



Appeal Decision

Site Visit made on 8 December 2020

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th December 2020

Appeal Ref: APP/C1570/D/20/3259294

16 De Mandeville Road, Elsenham, CM22 6LR

- 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 Greg Jurkiewicz against the decision of Uttlesford District Council.
 - The application Ref UTT/20/0953/HHF, dated 25 April 2020, was refused by notice dated 24 July 2020.
 - The development proposed is Demolition of pergola and construction of a single storey rear extension. Access to the rear of the property relocated to the SW Boundary.
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Decision

1. The appeal is allowed and planning permission is granted for Demolition of pergola and construction of a single storey rear extension. Access to the rear of the property relocated to the SW Boundary at 16 De Mandeville Road, Elsenham, CM22 6LR in accordance with the terms of the application, Ref UTT/20/0953/HHF, dated 25 April 2020, 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: 109/01 A.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing house.

Main Issue

2. The main issue is the effect of the proposed development on the appearance of the existing house.

Reasons

3. The appeal site concerns a two-storey detached house situated within a large development of houses to the north of Elsenham, the design of which varies in scale, form and materials of construction. Furthermore, the design of No 16 is repeated throughout the development and the majority of houses have been extended in some capacity. Accessed from the driveway of No 16 is a detached flat-roofed single garage with an attached pergola. These are visible, along with the rear façade of the house, to a varying extent due to the presence of fence enclosures.

4. Although the proposed extension would be of some length, it would project no further than the existing garage and occupy only part of the rear façade of the house. It would also incorporate a flat roof only slightly higher than the existing garage roof. Taken together, these attributes would ensure that the majority of the rear façade of the house would remain the visually prominent element when viewed over the garden fence from the street. The scale, siting and form of the extension would also not be visually prominent or harmful in those views. Furthermore, I have found no harm associated with the proposed relocated gated access and note that the Council arrived at a similar conclusion.
5. While there are some limitations to the scope of 'permitted development' for house extensions, the appeal is against the refusal of planning permission, so these have very little bearing on the acceptability of the appeal proposal, particularly in respect of its relationship with the existing house.
6. I therefore conclude that the proposed development would not have a harmful effect on the appearance of the existing house. Hence, the proposal would accord with the design aims of Policies GEN2, H8 and S3 of the Council's Local Plan and the National Planning Policy Framework.

Other Matters

7. I note the concerns of the Highway Authority (HA) regarding off-street parking provision associated with the reduction in the size of the appellant's garage. The HA and Council both agree that the garage does not presently meet the dimensions outlined in the relevant SPD¹. There is therefore no substantive evidence that the proposal would lead to a loss of useable off-street parking spaces.
8. Given the scale of the proposed extension and its relationship with nearby properties, it would not lead to overshadowing or a loss of light to occupiers of those properties. Furthermore, given its scale, any disturbance caused during the construction period of the proposal, including the parking of vehicles in the highway, would be likely to be for a temporary period only. The living conditions of neighbouring occupiers would not therefore be significantly affected by the proposal.

Conditions

9. In addition to the standard time limit for the appeal, in the interests of clarity and the appearance of the existing house, I have specified the approved plans and that the materials of construction of the proposal should match those of the existing house.

Conclusion

10. For the reasons given above, I conclude that the appeal should be allowed.

Paul Thompson

INSPECTOR

¹ Parking Standards Design and Good Practice (September 2009) – Essex County Council.