



Appeal Decision

Site visit made on 21 December 2021

by **P. D. Biggers** BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 December 2021.

Appeal Ref: APP/C1570/D/21/3277703

Silverthorn, Canfield Drive, Takeley, Essex CM22 6SZ.

- 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 James Kellerman against the decision of Uttlesford District Council.
 - The application UTT/21/1011/HHF, dated 22 March 2021, was refused by notice dated 14 May 2021.
 - The development proposed is first floor extension to annexe.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the period since the appeal was submitted the Government has published a revised version of the *National Planning Policy Framework* (The Framework). The new policies in the revised Framework have not brought me to any different decision on the appeal and therefore I have not considered it necessary to invite the appeal parties to comment on the new document.
3. The application, the subject of this appeal, was originally refused for a second reason that there had been insufficient information submitted to discount the possibility of an adverse impact on protected species namely bats. However, included in the appeal documentation is a bat survey which has been undertaken on behalf of the appellant. The survey clearly shows that, whilst bats may be present within and may forage across the area, there was no evidence of bats using the roof space or any part of the annexe and therefore the proposal would have no impact on protected species. I have no reason to doubt the survey results and therefore I do not propose to consider this as a main issue in my determination of the appeal.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the host dwelling and its countryside setting.

Reasons

5. The appeal site sits on the south side of Canfield Drive – a private road to the south of Takeley village and outside development limits. In the immediate vicinity of the site the Drive is characterised by mainly large, well-spaced, detached dwellings standing in extensive mature gardens within a woodland setting.
6. Silverthorn follows this pattern and is a large two storey house faced in white

render under a tiled roof. Set to the side of the main house but forward of it is a single storey two bedroomed cottage built as an annexe and built in the same materials to the main house.

7. The annexe was created through the conversion and enlargement of a garage and when it was granted permission (ref UTT/2480/11/FUL) it was conditioned so that the annexe could not be occupied other than for purposes ancillary to the residential use of Silverthorn as the main dwelling. The annexe is currently occupied by a member of the family owning Silverthorn.
8. The annexe has been built as entirely self-contained accommodation with its own kitchen, bathroom, living and sleeping accommodation. The only facilities currently shared with the main house are access and parking and the garden.
9. The proposal would see what is already a generously-sized annexe extended significantly by the addition of an upper floor nearly doubling the floor area of the main part of the annexe minus the conservatory and bathroom offshoots. The result of the extension would be a two storeyed, three bedroomed house with two bathrooms and two public rooms plus kitchen and large hallway significantly more than would normally be expected in an annexe.
10. The proposed extension to create a first floor would mean both a significant increase in height of the roof and a substantial increase in the lateral spread of the roof as it would extend over what is currently a double pitched rear offshoot to the annexe accommodating the bedrooms. The result would be a substantial increase in scale, mass and height to the extent that in some views it would no longer appear as a subordinate structure to the main house. Whilst I accept distant views of the proposal would be screened by trees and landscaping the frontage to the site and immediately around the two buildings is relatively open. The annexe given its position on the frontage would dominate the view of Silverthorn from the road. At present the annexe does not intrude to any extent in the setting of the main house but the scale of extension would adversely affect this relationship and intensify the density of development on the site.
11. It has been put to me that the extension would be in matching materials to the main house, sit within a landscaped context and would constitute an improvement to the appearance of the annexe. However, from observations on my site visit the grounds immediately around the house and annexe are relatively open and the effect of the annexe in relation to the house would not be screened by landscaping. Moreover, it is the overall scale and mass of the proposal that would have the detrimental impact and I am not persuaded that this would be mitigated by a sensitive design and appropriate materials.
12. I have been referred to the outbuilding extension at Twin Pines to the south of Silverthorn which was granted permission (ref UTT/18/0370/HHF) and which the appellant considers presents a close parallel to what is proposed at Silverthorn. However, I am not persuaded that this is the case. In the first instance although it was a first floor extension, (somewhat similar in scale) that was proposed at Twin Pines, it was to provide gym and office space above a retained garage complex, it was not residential accommodation as proposed at Silverthorn. Secondly, at the time of my site visit the extension to the outbuilding had not been constructed. I do not therefore consider the cases are sufficiently similar and I will determine the appeal case on its own merits.
13. The Framework at paragraph 130 requires that developments must be sympathetic to local character to create high quality buildings and spaces amongst

other things and in these respects the proposal fails. Although Policy S7 of the *Uttlesford Local Plan 2005* (ULP) dealing with development in the countryside is now only partly consistent with the Framework, one remaining section is still relevant and that is that development should protect or enhance the particular character of that part of the countryside where it is located. It has been put to me that, as the wider area is currently seeing new residential development and the pattern of development often features the development of large outbuildings, the development would not be out of keeping. However, as set out above a development of this scale creating a substantial second house on the site would significantly intensify development to the detriment of the countryside character. In addition, ULP Policy GEN2 in requiring development to be compatible with the scale, form, layout and appearance and materials of its surroundings amongst other things and Policy H8 on extensions requiring extensions to be in scale with the original building are still consistent with the Framework and the proposal would conflict with them.

14. The Council, in order to assist householders in designing house extensions and alterations has prepared the *Householder Extension Supplementary Planning Document* (SPD). Whilst the SPD does allow the development of annexes these should be single storey and usually attached to the main house and sharing the same garden and access. The annexe as extended would not meet this guidance. For the above reasons i.e. principally the positioning, height, scale and mass of the proposed extension, the proposal would have an unacceptable impact on the established character and appearance of Silverthorn and countryside character of Canfield Drive, contrary to the ULP policies and SPD.

Other Matters

15. It has been put to me by the Council and third party objectors that the proposal would create a new independent dwelling separate from the main house. Whilst I accept that the physical effect would be to create a substantial house rather than an annexed cottage, the occupancy as ancillary to the main house would still be controlled by the original permission and its conditions and there is nothing in the evidence before me that the basis of the occupancy would change. In any event control could be reapplied by attaching a similar condition to a permission were the appeal to be allowed.
16. I understand the appellant's wish to achieve additional family accommodation in the annexe and in that way make sustainable and effective use of housing land, an objective which is encouraged by the Framework in Section 11. However, paragraph 124 in the same section of the Framework states that this should not be at the expense of maintaining an area's prevailing character and setting. No specific evidence of need has been put forward to justify this scale of extension and as such, sustainable and effective use of the dwelling would not outweigh the harm to the character and appearance of the Silverthorn site and Canfield Drive as a result of the proposal.

Conclusion

17. In reaching my decision I have had regard to the matters before me and, notwithstanding the fact that the annexe could still be controlled so that occupation would be ancillary to the main house, for the reasons above the appeal should be dismissed.

P. D. Biggers

INSPECTOR