree that there may be some limited additional overshadowing as a result of the extension, but this would not be materially worse than the current situation.
14. On the other side, the extension would result in additional development of some depth closer to the shared boundary with No 44. However, a gap to the boundary would be retained and this, together with the existing gap between No 44 and the boundary plus the inset of the proposed development at first floor level, would reduce any otherwise overbearing effects of the extended dwelling. I note also the Council's observation that the windows to No 44's flank facing No 46, serve non-habitable rooms. This fact combined with the degree of separation, particularly at first floor level, would not result in any unacceptable loss of light or outlook. I agree also that the depth of No 44, with a similar rear two storey building line to that proposed here, would mitigate against any harm to the occupiers' outlook from the rear of their dwelling.
15. There is no evidence from the plans or other submitted material to suggest that development of this domestic type and scale will lead to problems related to drainage. Therefore, while I have had regard to all these matters, for the reasons given they do not lead me to reach a different overall conclusion.

Conditions and overall conclusion

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 approved plans. I agree also that a condition requiring the external materials used to match those of the existing building is needed in the interests of the appearance of the host dwelling and wider area.
17. I agree that the upper floor window facing No 44 should include obscured glazing and be non-opening below the usual prescribed height to protect the privacy of the neighbouring occupiers. Finally, I agree that trees and hedges that might be affected by the development should be protected in order to safeguard the character and appearance of the area.
18. For the reasons given above and having regard to all other matters raised, it is concluded that the appeal should succeed.

J Bell-Williamson

INSPECTOR

Annex A

Schedule – 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: location plan and 3216.02 Revision B.
- 3) The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.
- 4) All trees and hedges to be retained, including trees outside the site whose canopies overhang the site, shall be protected by strong fencing, the location and type to be previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.
- 5) The first floor flank window on the south western elevation; shall be:- a) glazed using obscured glass to a minimum of level 3 of the "Pilkington" scale of obscuration and b) non-opening below a height of 1.7m above the floor of the room in which the window is installed. The window shall be installed prior to the use of the room in which it is installed. The window shall remain so glazed and non-openable below the prescribed height. (Note the application of translucent film to clear glazed windows does not satisfy the requirements of this condition).