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## Appeal Decision

Site visit made on 2 September 2020

**by Benjamin Clarke BA (Hons.) MSc MRTPI**

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

**Decision date: Monday, 28 September 2020**

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**Appeal Ref: APP/C1570/D/20/3250107**

**39 Saxon Way, Saffron Walden, Essex CB11 4EQ**

- 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 and Mrs R. Stanton-Stock against the decision of Uttlesford District Council.
  - The application Ref: UTT/19/2505/HHF, dated 7 October 2019, was refused by notice dated 13 February 2020.
  - The development proposed is to demolish existing garage, erection of two storey and single storey extensions and alterations.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The Council amended the description of the proposed development from 'proposed extensions and alterations (revised proposals following UTT/19/1485/HHF)' to 'demolish existing garage, erection of two storey and single storey extensions and alterations'. The revised description has also been used by the appellant on the appeal form. I consider that the revised description represents a more succinct summary of the proposed development and have therefore proceeded on this basis.
3. On my site visit, I noted that an extension is under construction. However, this extension featured differences in design from the scheme before me. Accordingly, I am not considering this appeal retrospectively.

### Main Issues

4. The Main Issues are:
  - the effect of the development upon the character and appearance of the surrounding area; and
  - the effect of the development upon the living conditions of the occupiers of the adjoining properties, with particular regard to outlook.

### Reasons

#### *Character and appearance*

5. The appeal site contains a detached dwelling. This form of development is reflected on many of the nearby properties. Dwellings within the surrounding

area are generally constructed to regular proportions involving a pitched roof and brick walls. The road slopes downwards from its junction with Audley End Road. The appellant's dwelling is set back from the neighbouring property at No. 37, but further forward of the dwelling at No. 41.

6. The proposed extension would feature a design that would be notably different from those utilised on the surrounding buildings. This can be exemplified by the roof slopes having a significantly steeper gradient than the surrounding dwellings and featuring a flat roof section. In result, the proposed development would result in a notable contrast with the prevailing character utilised on many houses nearby.
7. The incongruous form of development would be exacerbated by the proposed palette of materials. In particular, the use of zinc cladding would result in a development with an appearance that is notably divergent from the form of developments that is commonplace within the surrounding areas. In result, the proposed development would not harmonise with the surrounding area and therefore the development would appear incongruous.
8. These are areas of concern as the proposed development would occupy a prominent position within the surrounding area. This is by reason of the topography of the area and the fact that the building would be set further forward of other dwellings further down the road. Due to these circumstances, the proposed development would be readily viewable from the surrounding area, which would emphasise the incongruous design of the proposed extension and result in an unduly prominent form of development. In consequence, the proposed development would be out of keeping with the character of the settlement.
9. I note comments raised by the appellant regarding the age of the policies of the Uttlesford Local Plan (2005) (the Local Plan). However, the policies to which I have been directed are broadly consistent with the aims and objectives of the National Planning Policy Framework (the Framework). Accordingly, I can attribute these policies weight within my considerations.
10. I therefore conclude that the proposed development would have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, would conflict with Policies GEN1, H8 and S1 of the Local Plan; and the Home Extensions Supplementary Planning Document (2005) (the SPD). These, amongst other matters, seek to ensure that new developments are compatible with the character of the settlement; that developments are compatible with the scale, form, layout, appearance and materials of surrounding buildings; and that extensions should respect the original building.

#### *Living conditions*

11. proposed dwelling would project further into the rear garden than the adjoining dwelling at No. 37. In addition, the front elevation of the existing dwelling is set further forward than the nearby dwelling at No. 41.
12. By reasons of this arrangement, combined with the height and bulk of the proposed development and its proximity to the side boundaries of the appeal site, the proposed development would have an enclosing effect on the adjoining rear gardens. As these rear gardens are relatively short in length and

comparatively narrow, the enclosing effect arising from the form of the proposed development would be particularly significant. This is noteworthy given that the adjoining gardens represent the only spaces where neighbours might undertake private recreation.

13. In addition, the proposed extension would project further forward of the front elevation of the neighbouring dwelling at No. 41. In result of this projection, the proposed extension would be significantly prominent when viewed from the front elevation windows of the neighbouring property.
14. By reason of the form, projection and positioning of the proposed extension, the development would therefore have an overbearing effect upon the front elevation windows. This would therefore result in a substantial loss of outlook, which would have a negative effect upon the living conditions of the occupiers of the neighbouring property.
15. I acknowledge that the proposed development does not appear to have been the subject of objections from the occupiers of neighbouring properties. Whilst this is a matter of note, it is one of all the matters that must be considered in assessing a development. It therefore does not overcome my previous concerns.
16. As with the preceding Main Issue, the Local Plan policies to which I have been directed are broadly in conformity with the aims of the Framework. Accordingly, I am therefore able to attribute weight to them in my assessment.
17. I therefore conclude that the proposed development would have an adverse effect upon the living conditions of the occupiers of the neighbouring property. The development, in this regard, fails to conform with Policies H8 and GEN2 of the Local Plan; and the SPD. These, amongst other matters, seek to ensure that new developments do not have a materially adverse effect upon the occupation and enjoyment of residential properties; and that developments do not have an overbearing effect on neighbouring properties.

### **Other Matters**

18. My attention has been drawn to some other developments within the surrounding area. I do not have the full information regarding the planning circumstances of these, which lessens the weight that I can attribute to them. However, I note that the proportions of these dwellings are less bulky than the scheme before me, plus they occupy less prominent positions within the surrounding areas than the appeal site. Given that this is combined with designs that do not have the same enclosing effects on the occupiers of neighbouring properties, I do not find that the presence of developments elsewhere requires me to disregard my previous concerns.
19. There is some debate as to whether the Council can demonstrate a five-year housing land supply. If I were to agree with this, and apply the 'tilted balance' as defined by paragraph 11(d) of the Framework, I would find that the public benefits would amount to the provision of a larger dwelling, albeit such benefits would be tempered by the loss of the original dwelling. In addition, there would be some economic benefits arising from the construction process. These benefits are therefore relatively small. In consequence, the adverse effects as previously identified would significantly and demonstrably outweigh the benefits.

20. I note that the proposed development would not have an adverse effect on biodiversity and has been designed to ensure energy efficiency. Whilst these are matters of note, it does not overcome my conclusions in respect of the Main Issues.

**Conclusion**

21. For the preceding reasons, I conclude that the appeal should be dismissed.

*Benjamin Clarke*

INSPECTOR