



Appeal Decision

Site visit made on 20 December 2021

by P. D. Biggers BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 December 2021.

Appeal Ref: APP/C1570/D/21/3281974 23 Oak Drive, Elsenham CM22 6GB.

- 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 Martyn Clark against the decision of Uttlesford District Council.
 - The application Ref UTT/21/1701/HHF dated 18 May 2021, was refused by notice dated 27 July 2021.
 - The development proposed is single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for single storey rear extension at 23 Oak Drive, Elsenham CM22 6GB in accordance with the terms of the application, Ref UTT/21/1701/HHF dated 18 May 2021 and subject to the following conditions.
 - 1) The development hereby permitted shall be begun no later than the expiration of 3 years from the date of approval.
 - 2) The development hereby permitted shall be carried out in accordance with the submitted documents and the following approved plans: 1021-21.PL.010; 1021-21.PL.011; 1021-21.PL.012; 1021-21.PL.013; 1021-21.PL.014.
 - 3) 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.

Main Issues

2. The main issues are whether the proposed development would have a detrimental impact on:
 - The living conditions of present and future occupants of No 23 as a result of reduced private amenity space and
 - Highway safety as a result of reduced space for on-site parking.

Reasons

3. Oak Drive, where the appeal site is located, is part of a modern residential estate of two storey, detached and linked houses in brick and tile with render and timber weatherboarded detailing. The appeal property is linked to its neighbour at No 21 by a pitch roofed car port and drive with the main houses orientated with their gable end to the road.

4. Directly opposite the appeal property is a large informal area of open space complete with play area and access to woodland beyond.

Living Conditions

5. The proposed extension to the rear of No 23 would take up part of the driveway and the existing patio area in the rear garden according to the proposed ground floor plan. There would be a reduction in the current amount of garden space as a result and approximately 60m² would be left available.
6. The Council has produced guidance in the form of the *Householder Extensions Supplementary Planning Document* (SPD) to assist householders in designing extensions. The SPD makes the point that extensions should be of a size that would leave enough garden area to allow for leisure activities and, having viewed the rear garden area, there would be sufficient garden space remaining to provide for the day to day needs of the family in terms of sitting out space, clothes drying and children's play.
7. Although the Council do not refer to it in the reason for refusal the *Essex Design Guide* (EDG) is referenced in the case officer's report. The EDG states that normally proposals should achieve a minimum of 100m² of rear garden space for this size of house. However, the EDG clearly states that one of the exceptions to this may be where the property directly faces onto a substantial area of well-landscaped and properly maintained communal open space. This is the case with the appeal property where, as stated above, directly opposite there is a green space and play area and footpath access into woodland beyond which provides immediately accessible managed recreation space.
8. Accordingly, the proposal would not conflict with either the EDG or the SPD. The reason for refusal references Policy GEN 2 of the *Uttlesford Local Plan* (ULP) on design but the only clause directly relevant on this matter is paragraph c) which requires development to provide an environment that meets the reasonable needs of all potential users. The extension itself provides for the needs of the users of the home and as set out above its construction, although reducing the garden area, would not result in a failure to meet the reasonable needs expected to be met by private amenity space.

Highway Safety

9. The construction of the extension would extend into the driveway to the side of the property which extends through the car port to the rear garden fence. However, the area of driveway lost would not be significant. Approximately 11 metres would remain between the front wall of the extension and the back of footpath line. Thus, two cars could be accommodated on the drive without encroaching on the highway footpath. Two spaces are the required standard for this size of house and it was clear from my visit where one car was parked in the drive that a second vehicle could have been accommodated with the extension in situ. In addition, within a very short distance of the property, there are also additional communal visitor parking bays.
10. I am therefore satisfied that the construction of the extension would comply with Policy GEN 8 of the ULP and with the *Vehicle Parking Standards Supplementary Planning Guidance* and would not lead to a detrimental impact on highway safety as a result of the reduction in space for off-road parking.

Conditions and Conclusion

11. The Council suggested only two conditions in addition to the standard timing condition. I have considered these in the light of the advice in the Framework and *Planning Practice Guidance*. A condition requiring development to be carried out in accordance with the submitted plans is necessary in the interest of certainty. A condition to ensure the materials used on the external surfaces of the extension match the original house is necessary in the interests of maintaining the character and appearance of the property and its surroundings.
12. I have considered the matters before me and, for the reasons given above, I conclude that the appeal should be allowed and permission granted for the single storey rear extension subject to the conditions set out above.

P. D. Biggers

INSPECTOR