

Appeal Decision

Site visit made on 4 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/21/3281951
3 Blunts Hall Drive, Witham, Essex CM8 1LZ

- 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 Keith Rice against the decision of Braintree District Council.
 - The application Ref 21/00325/HH, dated 27 January 2021, was refused by notice dated 5 July 2021.
 - The development proposed is the erection of front, rear and side extensions with loft conversion and dormers to rear.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of 3 Blunts Hall Drive and the surrounding area, and upon the living conditions at 2 Blunts Hall Drive, with particular regard to privacy and visual impact.

Reasons

Character and Appearance

3. The appeal property is a detached bungalow set along a private road comprising eight broadly similar type properties arranged along each side. Those on the southern side, including No 3, are laid out in a staggered, echelon pattern, with all set reasonably deep behind open plan frontages. No 3 spans almost the entire width of the plot when measured across the front elevation with a double width flat roof garage and linking lobby space on its western side and which projects noticeably forward of the main part of the dwelling. This staggered forward building line is typical of other nearby properties, most of which display a variety of alterations and extensions that can be seen from the road in terms of side and front additions, and roof modifications. The appeal property has a deep rear garden which extends away from the house at an angle where the common side boundary with No 2 projects across a line taken perpendicular from this neighbouring property's rear elevation.

4. The proposal includes various extensions. To the front it is proposed to extend forwards to align the main part of the building with the existing garage. The building's roof would be remodelled by extending sideways over the existing flat roof garage and forwards with two hip-ended projections and with a recessed front entrance between. At the rear, single-storey extensions are proposed across the width of the existing dwelling which would follow its current stepped building line. A stepped side/rear extension is proposed to wrap around the south-eastern corner of the property, with a pitched roof over. Finally, two rear dormer windows are proposed to the rear roof slope to facilitate use of the loft space as living accommodation, including within the new pitched roof over the garage.
5. The combination of extensions would undoubtedly alter the appearance of the dwelling to a significant degree. It would be perceived as a much larger building with a more complex and articulated form compared with the simplicity of the existing dwelling. However, that does not necessarily translate into harm. The remodelled dwelling would not appear out of keeping with others. Forward facing hipped roofs are displayed on other nearby properties. Many properties along Blunts Hall Drive span the width of their plots when measured across their frontages. The forward extensions would not project beyond the existing forward building line of No 3 such that the dwelling would remain adequately recessed behind its open plan front garden. The extensions would be appropriately assimilated into the form of the existing, resulting in a modified building that would appear overall as a reasonably well composed dwelling. I find nothing about the additions that would appear overly bulky or out of scale in isolation.
6. Nevertheless, I share the Council's concern with regard to the overall span of the building. The side/rear extension to the south-eastern corner of the building (not the western side as incorrectly stated within the officer's report) would project sideways beyond the forwardmost part of the side boundary of the plot. This would be achieved due to the angled nature of the side boundary where it starts to splay at a point just beyond the rear elevation of the nearest corner of the dwelling at No 2. Although this part of the extension is to the rear, due to the height of its pitched roof, the projecting side part of the extension would be clearly visible from Blunts Hall Drive where it would be seen over the flat roof of the single-storey part of No 2 that is nearest. Due to the staggered positions of Nos 2 and 3 in relation to each other and the splayed alignment of the boundary, the side extension would overlap with part of the building position of No 2, albeit in a recessed location. This would be evident in the street scene where the extended dwelling would be seen to sprawl beyond the frontage width of the plot resulting in an uncomfortable juxtaposition between both buildings. This relationship would fail to reflect the pattern and spatial setting of dwellings along Blunts Hall Drive.
7. I agree with the Council that, due to this element of the proposal, the plot would appear over-developed. In this regard I find direct conflict with Policy RLP17 of the Braintree District Local Plan Review (LPR), adopted July 2005, which deals with extensions to dwellings, where it states that there should be no over-development of the plot when taking into account the footprint of the existing dwelling and the relationship to plot boundaries. As such the proposal

would fail to display the high standard of layout and design that is required by LPR Policy RLP90 in order to reflect local distinctiveness.

Living Conditions

8. Contrary to suggestions of mature intervening vegetation and boundary treatments that act as a screen along the side boundary between Nos 2 and 3, I was struck by the openness of these two neighbouring rear gardens. I saw little by way of mature vegetation and the fence that runs along the boundary comprised an approximate 1m high wire mesh. There was nothing of substance to provide any screening.
9. There are currently two windows to the side elevation of No 3. These serve bedroom spaces and have an outlook directly facing the rear garden of No 2. However, there is some amount of separation distance to the splayed boundary. The side extension of the existing dwelling would bring the building significantly closer to the boundary; to within 1m when measured at two separate pinch-points. It would also project the building noticeably deeper into the plot in reasonably close proximity to the shared boundary.
10. There would be a total of five windows along the flank elevation of the side extension facing the rear garden to No 2. There would be a further window at first floor within the apex of the side gable, which would serve a bedroom in the new loft space accommodation. The first-floor window would be a secondary opening to this living space and could reasonably be obscurely glazed, as could two ground floor windows which would serve en-suite facilities. The rearmost window would serve a bedroom space but, with a large expanse of glazed openings to the rear, this window could also reasonably be obscurely glazed, which I note the appellant is agreeable to. However, although the remaining two windows would be positioned almost equivalent to the two existing, they would be moved closer to the boundary. Therefore, due to proximity, there would be some increased opportunity for overlooking the neighbour's garden from habitable living space, even if only small.
11. In addition, due to the slight overlapping between the building positions, and the proximity of the side extension to the boundary when combined with its depth, I share the Council's view that the proposal would appear unduly prominent and overbearing when seen from the garden of No 2. This would be out of keeping with the otherwise open and expansive nature of the rear gardens in this immediate location.
12. Overall, I find that by reason of the potential for overlooking and proximity, the appeal proposal would lead to a loss of privacy and a degree of visual intrusion that would harm the living conditions at No 2. In this regard there would be further conflict with LPR Policies RLP17 and RLP90 insofar as they require development, including extensions to dwellings, to have no unacceptable adverse impact on the amenities of adjoining or nearby residential properties.

Conclusions

13. For the reasons given, I conclude that there would be harm to the character and appearance of the area, and to the living conditions at 2 Blunts Hall Drive. In addition to the identified conflict with the development plan, my findings lead me to conclude that there would also be conflict with the National Planning

Policy Framework's policy for achieving well-designed places. As such the Framework's presumption in favour of sustainable development does not apply. Accordingly, and having regard to all other matters raised, the appeal is dismissed.

John D Allan

INSPECTOR