



Appeal Decision

Site visit made on 17 September 2019

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th October 2019

Appeal Ref: APP/C1570/D/19/3232759
54 Rainsford Road, Stansted CM24 8EA

- 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 Mrs Anna Hobbs against the decision of Uttlesford District Council.
 - The application Ref UTT/19/0756/HHF, dated 1 April 2019, was refused by notice dated 24 May 2019.
 - The development proposed is first floor extension over the existing rear extension and new bay window with a lean-to roof to the front elevation.
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Decision

1. The appeal is dismissed insofar as it relates to the first-floor extension over the existing rear extension. The appeal is allowed insofar as it relates to the new bay window with a lean-to roof to the front elevation and planning permission is granted for the new bay window with a lean-to roof to the front elevation at 54 Rainsford Road, Stansted CM24 8EA in accordance with the terms of the application, Ref UTT/19/0756/HHF, dated 1 April 2019, 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 development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos 1020-19.PL.001 Rev *, 1020-19.PL.002 Rev *, 1020-19.PL.003 Rev *, 1020-19.PL.004 Rev *, 1020-19.PL.005 Rev * and 1020-19.PL.006 Rev *, so far as they relate to that part of the development hereby permitted.
 - 3) All new external work and work of making good shall be carried out in materials to match the external surfaces of the existing building.

Procedural Matters

2. The appellant has suggested that the application was submitted through the Prior Approval procedure. However, the Application Form was submitted for planning permission and the Council determined the application as such. I have therefore determined the appeal on the same basis.

Main Issue

3. The main issue is the effect of the proposed first floor rear extension on the living conditions of the occupants of 52 and 56 Rainsford Road, with particular regard to outlook and loss of daylight and sunlight.

Reasons

4. The appeal property is a semi-detached house which is positioned further back from the street than 56 Rainsford Road. The property has previously been extended to the side and rear. The existing side extension, at first floor, is positioned along the boundary with No 56 but does not extend beyond the rear façade of the existing house. The existing rear extension at ground floor occupies the full width of the plot but the rear façade is staggered so that it does not project as far forward alongside No 56.
5. The proposed first floor extension to the rear would occupy the full width of the extended house but would be staggered so that it projects a shorter distance forward of the house adjacent to the boundary with No 52. The roof form would be hipped to all sides to provide a crown roof.
6. Although the proposed first floor extension would not be beyond the furthest extent of the existing single-storey extension, it would be set down from the ridge of the existing house and its roof hipped to all sides, it would add considerably to the scale of the existing side extension to present a substantial area of blank solid wall adjacent to the boundary with No 56. The resultant development would appear oppressive and imposing when viewed from within the rear garden of No 56.
7. I note that the appellant has sought to justify the proposals by the fact that the occupants of No 56 are already faced with the side view of the existing extension to No 54. However, the argument that the occupants of a property may already be affected by a building, so additional scale added to it would not be harmful, is not a good one in principle; it could be repeated too often to the detriment of occupiers of other houses in the area. Moreover, whilst there may already be existing harm through the existing built development within the appeal site, that would not justify causing further harm or exacerbating the existing harm by creating additional bulk to the rear. The effects of this change in the environment of No 56 would also be more apparent given the arrangement of the appeal property back beyond the rear façade of that property.
8. The Council's Home Extensions SPD¹ refers to the effects of extensions on daylight and outlook. There would be some overshadowing leading to a reduction in the daylight and sunlight within Nos 52 and 56 and their gardens. However, given the presence of tree cover, the orientation of the houses within the street, the scale of the proposed extension would be unlikely to cause unacceptable harm in relation to loss of daylight and sunlight to the occupiers of those properties. Moreover, although there would be some additional overshadowing as a result of the proposed extension, this would be limited.
9. In support of the appeal, my attention was also drawn to several properties in the immediate area that incorporate two-storey extensions. The appellant has queried whether these extensions have set a precedent. Whilst I appreciate that the Council may have granted permission for other two-storey extensions locally, I am not aware of the full circumstances of those cases or the policies that applied at the time of their consideration. In any event, I have considered the appeal scheme on its own individual merits and the existence of other

¹ Uttlesford District Council Local Development Framework Supplementary Planning Document – Home Extensions (Adopted November 2005) (Home Extensions SPD).

extensions in the locality does not justify the harm I have identified, nor does the lack of objection from neighbours.

10. For the reasons outlined above, I conclude that the proposed development would be oppressive and overbearing for occupiers of No 56 when viewed from their garden, to the extent that it would be unacceptably harmful to the living conditions of the occupiers of that property. Hence, the proposals would not accord with Saved Policies GEN2 and H8 of the Uttlesford Local Plan Adopted 20 January 2005 and the guidance within the Council's Home Extensions SPD. Together these policies and guidance suggest that development, including extensions, will not be permitted unless its design meets several criteria, which includes that it would not have a materially adverse effect on the reasonable occupation and enjoyment of a residential property as a result of overbearing impact.
11. I have not found against Policy S1 of the LP as this is a more strategic policy in relation to the types of development permitted in different locations within the District. I also note that the Council did not object to the principle of extensions to the existing house.

Conditions

12. The Council has indicated planning conditions it considers would be appropriate, in the event that the appeal were allowed. I have considered those with reference to the tests contained in paragraph 55 of the National Planning Policy Framework² and the National Planning Practice Guidance. I have included a condition specifying that the part of the development which I have allowed shall proceed in accordance with the approved plans for certainty. A condition relating to materials matching those of the existing building is necessary to ensure that the appearance of the proposed extension would be satisfactory.

Conclusion

13. The proposals also include a single storey extension to the front to provide a bay window to the existing living room of the house, including a lean-to roof over the garage through to the extension. These proposals would be modest in terms of their size and design so would not be harmful to the character and appearance of the existing house. I therefore find no harm in respect of these elements of the proposals and I note the Council raised no objection. As these proposals are both physically and functionally severable from the proposed rear extension, I consider a split decision would be a logical outcome.
14. For the reasons given above, I conclude that the appeal should be allowed insofar as it relates to the new bay window with a lean to roof to the front elevation but dismissed insofar as it relates to the first-floor extension over the existing rear extension.

Paul Thompson

INSPECTOR

² Published February 2019.