



Appeal Decision

by **Graham Chamberlain BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 May 2020

Appeal Ref: APP/Z1510/D/20/3246408

155 Witham Road, Black Notley, Essex CM77 8LU

- 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 & Mrs Glover against the decision of Braintree District Council.
 - The application Ref 19/01925/HH, dated 23 October 2019, was refused by notice dated 18 December 2019.
 - The development proposed is described as a 'two storey rear/side and first floor extension'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In response to travel restrictions currently in place due to the COVID-19 pandemic I have determined this appeal without a site visit. This is because I have been able to reach a decision based on the information already available. Both the appellant and Council were given an opportunity to provide comments on this approach and neither party objected.
3. The Council's reason for refusal refers to 155 Witham Road as neighbouring the appeal site when it is the appeal property. That said, this is clearly an error because the Council Officer's report alleges an overbearing impact on the occupants of 153 Witham Road. Therefore, I have considered the appeal with reference to the latter.

Main Issues

4. The main issues in this appeal are the effect of the proposed development on:
 - The character and appearance of the area; and
 - The living conditions of the occupants of 153 Witham Road, with particular reference to outlook.

Reasons

The effect on the character and appearance of the area

5. The appeal property is a semi-detached chalet style dwelling fronting Witham Road. Brain Valley Avenue spurs off Witham Road and arcs behind the appeal site. The properties in this street are generally repeated house types set behind front gardens in a notional building line. The proportions, form and massing of the properties in this street are reasonably consistent providing a pleasing cohesiveness. The rear elevation of the appeal property is visible from

Brain Valley Avenue due to a sizable gap in the built frontage of this street to the north of the appeal site.

6. The proposed rear extension would slightly increase the width of the existing single storey rear element of the building, but the depth would not be altered. However, the proposed extension would significantly increase the massing of the existing rear element by increasing its height to two storeys. The height of the extension for the depth proposed would result in a very bulky addition that would lack subservience and complementary proportions. The flush finish of the south east elevation of the extension with the host property would compound this as would the high eaves line relative to the existing. It would therefore overpower the host property and appear disproportionately large.
7. The extension would have a limited presence in views from Witham Road and therefore the impact on that street scene would not be harmful. However, the extension would be visible from public vantage points along Brain Valley Avenue looking south towards the appeal site. It would also be visible from several of the surrounding properties. This would be the case even though it would be seen against the backdrop of 157 Witham Road. The proposal would therefore stand out in these views, appearing as strident and usually large addition. This would harm the character and appearance of the area.
8. There is a two-storey rear extension at the property to the immediate rear of the appeal site. However, I have seen nothing of substance to demonstrate the appeal scheme would have the same proportions, especially the depth and height. Moreover, the appeal site is on higher ground and therefore the proposed extension would be more imposing. As such, the appeal scheme would not have the same impact on the character and appearance of the area as the existing extension at the adjoining property.
9. I therefore conclude that the appeal scheme would harm the character and appearance of the area. It would therefore be contrary to Policies RLP 17 and RLP 90 of the Braintree Local Plan Review 2005 (LP), which seek to secure development that is of a high standard of design that reflects or enhances the area and, in the case of extensions, is compatible with the bulk and form of the original dwelling.

The effect on the living conditions of the occupants of 153 Witham Road (No 153)

10. The combined impact of the depth and height of the proposed extension would result in a structure that would be constantly apparent to the occupants of No 153, particularly when in their rear garden, even though it would be set in from the boundary and slightly angled away. The extensive massing of the extension positioned at a reasonably close range of around 3.3 metres and with a high eaves line would dominate, partially enclose and overpower the outlook from No 153 resulting in it having an unavoidable and overbearing presence. This would harm the living conditions of the occupants No 153.
11. The appellant has suggested that they could erect an extension up to 3 metres in depth and 2.5 metres in height adjacent to the boundary of No 153 by enacting permitted development rights. However, there is very little of substance before me to demonstrate they would pursue this option in the event this appeal was unsuccessful. This hypothetical point therefore carries limited weight. In any event, the impact of a single storey extension up to three

metres in depth would be less than what is proposed and would not, therefore, justify the harm that would occur from the appeal scheme.

12. The current occupants of No 153 have not objected to the proposal but I have come to my own conclusions for the reasons given. The Council has not alleged harm to the occupants of No 153 in terms of privacy or loss of light and nor has it identified any adverse impacts to the living conditions of other neighbours. I have no reason to disagree. However, the absence of harm in respect of these matters would be a neutral matter that would not overcome the harm I have identified.
13. Accordingly, the proposal would be at odds with Policies RLP 17 and RLP 90 of the LP, which seek to secure development that would not have an unacceptable adverse impact on the amenities of the residents of nearby and adjoining properties.

Other Matters

14. The evidence before me does not demonstrate the Council's emerging Section 2 Draft Local Plan is at an advanced stage of preparation and consequently there is potential for further amendments following consultation and examination. As such, the emerging policies referred to by the Council in its reason for refusal carry limited weight and have not been determinative in my assessment of the proposal, which fails against the extant LP.

Conclusion

15. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Graham Chamberlain
INSPECTOR