
Appeal Decision

Site visit made on 25 August 2021

by Penelope Metcalfe BA(Hons) MSc DipUP DipDBE MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 02 September 2021.

Appeal Ref: APP/Z1510/D/21/2374089

46 Highfields, Halstead, CO9 1NH

- 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 Ian Comfort against the decision of Braintree District Council.
 - The application Ref 20/01381/HH, dated 22 August 2020, was refused by notice dated 25 February 2021.
 - The development proposed is single storey extension attached to existing dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a single storey extension attached to existing dwelling at 46 Highfields, Halstead, CO9 1NH in accordance with the terms of the application Ref 20/01381/HH, dated 22 August 2020, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan and 20-172-AS-1revB plans and elevations.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.

Main issue

2. I consider that the main issue in this case is its effect on the character and appearance of the area.

Reasons

3. 46 Highfields is a detached two storey house in a well established modern residential area. It is located on the inside of a bend in the road. The land rises quite steeply across the front of the site such that the flank wall on the northwest side meets the ground at a lower level than that of the front entrance on the northeast side. There is an area of grass between the flank wall and the highway which continues round and up the slope to the front, bounded by a low post and chain fence.

4. I consider that the relevant policies in this case are RLP17 and RLP90 of the Adopted Local Plan 2005 (the local plan), which relate to residential extensions and the layout and design of development. They require, among other things, proposals to be compatible with the original dwelling, with no material impact on the identity of the street scene and the scale and character of the area. The Council also refers to policies LPP38 and LPP55 of the emerging Section 2 of the Draft Local Plan (Section 2). These carry forward similar criteria to those set out in policies RLP17 and RLP90. They are consistent with the National Planning Policy Framework 2021 (the Framework) and therefore carry some weight in this appeal.
5. The proposed single storey extension would be attached to the flank wall and set back from the front building line by approximately 2m, with its rear wall coinciding with the end of the public footpath on this side of the road. It would be modest in size and height and set away from the highway behind the existing post and chain fence by approximately 1m.
6. I consider that the design, form, scale and proposed materials of the extension would not appear incompatible with the existing building and that, although it would be readily visible from the side on the corner, it would be partially concealed by the existing hedge adjacent to the site boundary on the approach from the southwest. Its modest size would render it relatively unobtrusive, particularly when viewed in the context of the long red brick wall on the opposite side of the road.
7. I conclude that the proposal would not harm the character and appearance of the area and that it is consistent with policies RLP17 and RLP90 of the local plan and LPP38 and LPP55 of Section 2, and the Framework.
8. For the reasons given above, the appeal is allowed.

Conditions

9. I have considered the conditions put forward by the Council, having regard to the tests set out in the Framework. A condition detailing the plans is necessary to ensure the development is carried out in accordance with the approved plans and for the avoidance of doubt. A condition relating to the materials is necessary in order to ensure the satisfactory appearance of the development.

PAG Metcalfe

INSPECTOR