

Appeal Decision

Site visit made on 5 January 2022

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 JANUARY 2022

Appeal Ref: APP/Z1510/D/21/3282797

4 Cunnington Road, Braintree, CM7 3DR

- 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 Christopher Pennington against the decision of Braintree District Council.
 - The application Ref 21/01667/HH, dated 21 May 2021, was refused by notice dated 3 August 2021.
 - The development proposed is the erection of what is described as a '*Single Rear Extension*'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions at 2 Cunnington Way, with particular regard to light and visual impact.

Reasons

3. The appeal property is a two-storey, mid-terraced dwelling set within a residential location. The terraces have long, narrow gardens that, most unusually, extend to the rear at oblique angles from the rear elevations of the properties. As such, the garden to No 4 is angled towards No 2 and cuts sharply across this neighbouring property's rear elevation. The rear garden to No 4 is enclosed on both sides by an approximate 2m high close boarded fence. The proposal is for a single-storey rear extension that would project 3m adjacent to the fence line between Nos 4 and 2 and with its rear elevation set perpendicular to the boundary resulting in an unorthodox-shaped addition, projecting at its deepest to around 4.85m.
4. No 2 has a ground floor kitchen window nearest to the boundary with the appeal site and a door adjacent, beyond which is a single-storey extension to a depth of around 3.5m. In order to allow access from the rear door into the rear garden beyond, the corner of this extension nearest to No 4 is chamfered to account for the angled boundary between both properties. As a consequence, the rear, ground floor kitchen window is already tightly enclosed by its

surroundings, with an outlook directly towards the angled fence.

Notwithstanding, the restricted height of the fence gives some respite by allowing sight above it and skywards, whilst simultaneously giving reasonable access to daylight and sunlight.

5. I recognise the appellant's efforts to minimise the impact upon the amenities at No 2 by designing the extension with a split roof height. For a width of 1m adjacent to the fence line, it would measure 2.1m tall. Beyond that it would stand 2.7m tall with a glass roof lantern above. Nevertheless, even at its lowest height, in the direct facing outlook from the kitchen window the extension would be seen to be projecting above the height of the already enclosing fence. Despite the recessed position of the taller part of the extension, it too would be visible rising higher still and at close quarters. The result would be further restrictions upon daylight and morning sunlight penetrating the neighbouring kitchen window and a greater sense of enclosure.
6. I have noted the appellant's reference to extensions that were permitted to the rear of 3 Cunnington Road. However, I am not persuaded that the circumstances and context at No 3 are directly comparable to the appeal proposal.
7. I appreciate the difficulties that are imposed by the unusual layout of the gardens in trying to achieve a reasonable extension to the dwelling, however, for the reasons given, I find that, due to its height and position, the extension would harm the living conditions at 2 Cunnington Road. As such, it would conflict with Policies RLP17 and RLP90 of the Braintree District Local Plan Review, adopted July 2005, insofar as they require development, including extensions to dwellings, to have no unacceptable adverse impact on the amenities of adjoining or nearby residential properties. The failure to create a high standard of amenity for the existing users of No 2 also means that there would be conflict with the National Planning Policy Framework's policy for achieving well-designed places. Accordingly, the appeal is dismissed.

John D Allan

INSPECTOR