



Appeal Decision

Site visit made on 22 February 2022

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 March 2022

Appeal Ref: APP/H1515/D/21/3289975

37 Kelvedon Green, Kelvedon Hatch, Essex CM15 0XG

- 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 Aaron Hardy against the decision of Brentwood Borough Council.
 - The application Ref 21/01873/HHA, dated 14 October 2021, was refused by notice dated 24 December 2021.
 - The development proposed is a two storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the neighbouring occupants.

Reasons

3. The appeal property is a detached two storey dwelling located within a residential area. It is positioned such that its side elevation is a prominent feature alongside the rear garden of 35 Kelvedon Green.
4. The appellant indicates that the proposed extension would be some 9m from the rear elevation of the neighbouring property itself. However, at two storeys high, 3.5m in length and set some 0.5m from the boundary with the neighbour, the extension would nevertheless be a sizable and noticeable addition to what is already a prominent feature. The result would be a dominant and oppressive structure adjacent to the garden of 35 Kelvedon Green.
5. The proposed extension would restrict some outlook from the neighbour's windows in the rear elevation. It would be likely to be more noticeable from the neighbour's rear conservatory although I accept that it is positioned on the opposite boundary to the proposed extension and the neighbour would retain views to the south and west.
6. Nevertheless, I find that the overall result of the proposal would be an unneighbourly form of development which would have an overbearing effect upon 35 Kelvedon Green. I conclude that this overbearing effect, occasioned by the two-storey extension, would cause significant and unacceptable harm to the living conditions of the occupants of 35 Kelvedon Green.

7. As such, the proposal would conflict with Policy CP1 of the Local Plan¹ which seeks to ensure, amongst other things, that development should not have an overbearing effect on neighbouring properties. The proposal would also be contrary to Paragraph 130 of the Framework² which, amongst other things, seeks to ensure developments are sympathetic to local character and create a high standard of amenity.

Other Matters

8. The appellant points to the absence of objection from local residents and the Parish Council to the proposed development. However, this in itself does not mean that the current scheme is acceptable and does not in any event absolve me from making an assessment as to its effects in regard to the main issue of the case.
9. The proposal is said to improve the appearance of the rear elevation. I also recognise that the Framework supports the principle of adapting existing housing to meet future needs in locations such as this one. However, the weight I could attach to these matters is limited and would in any event be insufficient against the harm and conflict with the development plan that I have found and to which I ascribe substantial weight.

Conclusion

10. The proposal would harm the living conditions of the neighbouring occupier and would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Stewart Glassar

INSPECTOR

¹ Brentwood Replacement Local Plan (2005)

² National Planning Policy Framework (2021)