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## Appeal Decision

Site visit made on 30 April 2019

**by G Jenkinson BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 8 July 2019**

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**Appeal Ref: APP/C1570/D/19/3222053**

**307 Birchanger Lane, Birchanger, CM23 5QP**

- 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 Tim Richards against the decision of Uttlesford District Council
  - The application Ref UTT/18/2742/HHF, dated 3 October 2018, was refused by notice dated 23 November 2018.
  - The development proposed is first floor side extension.
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### Decision

1. The appeal is allowed and planning permission is granted for a first floor side extension at 307 Birchanger Lane, Birchanger, CM23 5QP, in accordance with the terms of the application Ref UTT/18/2742/HHF dated 3 October 2018 subject to the following conditions:
  1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
  2. The development hereby permitted shall be carried out in accordance with the approved drawings: TR/PD/18/02, TR/PD/18/03, TR/PD/18/04.
  3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwelling.
  4. The first floor window of the games room shall be fitted with obscured glazing and once installed the obscured glazing shall be retained thereafter.

### Main Issues

2. The main issue is the effect of the proposal upon the character and appearance of the original dwelling house.

### Reasons

3. The appeal site comprises a semi-detached two storey dwelling. The dwelling includes an existing single storey extension to the front and rear of the property, it has an integral garage and off street parking. The dwelling has external materials of rendered walls under a tile roof. The plot is large in comparison to those surrounding as it takes the corner where the road bends. The property therefore benefits from a good size garden to the side of the

dwelling. The rear boundary of the appeal site abuts the curtilage of No 309 Birchanger Lane. The property is elevated as the ground slopes upwards from the road. The property has undergone some renovation works that contemporises the dwelling.

4. The proposals would result in the erection of a first floor side extension to be used as a study/games room. The proposal would result in an extension of the width of the existing garage, with large apex and glazed feature window at first floor, along with new dormer window to replace the existing window in bedroom 2. The ridge height of the extension would be set at a slightly lower level than the existing dwelling. The proposal would increase the height of the side and rear elevation but not the depth. The side elevation would accommodate a window and a door to access the garden from the garage. The rear elevation would accommodate a window on the stairwell and in the bathroom and an entrance door. Internally the proposal would accommodate a garage/store at ground level and a stairwell accessed via the existing utility room, which will lead to the large games room with ensuite bathroom. The proposal would consist of rendered walls to match the existing property with weatherboard facing at first floor.
5. The Council have outlined that the property has already been extended under planning permissions reference numbers UTT/2085/04/FUL and UTT/0925/09/FUL in 2005 and 2009 and that the footprint of the dwelling has increased in size from 48 square metres to 119 square metres. I therefore acknowledge that the property has benefitted from over a 100% footprint increase. However, given the scale of the plot I do not find that the existing extensions nor that proposed would result in disproportionate additions to the dwelling. It is also significant that the proposal would not increase the footprint of the dwelling.
6. The property has already been renovated to a degree and the works have contemporised the dwelling, improving the character and appearance of the streetscene. The proposed extension would further enhance this with the introduction of a large apex fenestration, which would result in an interesting design feature enhancing the character and appearance of the existing dwelling and the wider area.
7. I therefore conclude that the proposed extension has been sensitively designed and would not increase the footprint of the dwelling. The tiered roof and attractive dormer style windows ensure that the proposed extension would result in an acceptable addition to the dwelling by reason of its design and scale. I find the proposals are respectful to the original dwelling house, extending it and modernising it in a way that would enhance the appearance of the original building, adding interest to the street scene and maximising the use of this large plot.
8. For the above reasons the development would not harm the character and appearance of the host dwelling and accord with Policies GEN2 and H8 of the Uttlesford Local Plan (2005), which amongst other things seek to ensure home extensions are respectful to the original building. It would also accord with the design aims of the National Planning Policy Framework.

#### *Other Matters*

9. The Councils decision notice did not include any reference to any harm to the living conditions of the occupiers of the neighbouring residential property. However, I acknowledge that concern is raised in their officers report and that the occupiers of 309 Birchanger Lane also raised concerns. The concerns raised relate to the potential loss of light and privacy.
10. I consider the proposed extension to be modest in size and given its scale and position within the site it would not result in any material effect on the daylight in any of the habitable rooms of the neighbouring property or to the garden. It is no higher than the existing dwelling and although the siting would encroach somewhat on the neighbouring property, I consider there to be adequate separation distances and all windows on the side and rear elevations would be obscured thus to prevent any overlooking. Consequently, I find that these concerns do not amount to a compelling reason why planning permission should not be granted.

### **Conditions**

11. I have considered the conditions put forward by the Council against the requirements of the National Planning Practice Guidance and the Framework.
12. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. A condition relating to the external materials of the development is also necessary in the interests of the character and appearance of the area.
13. . I also attach a condition to ensure that the side first floor window is fitted with obscure glazing to protect the living conditions of the occupiers of the neighbouring property.

### **Conclusion**

14. For the above reasons and having considered all the matters raised I conclude that the appeal should be allowed.

*Gemma Jenkinson*

INSPECTOR