



Appeal Decision

Site visit made on 4 October 2022 by A Humphries BSc (Hons) MSc

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2022

Appeal Ref: APP/H1515/D/22/3293479

48 Woodway, Hutton, CM13 2JR

- 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 Stephen Holden against the decision of Brentwood Borough Council.
 - The application Ref 21/01762/HHA, dated 14 August 2021, was refused by notice dated 24 December 2021.
 - The development proposed is for a double and single storey rear extension, front porch and dormer window.
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Decision

1. The appeal is dismissed insofar as it relates to the two-storey and single storey rear extension and the window fenestration in the flank walls.
2. The appeal is allowed insofar as it relates to the front porch and dormer window and planning permission is granted for a front porch and dormer window at 48 Woodway, Hutton, CM13 2JR in accordance with the terms of the application, Ref 21/01762/HHA, dated 14 August 2021, and the plans submitted with it, so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) 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.
 - 3) The development hereby permitted, insofar as it relates to the front porch and dormer window only, shall be carried out in accordance with the approved plans: Proposed Plans Section Elevations, Site Plan, Location Plan (Rev. A).

Appeal Procedure

3. 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

4. The description of the development above has been taken from the application form, which is also replicated on the appeal form. However, it is evident from the Council's decision notice and the planning application drawings that new

windows are proposed on the existing flank walls of the host dwelling. The proposed window fenestration in the flank walls has therefore been considered as part of this appeal.

5. Since the Council's decision notice, the Brentwood Replacement Local Plan (2005) has been revoked and replaced by the Brentwood Local Plan 2016-2033 (2022). The Council has confirmed that Policy CP1 of the Brentwood Replacement Local Plan (2005) that is referred to in the Council's decision notice has effectively been replaced by Policy BE14 of the Brentwood Local Plan 2016-2033 (2022). In the determination of this appeal, I am obliged to consider the current situation and have regard to the latest development plan. This appeal decision is therefore based on the Brentwood Local Plan 2016-2033 (2022).

Main Issue

6. The Council has not raised objections to the proposed front porch and dormer window owing to the scale and size being subservient to the host dwelling. Given this and the use of matching materials, together with the varied architectural styles in the area, I find no reason to take a different view. Moreover, due to the scale and position, these elements of the proposed development would not have an adverse impact on the living conditions of neighbouring residents.
7. The Council's reason for refusal relates solely to the two-storey rear extension, which is the sole focus of this appeal. The main issue is therefore the effect of the proposed rear extension on the living conditions of the occupants of No. 50 Woodway, with regard to outlook.

Reasons for the Recommendation

8. The host dwelling, which is a two-storey detached dwelling with a projecting cat-slide roof to the front and a two-storey extension to the rear, is in a residential area with dwellings displaying a wide variety of architectural styles. Many of these appeared to have been altered and extended. These varied architectural styles contribute to the character of the area.
9. The National Planning Policy Framework (2021) (the Framework) seeks high quality design and for developments to create places which promote health and well-being, with a high standard of amenity for existing and future users. The proposed two-storey rear extension would create a double gable end to the host dwelling that would project beyond the building line of No.50 Woodway and extend partly along the rear part of the garden. This part of the garden comprises a patio and currently appears to be the most heavily used area of the garden. By the virtue of the height, siting and proximity to the patio of No.50, the proposed rear two-storey extension would appear overbearing and affect the sense of space to the rear part of the garden. As a result, the two-storey rear extension would significantly worsen the outlook for the occupants using the rear garden and create a harmful sense of enclosure.
10. I acknowledge that no objections were raised by third parties, including from the occupants of No.50. I am also mindful of the correspondence from the occupants of No.50 submitted as part of the appeal. Notwithstanding that a hedge has been planted along the roadside boundary to the garden of No.50 for privacy reasons and the planning permission for alterations to No.50, there

is no evidence presented that the rear part of the garden of No.50 will be used any less than currently. Whilst the windows of No.50 that are closest to the proposed two-storey rear extension serve a utility room and an ensuite bedroom, the planning application drawings associated with the planning permission for No.50 that have been submitted with this appeal show that two large bio-folding doors from the living room and kitchen would open out to the rear garden. This suggests that this area will continue to be used frequently and reference to the alterations at No.50 does not lessen the impact that would arise from the proposed rear extension.

11. The proposed two-storey rear extension of the host dwelling is of a similar design to a rear extension at No.42. The double gable rear of No.42, however, does not appear to extend significantly beyond the building lines of the adjacent dwellings, which contrasts with the context and relationship of the host dwelling with No.50. In this respect, the double gable rear extension to No.42 is not deemed to be directly comparable.
12. Therefore, owing to the siting, height and proximity to the rear part of the garden of No.50, the proposed two-storey rear extension would, for the reasons above, harm the living conditions of the occupants of No. 50 Woodway with respect to outlook. This would be contrary to Policy BE14 of the Brentwood Local Plan 2016–2033 (2022) (the Local Plan) and the Framework, both of which seek to secure high standards of design that safeguards the living conditions of existing and future occupants of adjacent residents.
13. However, for the reasons set out above, the proposed front porch and dormer window would not cause harm to the living conditions of No.50 and would be acceptable in terms of their design such that these elements would comply with Policy BE14 of the Local Plan and the Framework.

Conditions

14. In addition to the standard conditions requiring a time limit for commencement of development and adherence to the approved plans, the Council has suggested a condition requiring the use of external materials to match the existing building. In the interests of preserving the character and appearance of the area, the condition is necessary and reasonable.

Conclusion and Recommendation

15. For the reasons given above and having had regard to all other matters raised, I recommend that in relation to the proposed front porch and dormer window, the appeal is allowed. However, the proposed two-storey rear extension and the single storey rear extension, which is not severable from the two-storey element, conflicts with the development plan on account of the harm to neighbouring living conditions. There are no other considerations, including the Framework that outweigh this conflict. I therefore recommend that the appeal in relation to the two-storey and single storey rear extension is dismissed.
16. Whilst the Council has not raised any specific concern in relation to the proposed new windows on the existing flank walls, these are dependent upon the proposed rear extension at first floor level which would enable the internal space to be re-configured. As such, they are not clearly severable from that part of the scheme and I recommend that the proposed new windows on the existing flank walls is dismissed.

A Humphries

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall dismiss the appeal insofar as it relates to the two-storey and single-storey rear extension and new fenestration in the flank walls but allow the appeal and grant planning permission for the front porch and dormer window, in accordance with the conditions set out above.

Chris Preston

INSPECTOR