

Appeal Decision

Site visit made on 14 November 2019

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2019

Appeal Ref: APP/Z1510/D/19/3238255

277A London Road, Black Notley, Braintree, CM77 8QQ

- 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 J Clark against the decision of Braintree District Council.
 - The application Ref 19/01220/HH, dated 9 July 2019, was refused by notice dated 24 September 2019.
 - The development proposed is the demolition of existing conservatory and construction of a two-storey rear extension
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the:
 - living conditions for neighbours; and
 - character and appearance of the host property.

Reasons

3. The appeal property is a detached two storey home with a similar property to its north east and a bungalow (No 279) to its south west. The proposal is as described above and would provide for new dining and bedroom space. The scheme would be about 4.2 x 4.8 metres with a height of around 5.6m and have a flat roof and lantern.

Living conditions

4. The scheme would lie at the rear corner of the host property alongside and close to the shared boundary with No 279. This bungalow has a rear main elevation which is not set as far down the back garden as the appeal dwelling. Because of orientation the planned extension would not remove any appreciable sunlight from the bungalow or its garden. However it would form a significant vertical edifice of appreciable depth in close proximity to key parts of the neighbouring garden and rear windows. This would be over-bearing and visually intrusive. Occupiers would feel unduly hemmed-in and the relationship would be a most uncomfortable one for any neighbouring residents at No 279.
 5. Saved Policies RLP17 and RLP90 of the Braintree District Local Plan Review (LP) and Policy CS9 of the Braintree District Core Strategy (CS) are relevant. Amongst other matters they seek to ensure that new development would not
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impinge upon residential amenity. I conclude that the appeal scheme would run contrary to these policies in this regard.

Character and appearance

6. The existing dwelling is a pleasing pitched roofed property with proportionate gable ended projections. The conservatory, whilst not fully matching, is a reasonable adjunct to this. Unfortunately the merits of the design of the existing dwelling would be markedly undone by the addition of the planned two storey flat roofed lantern lit parapet based rear extension. The scheme would simply be out of place as an addition to this home and lack sufficient sympathy to the form of the original building or subtlety generally. Even when not widely visible it is established planning policy and practice to seek to secure good quality design. Regrettably this scheme with its alien form, even with matching materials, would not meet that benchmark.
7. Previously cited Saved Policies RLP17 and RLP90 of the LP and Policy CS9 of the CS are pertinent. Amongst other matters and taken together they are concerned with achieving good quality design and call for new development to be compatible in form and harmonious with context. I conclude that the appeal proposal would conflict with these policies on this issue.

Other matters

8. Even though it is put that there is some family connection in ownership terms between Nos 277A and No 279 and the latter is presently vacant I do not determine an appeal on the lack of an objection. Rather my aim is to protect residential amenity for the longer term and for possible future occupiers. It is also mentioned by the Appellant that No 279 may be demolished in the future to make way for an access road and new development. I have no evidence to this effect although I can see that this scenario may not be inconceivable. However the result would quite likely be wider views to a greater number of people of the planned extension and my opinion on its incongruous appearance has been made clear above.
9. I do however sympathise with the wish to provide additional accommodation and I have carefully considered all the points raised by the Appellant. Nevertheless these matters do not outweigh the concerns which I have in relation to the main issues identified above.
10. I confirm that policies in the National Planning Policy Framework have been considered and the development plan policies which I cite mirror relevant objectives within that document.

Overall conclusion

11. For the reasons given above I conclude that the appeal proposal would have unacceptable effects on living conditions for neighbours and the character and appearance of the host property. Accordingly the appeal is dismissed.

D Cramond

INSPECTOR