



Appeal Decision

Site visit made on 19 February 2021

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State.

Decision date: 09 March 2021

Appeal Ref: APP/C1570/D/20/3262930

Kevandra House, The Village, Latchmore Bank, Little Hallingbury

CM22 7PX

- 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 Colin Tagliarini against the decision of Uttlesford District Council.
 - The application Ref UTT/20/1829/HHF, dated 24 July 2020, was refused by notice dated 23 September 2020.
 - The development proposed is the conversion of loft space into habitable room with side facing dormers and side lights, hip to gable conversion and infill single storey extension replacing existing conservatory.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of loft space into habitable room with side facing dormers and side lights, Hip to gable conversion and infill single storey extension replacing existing conservatory; at Kevandra House, The Village, Latchmore Bank, Little Hallingbury CM22 7PX; in accordance with the terms of the application Ref: UTT/20/1829/HHF, dated 24 July 2020, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in strict accordance with the following approved plan:
 - Proposed Floor Plan and Elevations, DWG No ATW 102, Drawn By Aaron Harris, Dated July 2020.

Preliminary Matters

2. On my site visit much of the works applied for had almost been completed which included the installation of two dormer windows, hip to gable roof extensions (which was complete, but required finishing) and the insertion of roof lights. As such, I will base my decision on this basis.
3. There is dispute between the parties with regards to whether the appeal buildings are within or outside the Metropolitan Green Belt Boundary where the Officer Report states that the buildings are within the green belt boundary, and the applicant's Statement of Case (SoC) stating the site is within the built up area, and therefore excluded from the Green Belt. The Applicant has also supplied details of a previous planning application for the site¹ where the Officer's report states that the site is within the built up area, and I note that the previous planning appeal which was part of the planning application

¹ Uttlesford Council Planning Ref UTT/19/2283/HHF

discussed also makes no mention of the site being within the Green Belt and which would have been an essential consideration. The Council were asked to further comment but have not responded². On the basis of the evidence before me, I believe comments in the Council's Officer report with regards to the appeal buildings being within the green belt to be made in error. As such, saved Policy S6 of the Uttlesford Review Development Plan 2005 (RLP) as stated in the Council's Reasons for Refusal is not relevant to this case.

Main Issue

4. The main issue is the effect of the development upon the existing dwelling, including the character and appearance of the locality.

Reasons

5. The appeal site is located along Latchmore Bank, a narrow cul-de-sac that provides access to the appeal site and neighbouring properties Silver Birch and Falcon House. To the north of the appeal site are agricultural fields with a Public Right of Way, whereas to the south is located Hatch Green which contains a number of smaller residential semi-detached and detached properties that have the rear boundaries of their gardens adjoining the appeal site. The surrounding properties are relatively functional in their design and appearance with a mixture of hipped and pitched and gabled roof types, and are generally well proportioned. The appeal site contains a large detached two storey dwelling that fronts Latchmore Bank, which is linked via a conservatory to an L-Shaped outbuilding which is positioned to form an internal courtyard to the appeal building. To the rear of the building are extensive grounds, with the outbuilding being the closest positioned building to the residential properties along Hatch Green.
6. A recent appeal decision³ was undertaken for the appeal site which dismissed an application for a number of proposed alterations to the appeal buildings. Having read the appeal decision, this appeal does not appear to cover the same extent of alterations; however some appear to be the same such as the proposed dormer windows, conservatory removal for infill single storey extension, and hip to gable roof extensions. In these elements the Inspector viewed these particular alterations as not causing material detriment to the character and appearance of the building or the locality which I give considerable weight to.
7. Having undertaken my own assessment of the development, the two dormer windows which are positioned on the roof plane facing the courtyard are large, and excessively so. I appreciate the proportions of the outbuilding are also quite large, however the dormer windows have a visual bulk and dominance which are oversized and present a cluttered appearance to the existing roof. Despite this, the use of similar roof tiles to the roof does assist in reducing the visual impact and given that the dormers face an internal courtyard and are relatively inconspicuous from surrounding walking paths, their harm is not to the level where material detriment would be caused.
8. The placement of rooflights to the outbuilding illuminate the first floor which is used as part of the ancillary residential use of the dwelling. Whilst there is a large number of roof lights, they do not protrude from the plane of the roof and

² Email from Planning Inspectorate to Uttlesford Council Dated 26th February

³ Appeal Decision: APP/C1570/D/20/3246169

are relatively inconspicuous. On this basis they are generally appropriate and would not lead to material detriment to the existing building or the character and appearance of the locality.

9. The hip to gable roof extensions have almost been finished and whilst adding more visual bulk compared to the previous half hipped roof form, would be in keeping with pitched and gabled roof forms found within the locality.
10. Comments within the Planning Officer's report highlight the squaring off of the conservatory to form a single storey infill extension with increased roof height. Whilst this may be the case, the single storey infill extension is generally proportionate to the existing dwelling and would not be an incongruous addition for this location within the internal courtyard.
11. In conclusion on this matter, I do not consider that the development would cause material detriment to the existing building and the character and appearance of the locality. Consequently, the proposal would be compliant with the RLP Saved Policies S3, GEN 2 and H8 which seek to secure development that is compatible with its surroundings and extensions that respect the scale and design of the original building.

Other Matters

12. There is discussion in the Planning Officer's report with regards to the joining up of two dwellings and their appropriateness in terms of character and appearance. The applicant's Statement of Case confirms that the appeal site consists of a dwelling and annexe, and I have no reason to doubt this claim. I have therefore not needed to delve into this discussion with regards to the joining of two dwellings which is not relevant to the case at hand which involves alterations and additions as per the planning application form.
13. The Planning Officer's Report contains discussion with regards to living conditions with it being judged that there is inappropriate ventilation, room sizes, rooms solely lit by roof lights, privacy and overbearing caused by the development. Despite these assertions by the Council, there is no reason for refusal which relates to living conditions. That said, I am satisfied, based on the evidence before me, that the extensions are (or would be) sufficiently distant from neighbouring houses, including being set back from shared boundaries, to ensure the appeal scheme has not (and would not) resulted in surrounding and future/ current occupiers being subject to a harmful loss of light, outlook or privacy. It is also noted that room sizes do appear adequate, and also have adequate access to natural light and ventilation.
14. I note a representation by an interested party with regards to concerns of overlooking which relates to the 'longer of three windows' which appears to be from the previous appeal decision where three dormers are mentioned along the roof plane of the outbuilding as such windows do not exist in this application. The windows along the rear roof plane fronting dwellings along Hatch Green are roof lights which have been positioned towards the apex and would appear to be over 1.7 metres from the finished floor level. On this basis I do not consider that the roof lights would result in any opportunities for overlooking.

Conclusion and conditions

15. I conclude that the extensions are generally appropriate and would be compliant with the development plan on the basis of the reasons discussed and subject to the conditions mentioned previously.
16. I have had regard to the context of the National Planning Policy Framework and the National Planning Practice Guidance which advises that conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
17. Condition 1 seeks the scheme to be constructed in accordance with approved plans and materials and is a standard condition which is necessary and is required for the avoidance of doubt. The standard time limit condition of 3 years is not required given that the development has already commenced.

J Somers

INSPECTOR