



Appeal Decision

Site visit made on 22 November 2021

by P D Sedgwick BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3RD December 2021

Appeal Ref: APP/H1515/D/21/3278385

39 Conifer Drive, Warley, CM14 5TZ

- 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 Rushmer against the decision of Brentwood Borough Council.
 - The application Ref 21/00346/HHA, dated 26 February 2021, was refused by notice dated 23 April 2021.
 - The development proposed is replacement of a single storey rear conservatory with a 2 storey rear extension and 2 rear dormers to existing garage.
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Decision

1. The appeal is allowed and planning permission is granted for replacement of a single storey rear conservatory with a 2 storey rear extension and 2 rear dormers to existing garage at Land at 39 Conifer Drive, Warley, CM14 5TZ in accordance with the terms of the application, Ref 21/00346/HHA, dated 26 February 2021, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 2107.00 Location Plan; 2107.01 Existing and Proposed Site Plans; 2107.02 Existing Ground Floor Plan; 2107.03 Existing First Floor Plan; 2107.04 Existing Roof Plan; 2107.06 Existing Elevations; 2107.07 Existing elevations; 2107.08 Existing Sections; 2107.10 Proposed Ground Floor Plan; 2107.11 Proposed First Floor Plan; 2107.13 Proposed Roof Plan; 2107.14 Proposed Elevations; 2107.15 Proposed Elevations; 2107.16 Proposed Sections.
 - 4) The first floor windows in the rear of the garage shall be:
 - a) glazed using obscured glass to a minimum of level 3 of the "Pilkington" scale of obscuration, and
 - b) non-opening below a height of 1.7m above the floor of the room in which the window is installed.The windows shall be installed prior to the first occupation of the building or use of the room of which the windows is installed. Those windows shall remain so glazed and non-openable.

Main Issues

2. The main issues are the effect of the proposed development upon:

- the character and appearance of the host building and the surrounding area; and,
- the living conditions of occupiers of neighbouring properties, with particular regard to privacy.

Reasons

Character and appearance

3. The appeal site relates to a 2 storey detached dwelling at the end of a cul de sac. There is space to the front of the dwelling to park behind which there is a detached double garage. The garage and a side garden back on to the rear gardens of Woodman Road. The rear garden backs on to a public footpath which runs past Woodman Road Cemetery. It was clear from my site visit that the footpath is popular and well used.
4. The main rear elevation of the host property is set back from the cemetery footpath behind a close board fence and back garden. A single storey conservatory extends back from the house and is joined to the neighbour's double garage, both of which extend close to the rear boundary fence. The gable end of the neighbouring house, 28 Conifer Drive, also backs on to the cemetery path close to the boundary with it.
5. The proposal is to replace the conservatory with a 2 storey extension. The ground floor would be deeper and wider than the first floor which would be set in at the rear and on one side. The first floor extension would have a hipped roof, floor to ceiling windows on the side and rear with obscured glazed balconies, and 3 roof lights. 2 dormer windows are proposed on the rear roof of the garage, facing the back gardens of houses along Woodman Road, and a window in the roof space and a side door on the gable end of it, facing towards the cemetery footpath.
6. The Council is concerned that the proposed development would appear bulky and dominant, particularly because of its juxtaposition with the neighbours' garage, and that the proposed roof lights, and the dormer windows on the garage, would be out of keeping with development in the area.
7. Although the proposed extension would be higher than the adjacent garage it would not be as wide. The eaves and ridge of the extension roof would be below that of the main house. As a result, it would appear subservient to the host house. It would also be lower in height than 113 Woodman Road and 28 Conifer Drive which are as close to the cemetery footpath as the proposed development. As such it would not appear overly dominant or bulky.
8. As noted by the appellant, there are several examples of rooflights on the front elevation of houses along Woodman Road on the approach to the cemetery footpath. They would not therefore appear out of keeping on the proposed extension. The proposed dormer windows would be set in from the sides, above the eaves, and below the ridge of the garage roof and as such they would not dominate it. They would be largely screened by vegetation to the rear in gardens on Woodman Road. Even if the vegetation was removed, the dormers

would be seen within the context of rear roofs within the wider area, several of which along Woodman Road had dormer windows, albeit on houses rather than garages. Overall, the proposed development would not be visually intrusive or out of character.

9. I conclude on this main issue that the proposed development would not harm the character and appearance of the host property and wider area and as such there would be no conflict with Chapter 12 of the National Planning Policy Framework (2021) and Policy CP1 criteria i) and iii) and Policy H17 of the Brentwood Replacement Local Plan (Saved Policies) (2008) (BRLP) which require development to be well designed and compatible with surrounding development in terms of its size, scale, and design, and that dormers should not dominate a roof.

Living conditions

10. The proposed windows at the rear of the first storey extension would face towards the rear gardens of Nos 4 and 5 Guardsman Close which back on to the cemetery footpath. However, the windows would be approximately 15 metres from their rear garden boundaries. In addition, mature trees to an extent limit views between them and the appeal site, although I appreciate that recent pruning and the lack of foliage in the winter reduces its effectiveness. Nonetheless, there will already be an element of overlooking from neighbouring properties on Guardsman Close into their gardens, and from the appeal site property and its neighbour. In my view, the additional potential for overlooking that would arise from the proposed development would not harm the living conditions of occupants of Nos 4 and 5 to such a degree as to warrant withholding planning permission.
11. The side window on the first floor extension would face towards the rear of 111 Woodman Road. It would be approximately 10 metres from the boundary fence and adjacent trees which partially screen views between the 2 properties. No 111's rear garden is approximately 30 metres deep which is enough to ensure that a substantial part of it would be unaffected by overlooking even if the trees between the 2 properties were removed. The garage dormers would be much closer to the rear gardens on Woodman Road but would have obscured glazing thus preventing overlooking.
12. Overall, I am satisfied that the proposed development would not harm the living conditions of occupiers of neighbouring houses and there would therefore be no conflict with Chapter 12 of the Framework and Policy CP1 criterion (ii) of the BRLP which require that development should not have an unacceptable impact on the amenity of nearby occupiers in terms of overlooking or loss of privacy.

Other Matters

13. Representations also raised concerns relating to overshadowing and the structural integrity of the proposed development. I have had regard to these matters and conclude that either no harm would occur, or that based on the evidence before me the level of harm would not be significant enough to warrant withholding planning permission.

Conditions

14. I have considered the conditions suggested by the Council. A condition specifying the approved plans, is necessary in the interests of clarity. A condition requiring matching materials is necessary to safeguard the character and appearance of the area and a condition requiring obscured glazed windows on the garage dormers is necessary to protect living conditions.

Conclusion

15. For the reasons given above I conclude that the appeal should be allowed.

P D Sedgwick

INSPECTOR