



Appeal Decision

Site visit made on 26 October 2017

by J A B Gresty MA MRICS

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

Decision date: 09 November 2017

Appeal Ref: APP/Z1510/D/17/3180686

25 Francis Way, Silver End CM8 3QX

- 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 John Bailey against the decision of Braintree District Council.
 - The application Ref 17/00880/FUL, dated 13 May 2017, was refused by notice dated 10 July 2017.
 - The development proposed is a two-storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a two-storey rear extension at 25 Francis Way, Silver End CM8 3QX in accordance with the terms of the application, Ref 17/00880/FUL, dated 13 May 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) Before the first occupation of the extension hereby permitted the two southerly facing first floor windows in the side elevation of the extension hereby permitted shall be non-opening and fitted with obscured glass and shall be permanently retained in that condition.
 - 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 902(S1), 902(S2) & 902(S3).

Main Issues

2. There are two main issues in this case. Firstly is the effect of the proposed development on the character and appearance of the Silver End Conservation Area. Secondly is whether the proposed development would be harmful to the living conditions of the occupiers of the neighbouring dwelling with respect to loss of privacy.

Reasons

Character & Appearance

3. The appeal property is one of four similarly designed detached, two-storey houses situated in a row in the Silver End Conservation Area. This part of the Conservation Area is characterised by a clusters of similarly designed

properties which were built in the inter-war period as part of a planned model settlement, resulting in the local area having a degree of uniformity and a planned character and appearance. Whilst individually the four houses have a plain and unexceptional character and appearance, as a group of similar buildings they are in keeping with the planned character and appearance of the Conservation Area.

4. The proposed development includes construction of a two-storey extension which would project about 3 metres from the rear elevation of the house. The design of the extension would include features such as prominent eaves, fenestration and brickwork which would match and complement the host building. The ridge of the extension's roof would be set below that of the main house roof and the northern side wall would be set back from the gable end wall of the main house, creating a clear visual distinction between the host building and the extension. Whilst the extension would be a substantial addition to the building and, unlike the host building, it would have a hipped roof, it would reflect the design of the host building and its size would be subservient to it. In these respects the extension would be in keeping with the character and appearance of the host building and the row of houses as a whole.
5. Neighbouring the appeal property is a bungalow of very different character and appearance to the appeal property. The bungalow's single-storey height and position, set back from the road, allows the side of the appeal property to be seen from the road to the north. Consequently, one side of the extension would be visible from Francis Way to the north. Whilst this would change the appearance of the appeal property when viewed from the north, the sides of the other three houses in the row would not be visible and the extension would not be open for visual comparison with the other properties in the row when viewed from the road to the north. In this respect the extension would not disrupt the visual uniformity of the four houses. Also, bearing in mind the very different character and appearance of the neighbouring bungalow, the proposed extension would have limited effect on the character of the Conservation Area when viewed from the north.
6. When viewed from Francis Way to the south, the extension would not be visible through the gap between the appeal property and neighbouring property, 23 Francis Way. Accordingly, the uniformity of appearance of the cluster of four houses would be unchanged when viewed from the road to the front and south-east. In this respect the character and appearance of the Conservation Area would be unaffected by the proposed development.
7. Whilst the four dwellings in the cluster have a uniform original design, the backs of the properties have a relatively varied appearance with differing fenestration, a significant single-storey extension at No 23 and general domestic paraphernalia. Although the proposed extension would be visible from the back gardens of nearby properties on this part of Francis Way and from residential properties to the north-west, its sympathetic design and subservient appearance would result in it being in keeping with the character and appearance of the backs of the properties on this part of Francis Way.
8. Nearby, 17 Francis Way has a substantial two-storey rear extension. There are oblique but clear views of the side of the extension from Francis Way to the north. Like to the appeal property, No 17 is one of a row of similarly designed

houses which have a uniform, planned appearance when viewed from the road. No 17's extension is not visible from the road when viewing the houses from the front and south-east. Consequently, there is no direct visual comparison of the extended property and the other properties in its row and the extension does not disrupt the regular appearance of No 17's row of houses in the street scene. Whilst the appeal development at No 25 would be more open to public view from the road to the north than No 17's extension is, its effect on the regular appearance of the row of four houses would be similar with limited direct visual comparison between the appeal property and the other houses in the row when viewed from Francis Way.

9. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. From the public domain of Francis Way, the regular and planned the character and appearance of the group of four houses would be retained. From the rear and north the extension would be visible but would be in keeping with the design of its host building and the more varied character and appearance of the Conservation Area immediately to the north and east of the appeal property. Therefore, I conclude that the proposed development would preserve both the character and appearance of the Silver End Conservation Area. In these respects the development would accord with the requirements of Policy CS9 of the Braintree District Core Strategy and Policies RLP3, RLP90 and RLP95 of the Braintree District Local Plan (LP). Further it would be in keeping with the thrust of Policies SP 1, SP 6, LPP 38, LPP 50 and LPP 56 of the Braintree District Local Plan Publication Draft For Consultation, June 2017, (Draft LP) which adds weight in favour of the proposed development.

Living Conditions

10. The proposed extension would have two first floor bedroom windows in its side elevation which would face No 23. There would be direct views from these windows of No 23's conservatory and the area of garden close to the house which would result in a significant loss of privacy for the occupiers of No 23 with consequential harm to their living conditions. In this respect the development would fail to comply with the requirements of LP Policies RLP 3 and RLP 90 or the thrust Draft LP Policies SP 1, SP 6, LPP 38 and LPP 50.
11. The appellant has proposed a condition which would require the windows to be obscure glazed and non-opening. Such a condition would overcome the potential loss of privacy for the occupiers of No 23 resulting overlooking from the windows whilst having limited effect on the living conditions of the occupiers of the proposed extension. Accordingly, the potential loss of privacy arising from the windows need not be reason to dismiss the appeal.

Other Matter

12. The Council's decision notice refers to Draft LP Policy LPP 45 in its reasons for refusal. This draft policy concerns parking provision for new development. In its delegated report the Council confirms that there are no highway or parking issues associated with the appeal proposal. Accordingly I attach very little weight to Draft LP Policy LPP 45 in considering this appeal.

Conclusion

13. Overall, on balance and for the above reasons, I conclude that the appeal should be allowed.

Conditions

14. For the sake of clarity, I impose a condition requiring the development to be carried out in accordance with the approved plans and, in order to ensure the satisfactory appearance of the proposed extension, I impose a condition requiring the materials used in the external surfaces of the extension to match those of the existing dwelling.
15. To ensure that the living conditions of the occupiers of No 23 are not harmed unduly as a result of loss of privacy, I impose a condition requiring the two first floor windows in the south elevation of the extension to be obscure glazed and non-opening.

J A B Gresty

INSPECTOR