



Appeal Decision

Site Visit made on 8 July 2021

by A Edgington BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2021

Appeal Ref: APP/Z1510/D/21/3270437

Rivendell, Chalks Road, WITHAM, CM8 2BT

- 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 Phil Barlow against the decision of Braintree District Council.
 - The application Ref 20/02129/HH, dated 13 December 2020, was refused by notice dated 15 February 2021.
 - The development proposed is First Floor Rear Extension, and Alterations to Existing Dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has referred to policies from the Draft Local Plan in its decision but as this is at examination stage and may yet change, I have given those policies limited weight.
3. Policies RLP17 and RLP90 of the 2005 Local Plan were saved in 2008. However, there is nothing before me to indicate that they are inconsistent with the National Planning Policy Framework (the Framework) and should be given anything but full weight. Similarly, Policy CS9 of the Core Strategy¹ was adopted some years before the Framework but given its consistency with that document, I also give that policy full weight.
4. Although the application form does not mention the appellant's name as given in the banner, I am satisfied that this is because the application was submitted by an agent.

Main Issues

5. The main issue is the effect of the development on the character and appearance of the area.

Reasons

6. Rivendell is a semi-detached dwelling that has previously been extended to the side and the rear. It shares a rear hipped outrigger with Clovelly. On its other side, there is a very small gap as a consequence of previous side extensions. As such the dwellings appear at first glance to form a terrace. The adjacent semi-detached dwellings also share a rear hipped outrigger.

¹ Core Strategy 2011

7. The proposal is for a first floor extension above the ground floor kitchen extension. However, the proposed roof form would be significantly taller and extensive than that above the first floor extension at the adjacent Bembridge. Although what is proposed would extend to Rivendell's side and rear boundaries, this does not appear to account for the proposed roof form which I conclude is informed by the intention to provide sufficient headroom and floorspace for a future loft conversion.
8. Rivendell's contribution to the hipped outrigger would be subsumed into one combined monopitch with a flat roof above. This would extend to the other side boundary and terminate in what would appear as a gable attached to the original roof by the flat roofed section. The flat roof would be higher than the roof above Bembridge's subservient first floor extension, and would appear disproportionately large and overscaled in comparison. The roof form would appear top heavy and unrelated to the scale and typology of the roofs seen on adjacent dwellings.
9. The building pattern around Rivendell comprises lines of similar brick semi-detached and detached dwellings, which although unremarkable, contribute to an underlying consistency of scale, typology and articulation. The outriggers at the rear of Rivendell and the adjacent houses are visible in views between dwellings from St Nicholas Road and I see no reason why Rivendell and the other dwellings on Chalk Hills Road would not be visible in views from the rear of other dwellings in the area. As such, the development's substantial increase in roof volume and bulk, including the significant depth of the flat roof, would be visible from St Nicholas Road and on the basis of my observations I am not satisfied that it would be screened by the outrigger at Bembridge and Gaza. In any case it would be highly visible from the rear of nearby dwellings and appear unduly bulky and incongruous with the prevailing development pattern.
10. The evidence outlines alternative roof forms which, it is argued, are less aesthetically pleasing than the appeal proposals. However, both options are less bulky and would retain something of the underlying typology and articulation of the host dwelling. In that respect those options would have less adverse impact on the character and appearance of the area.
11. I appreciate that there are other piecemeal additions to dwellings in the area, some of which are visible in the street scene. However, the presence of harm elsewhere does not necessarily justify the proposals before me.
12. I also acknowledge that the cited policies do not set out that extensions are to be subservient or set back. However, in my experience this is often set out in local design guides and is considered to be best practice. Moreover, the first floor extension at Bembridge, which would be next to the proposed extension and which provides the immediate context, is set back from both the side and rear faces of that dwelling. The fact that the extended roof would have the same roof pitch and ridge height of the outrigger does not alter my reasoning in relation to its scale and bulk.
13. In the light of the above, I conclude that the development would have an adverse effect on the character and appearance of the area. This would be contrary to the design aims of Saved Policy RLP17 which states when considering proposals for extensions to an existing house the siting, bulk and form should be compatible with the original dwelling.

14. The development would also be contrary to Saved Policy RLP90 states that design shall recognise and reflect local distinctiveness, and the layout, height and overall elevational design of development shall be in harmony with the character and appearance of the surrounding area. I see no reason why Saved Policy RLP90 should be applied only to new dwellings.
15. The proposals would also fail to accord with the design aims of Policy CS9 and Section 12 of the Framework. In particular, Paragraph 127 of the Framework sets out that development should be sympathetic to local character and history, including the built environment. Again, although Policy CS9 is a strategic policy I see no reason to conclude that extensions are excluded.

Public Sector Equality Duty

16. The evidence before me indicates that the works are required to enable the appellant's family to live with him and to provide care. I have given this due regard, as required by the Equality Act 2010 and the Public Sector Equality Duty.
17. However, whilst I give this considerable weight there is very little before me to indicate what those care needs might be, or to provide supporting evidence. As such, on the basis of what is before me, I am unable to conclude that those needs require a development of this scale or that other design options are not available. Nor am I able to conclude that in relation to this appeal that such needs as have been identified, outweigh the harm identified above in relation to the character and appearance of the area. In any case, a balance needs to be struck between the impact of development designed to assist dependent relatives and the wider community.

Other Matters

18. Concerns are raised that the Council has not pro-actively sought communication with the appellant. However, such matters are outside the remit of this appeal.
19. I appreciate that neighbours may not have objected but this does not alter my reasoning. In any case it is unclear who has been consulted and in what form.
20. The proposed removal of the existing conservatory weighs neither for nor against the appeal.
21. There is nothing before me to indicate that this development is required to effect repairs to the host dwelling.

Conclusion

22. The development would be contrary to the Local Development Plan taken as a whole and would fail to accord with national guidance. There are no material considerations of such weight to lead me to conclude otherwise. The appeal is dismissed.

A Edgington

INSPECTOR