
Appeal Decision

Site visit made on 11 January 2022 by Emma Grierson BSc (Hons) MSc MRTPI

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 February 2022

Appeal Ref: APP/C1570/D/21/3284387

The Village, Kevandra House The Flat, Latchmore Bank, Little Hallingbury, CM22 7PX

- 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 Colin Tagliarini against the decision of Uttlesford District Council.
 - The application Ref UTT/21/2207/HHF, dated 5 July 2021, was refused by notice dated 15 September 2021.
 - The development proposed is a dormer to rear elevation.
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Decision

1. The appeal is allowed and planning permission is granted for a dormer to rear elevation at The Village, Kevandra House The Flat, Latchmore Bank, Little Hallingbury CM22 7PX in accordance with the terms of the application, Ref UTT/21/2207/HHF, dated 5 July 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: ATW 301, ATW 302, ATW 101 and ATW 102.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials that match those used in the existing building.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The Council indicate that the appeal site is located within the Green Belt. However, this is contended by the appellant, who has provided a map showing that the dwelling on the appeal site and the development proposed is located just outside of the Green Belt boundary. This is further supported by a recent appeal decision¹ for a previous development on the appeal site, which has been provided by the appellant. This evidence is sufficient for me to conclude that the proposal does not fall within the Green Belt and therefore Policy S6 of the Uttlesford Local Plan (2005), relating to the Metropolitan Green Belt, is not relevant to the appeal before me.

¹ APP/C1570/D/20/3262930

Main Issues

4. The main issues in the appeal are:

- the effect of the proposed development on the character and appearance of the host dwelling and the surrounding area, and
- the effect of the proposed development on the living conditions of the occupiers of neighbouring dwellings in relation to privacy.

Reasons for the Recommendation

Character and Appearance

5. The appeal site is occupied by a two-storey detached dwellinghouse with further habitable accommodation located in the roof space, along with a L-shaped, two-storey, chalet style annexe building connected to the main dwelling at ground floor level. The annexe currently has both large box dormers and smaller pitched roof dormers serving the first-floor rooms. The proposal would introduce a further box dormer on the southern elevation of the annexe which is currently only occupied by a number of rooflights.
6. Compared to the scale of the existing building, the dormer proposed is not excessive in size and is simple in design, matching the style and materials used for other dormers on the property. Although the current roofscape of this elevation is uncluttered, the addition of one small dormer would not be an overly dominant addition and therefore would not be detrimental to the character and appearance of the host dwelling. Furthermore, as the proposed development would not be viewed in the same context as the existing dormers, which are located on other elevations, it would not result in a muddled appearance.
7. Due to the location of the proposal, it would not be readily visible from the public realm. However, it would be partially visible to the occupiers of the neighbouring dwellings on Hatch Green. Nevertheless, due to its modest proportions, the proposed dormer would not have a significant impact on the character and appearance of the surrounding area.
8. Consequently, the proposed development would not harm the character and appearance of the host dwelling or the surrounding area and would comply with the relevant sections of Policies S3, GEN2 and H8 of the Uttlesford Local Plan (2005). These policies seek to ensure that development is compatible with the settlements character and countryside setting as well as the scale, form, layout, appearance and materials of the original building and surrounding buildings. It would also comply with the general design objectives of the National Planning Policy Framework.
9. The Home Extensions Supplementary Planning Document (2005) (SPD) states that dormer windows should only be used to light the roofspace and not to provide extra headroom across the width of the roof. The proposal undoubtedly provides additional headroom to the bedroom which it will serve and therefore would be contrary to this guidance. However, the increase in headroom is modest and as it has been found that the proposal would not harm the character and appearance of the host dwelling or surrounding area, it is not considered that this would be sufficient reason to dismiss the appeal.

Living Conditions

10. The proposed dormer window would be perpendicular to the neighbouring dwelling, Stone House, and would therefore not provide direct views into this property or result in a loss of privacy to its occupiers. The proposed window would face the rear of several properties on Hatch Green. However, the proposal is of sufficient distance from the site boundary and from these neighbouring dwellings to ensure that any overlooking would not be unacceptable or harmful to the occupiers.
11. Therefore, the proposed development would not harm the living conditions of the occupiers of neighbouring properties and would comply with the relevant section of Policy H8 of the Uttlesford Local Plan (2005) which seeks to ensure that new development would not result in the overlooking of nearby properties.

Conditions

12. In addition to the standard time period for commencement of the development, I have attached a condition requiring the development to accord with the approved plans, as this provides certainty and precision. A condition requiring the use of materials matching that of the existing building is also necessary to ensure an appropriate appearance for the development.

Conclusion and Recommendation

13. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

Emma Grierson

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Martin Seaton

INSPECTOR