



Appeal Decision

Site visit made on 5 November 2019

by P Mileham BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2019

Appeal Ref: APP/C1570/D/19/3239688 29 Farmer Close, Little Canfield CM6 1HX

- 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 Robert Mead against the decision of Uttlesford District Council.
 - The application Ref UTT/19/1470/HHF, dated 18 June 2019, was refused by notice dated 26 July 2019.
 - The development proposed is a single storey side extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - The character and appearance of the area;
 - The living conditions of adjoining occupiers having regard to overbearing.

Reasons

Character and appearance

3. The appeal site is a two and a half storey end of terrace property with a pitched roof and a front dormer window. The property is clad in grey coloured weatherboard matching the rest of the terrace. Farmer Close is characterised by a mix of short terraces, semi-detached dwellings and detached dwellings linked by garages. The appeal property and the surrounding dwellings are of broadly similar design, with the terraces having a high level of symmetry, differentiated by the colour of the weatherboarding used.
4. The proposed extension would be a lean-to type design projecting from the side flank elevation. The short terrace of three dwellings that the appeal property forms part has a clear symmetry to its design, and this symmetry makes a positive contribution to the character of the Close by providing a pleasing rhythm to the development. The opposite end terrace has linked single storey garages which have a pitched roof design with its ridge following the alignment of the existing dwellings. As such, the proposed lean-to roof with its single pitch sloping perpendicular to the existing ridge lines, would be significantly at odds with the design of the appeal property, and the properties and garages in the close.

5. Farmer Close has a relatively compact layout and the properties in the immediate vicinity do not appear to have been subject to extensions to either their side or front elevations. The appellant has indicated that the development would comply with Policy S3 of the Uttlesford Local Plan (2005) (the ULP) by being compatible with the settlement's character due to its modest size and footprint. Although the extension would have a modest footprint, its presence on the side elevation would adversely affect the symmetry of the terrace. The extension would be in a highly prominent position, visible from a number of other properties in the Close and would be immediately visible on entering this part of the Close. Therefore, despite the extension being set back from the building line by 100 millimetres, the lean-to would jar with the character of the surrounding properties, harming the symmetry and rhythm of the development. As a result, it would be an incongruous feature in the street scene. The extension could not be screened from the public realm via landscaping as it would be sited on one of the only pieces of soft landscaping in this part of the close. As such, a condition requiring additional screening or planting could not be imposed to mitigate the harmful effects of the development.
6. The extension would be finished with matching weatherboard to the appeal property and using tiles that would match the garages on the opposite end of the terrace to soften its impact. However, the use of matching materials would not be sufficient to outweigh the unacceptable contrast that the design would have on the street scene.
7. In light of the above, I conclude the proposed development would result in harm to the character and appearance of the area. As such, the development would be contrary to Policies S3, GEN2 and H8 of the ULP which state that development compatible with the settlement's character and countryside setting will be permitted within these boundaries, development will not be permitted unless it is compatible with the scale, form, layout, appearance and materials of surrounding buildings, and extensions will be permitted if their scale, design and external materials respect those of the original building.
8. It would also fail to comply the National Planning Policy Framework (the Framework) which states at paragraph 130 that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

Living conditions

9. The proposed extension would project from the side elevation across an area of side garden land that contains a small lawn and some existing planting. This area currently provides separation between the appeal property and the neighbouring terrace (Nos 23-27). However, although the extension is less than half the width of the flank, its siting would remove the soft landscaping and significantly erode the separation distance between the appeal property and the front elevation of No 27 Farmer Close. This would have the effect of projecting built development in very close proximity to the front elevation of No 27.
10. Policy H8 of the ULP indicates that development will be permitted where it would not have an overbearing effect on neighbouring properties, and Policy GEN2(i) of the ULP also indicates that development would not be permitted where it would not have a materially adverse effect on the reasonable

occupation and enjoyment of a residential property through overbearing. Although the appellant considers the development would comply with these policies as the extension would not have any side windows that could result in overlooking, the reduced separation distance would result in a significant reduction in outlook from the ground floor windows in the front elevation of No 27. The limited distance between the edge of the proposed development and No 27 would result in an unacceptable level of overbearing notwithstanding the lack of objections from the current occupiers of No 27. As such, it would be contrary to policies H8 and GEN2.

11. The appellant has indicated that objections were not raised to a previous scheme which ran the full width of the appeal property which were considered to be more dominant than the appeal proposal. However, that scheme was for a rear extension which would have different effects on the living conditions of other properties and was not subsequently approved. As this scheme is for a side extension, it would be significantly different and as such, the lack of concern regarding a previous scheme is afforded very limited weight.
12. In light of the above, I conclude that the development would result in harm to the living conditions of adjoining occupiers having regard to overbearing. As such, the development would be contrary to Policies GEN2 and H8 of the ULP which state that development will be permitted where it would not have an overbearing effect on neighbouring properties, and that development would not be permitted where it would not have a materially adverse effect on the reasonable occupation and enjoyment of a residential property through, amongst other things, overbearing.

Conclusion

13. For the reasons given above I conclude that the appeal should be dismissed.

P Mileham

INSPECTOR