
Appeal Decision

Site visit made on 15 December 2020

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2020

Appeal Ref: APP/C1570/D/20/3263424

Drummonds, Stevens Lane, Felsted CM6 3NJ

- 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 Jamie Smith against the decision of Uttlesford District Council.
 - The application Ref UTT/20/1970/HHF, dated 6 August 2020, was refused by notice dated 8 October 2020.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at Drummonds, Stevens Lane, Felsted CM6 3NJ in accordance with the terms of the application, ref UTT/20/1970/HHF, dated 6 August 2020, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved drawings: PD-01, WD-01 Rev 4 and WD-02 Rev 2.

Preliminary Matter

2. The appellant's appeal submissions include an Overshadowing Report. The report is intended to address the overshadowing concerns raised in the first reason for refusal. Neighbouring occupiers have also expressed concern regarding overshadowing. As this case is following the householder appeal process, there is no opportunity for the Council or interested parties to respond to the appellant's submissions. It would, therefore, be unfair to take the Overshadowing Report into account since the Council and the neighbouring occupiers have not had the opportunity to comment on it¹.

Main Issues

3. The main issues are the effects of the proposal on:
 - the character and appearance of the existing building and the surrounding area;
 - the living conditions of neighbouring occupiers with particular regard to overshadowing and outlook.

¹ See, for example, case law in *Ashley, R (on the application of) v SSCLG & Ors* [2012] EWCA Civ 559

Reasons

Character and appearance

4. The appeal property is a substantial detached two storey dwelling which has previously been extended to the rear. The appeal extension, which has been largely constructed, is joined to this existing lean-to extension. It projects some 7.6m from the rear wall of the property and is around 5.1m wide. The parapet around its flat roof is in excess of 3m above ground level. As such, the extension adds considerably to the bulk of the existing dwelling. Nevertheless, the extension's plain, rectilinear form and fenestration give it a restrained appearance which helps to integrate it with the similarly simple form of the existing building.
5. The parapet of the current extension is higher than the eaves of the existing extension. However, the lean-to roof extends above the parapet and the junction is neatly formed with a box gutter. Whilst the appeal extension largely encloses the existing extension, there is nothing to suggest that the latter has any particular architectural merit.
6. The property is set within a fairly generous plot and, therefore, notwithstanding the extension's considerable footprint, it does not overwhelm or cramp the remaining external space or the building's setting.
7. Moreover, in terms of public views, the extension is fairly discreetly positioned in the part of the site furthest from the roadside boundary. Therefore, whilst it can be glimpsed from Stevens Lane, it is not intrusive despite the site's edge of settlement location. The siting of the extension also leaves the locally distinctive deep front garden of the appeal property unaffected.
8. Therefore, I find that the proposal does not have a harmful effect on the character and appearance of the area. Consequently, it does not conflict with saved Policies S3, GEN2 or H8 of the Uttlesford Local Plan 2005 (LP). Among other things, these policies require the scale, form, layout, appearance and materials of extensions to be compatible with the original and surrounding buildings and the character of the settlement. Nor does the extension conflict with the Council's Home Extensions Supplementary Planning Document or paragraphs 124, 127 or 130 of the National Planning Policy Framework (the Framework) insofar as they have similar aims.

Living conditions

9. The extension is located close to the boundaries with the neighbouring properties at Hillock Whins and 3 The Oakleys and its parapet wall extends around 1.4m above the respective boundary fences. However, the extension is located to the north-west of Hillock Whins and to the north of 3 The Oakleys. As such, any shadowing of the rear garden of Hillock Whins would be limited to the end of the day and there is likely to be little, if any, shadowing of the garden of 3 The Oakleys.
10. Drummonds is positioned behind the rear wall of Hillock Whins and, therefore, its two storey flank wall is fairly close to the rear windows and immediately adjoining garden area of that property. However, the appeal extension is located a considerable distance from the rear wall of Hillock Whins, towards the end of its garden and adjoining an outbuilding. Therefore, whilst the upper

part of the extension would be clearly visible from that part of the garden, I consider that it is not enclosing or overbearing.

11. The rear wall of the bungalow at 3 The Oakleys is largely offset from, and orientated at a slight angle away from, the appeal extension. Moreover, the end of the extension takes up a relatively small proportion of the width of the rear garden of the neighbouring property. Again therefore, although the upper part of the end wall would be visible from the rear windows and garden of 3 The Oakleys, I find that the effect is not enclosing or overbearing.
12. Consequently, I conclude that the extension does not have a harmful effect on the living conditions of neighbouring occupiers with regard to overshadowing or outlook. As such, it does not conflict with LP Policies GEN2 or H8 insofar as they presume against proposals that would have a materially adverse effect on the reasonable occupation and enjoyment of neighbouring dwellings, as a result of overbearing impact or overshadowing. Nor would the extension conflict with Framework paragraph 127 to the extent that it has similar aims.

Conditions

13. The Council has suggested three conditions. A condition requiring the development to commence within three years is not necessary as the extension has been partly constructed. However, I will impose a condition requiring the development to be carried out in accordance with the approved plans in the interests of certainty. A condition requiring the external surfaces to match those of the existing building is not necessary as the proposed external materials are specified in the approved plans.

Conclusion

14. For the reasons set out above, the appeal should be allowed.

Simon Warder

INSPECTOR