



Appeal Decision

Site visit made on 3 August 2022

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 October 2022.

Appeal Ref: APP/Z1510/D/22/3292195

14 Pilgrim Close, Braintree CM7 5QG

- 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 Wender against the decision of Braintree District Council.
 - The application Ref 21/03177/HH dated 14 October 2021, was refused by notice dated 13 December 2021.
 - The development proposed is erection of part single/part double storey rear extension and erection of front porch.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of part single/part double storey rear extension and erection of front porch at 14 Pilgrim Close, Braintree CM7 5QG in accordance with the terms of the application, 21/03177/HH, dated 14 October 2021, and the plans submitted with it, subject to the following conditions:
2. The development hereby permitted shall begin not later than 3 years from the date of this decision.
3. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Plan Ref: 100 Rev P1; Block Plan, Plan Ref: 200 Rev P1; and Proposed Elevations and Floor Plans, Plan Ref: 400 Rev P2.
4. 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.

Procedural Matter

5. Since the submission of the appeal the Council have adopted the Braintree District Local Plan 2013 - 2033 (2022) (the Local Plan), which replaces the Braintree District Local Plan Review (2005) and the Braintree District Local Development Framework Core Strategy (2011). Both parties were given the opportunity to provide additional comments, therefore no party has been prejudiced or caused any injustice by me proceeding with the appeal in light of the changes in policy.
6. The Council altered the description of the development, I consider the revised description to be a more accurate description of the appeal proposal, accordingly I have adopted the amended descriptions in the heading above.

Main Issues

7. The main issue in this appeal is the effect of the proposed development on (i) the living conditions of the occupiers of the neighbouring properties; and (ii) the living conditions of the occupiers of the host dwelling.
8. The Council considered the effect of the proposed front porch during the determination of the application and raised no concerns, from the information I have before me I do not disagree.

Reasons

Living Conditions Neighbours

9. The appeal site is a two storey property located within a predominately residential area adjacent a shared parking court. The proposed development would introduce a single storey flat roof extension adjacent the shared boundary with No. 15 Pilgrim Close, the design and scale of the extension would not dominate nor overshadow the adjacent property.
10. The proposed two storey extension to the rear would be large in comparison to the existing dwelling however due to the separation distance between properties, and the presence of the parking court the proposed extension would not be incongruous nor overbearing. The pitched roof design is in keeping with the design of the existing dwelling which has pitched eaves dormers at first floor and whilst large does not dominate the existing dwelling.
11. The proposed development is located to the south of the adjacent plot, No. 13, the proposal would cast shadows over the plot. Due to the separation distance of the shared access between the plots and as No. 13 is set back from the existing rear elevation of the appeal property, I am not persuaded that any overshadowing would be harmful to the occupiers of the adjacent dwelling to a degree which would warrant a refusal.
12. The proposed development adjacent the shared vehicle access to the parking court would be prominent and obvious to users. Whilst the shared access is narrow and gated views towards the parking court opens out from the access with little visual obstruction, on this basis the proposed development would not give rise overbearing sense of enclosure.
13. I observed during my site visit that overlooking between surrounding properties is not uncommon. Windows exist on the rear elevation of the host dwelling which overlook neighbouring properties. The proposed extension introduces large full height windows on the first floor, notwithstanding this due to the position within the rear elevation overlooking of private amenity space would be reduced between the site and the adjacent properties (No's. 13 and 15).
14. I find that the proposed development would not harm the living conditions of the occupants of neighbouring properties. The proposed development would not conflict with Policies LPP 36 and LPP 52 of the Local Plan which amongst other things seek to ensure developments are of high standards of design, respect local context and for residential extensions to be subordinate to the original dwelling.
15. There is no conflict with the National Planning Policy Framework (2021) (the Framework) which seeks to ensure developments are of good design appropriate and sympathetic to their surroundings.

Living Conditions Host Dwelling

16. The Essex Design Guide recommends that properties of three or more bedrooms should have 100 sqm minimum of garden size. The proposed development would include a third bedroom and would not meet the guidelines set in out in the supplementary planning document.
17. The proposed development would reduce further the amenity space associated with the appeal site, however the private rear garden area which would be retained would be useable and not disproportionate to the scale of the property. I also note that there are pockets of public amenity space within close proximity to the appeal site.
18. Whilst the proposed development does in part conflict with the Essex Design Guide, it is important to recognise that such guidance does not constitute a 'black and white' set of rules to be applied rigidly or exclusively when other material considerations indicate that an exception may be appropriate. Given the circumstances outline above I find that the proposed development would not harm the living conditions of the occupiers of the host dwelling.
19. There is no conflict with the Framework which seeks to ensure developments have high standards of amenity for existing and future users.

Other Matters

20. A third party has raised issues relating to running of a business from the property with associated parking/access issues, the need for the extension and that trees have died in the front garden. The proposed development is for residential development, running a business from the property is not part of the proposal before me. Whilst it has been suggested that one person occupies the property and therefore there is no need for the development this is not an argument, I give weight to. With regard to the loss of trees, I have no substantive evidence before me which suggest that the trees were protected.

Conclusion and Conditions

21. For the reasons given above I conclude that this appeal should be allowed.
22. I have attached the standard time limit condition and a plans condition as this provides certainty. I have also added a condition concerning materials to ensure a satisfactory appearance.

C Pipe

INSPECTOR