
Appeal Decision

Site visit made on 26 August 2021

by Steven Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 24 September 2021

Appeal Ref: APP/C1570/D/21/3274337

Bullpitts, Old Street Hill, Hatfield Broad Oak CM22 7LB

- 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 Mark Howe against the decision of Uttlesford District Council.
 - The application Ref: UTT/21/0074/HHF, dated 9 January 2021, was refused by notice dated 9 March 2021.
 - The development proposed is described as a 'first floor side extension with dormer windows.'
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Decision

1. The appeal is allowed, and planning permission is granted for a first-floor side extension with dormer windows at Bullpitts, Old Street Hill, Hatfield Broad Oak CM22 7LB in accordance with the terms of application UTT/21/0074/HHF, dated 9 January 2021, and subject to the following conditions: -
 - i. The development hereby permitted shall begin no later than three years from the date of this decision.
 - ii. The development hereby permitted shall be carried out in accordance with the following approved plans: C369/EX/11; C369/PL/11 and C389/PL/12.

Procedural Matter

2. A revised National Planning Policy Framework (the Framework) was published in July 2021, and this post-dates the Council's refusal notice. As part of the determination of this appeal, I afforded the main parties an opportunity to comment upon the implications of this change for the purposes of determining this appeal. I have determined this appeal in accordance with the relevant parts of the development plan including the Framework.

Main Issue

3. The main issue is the effect of the proposed development upon the character and appearance of the area.

Reasons

Character and appearance

4. The appeal property is detached and occupies a substantial plot in a rural setting which has a variety of individually designed houses in a scattered development pattern.
5. Planning permission has been granted previously for its extension¹ and the approved development is under construction. That approval includes, amongst other things, a single storey side extension and the appeal proposal is for the construction of a first-floor addition to it, adding approximately 22m² of floor area. This, together with the approved extensions, would add some 135% to the floor area of the original building. However, the vast majority of this increase has previously been approved by the local planning authority (LPA).
6. Policy H8 of the Uttlesford Local Plan 2005 (LP) states that extensions will be permitted if their scale, design and external materials respect those of the original building. Policy GEN2 of the LP, amongst other things, has the same aim. The Council's Home Extensions Supplementary Planning Document 2005 (SPD) contains the same requirement. Chapter 12 of the Framework stresses the need for good design.
7. None of the above contain any definition as to how 'scale' is to be assessed in this context. However, I find that in this instance, where the vast majority of the additional floor space has already been approved, the further addition of some 22m², to be constructed above an approved ground floor extension to the side of the dwelling, would not result in a significantly larger dwelling than already permitted.
8. The proposed first floor extension would continue with the same roof details as approved, and the fenestration details and external materials would be complementary to the approved plans. The proposed dormers would be only a modest addition and would not look out of place.
9. The LPA refers to the rural location of the appeal property and alludes to a different, and possibly more limiting control upon extensions in such areas when compared to more urban settings. However, I have no information before me to support any such difference in policy terms.
10. Therefore, for the above reasons and in this instance, I conclude that the proposed development would be acceptable in terms of design and that no harm would be caused to the character and appearance of the area. The proposal would therefore accord with the character, appearance and design requirements of policies H8 and GEN2 of the LP, with the SPD and with the Framework.

Planning conditions

11. I have imposed the standard time condition and a condition to ensure the development is in accordance with the approved plans in the interests of certainty.

¹ UTT/18/0574/HHF

Conclusion

12. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Steven Hartley

INSPECTOR