



Appeal Decision

Site visit made on 24 January 2023

by P. D. Biggers BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st February 2023

Appeal Ref: APP/Z1510/D/22/3311054

41 Julien Court Road, Braintree, Essex CM7 9BN.

- 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 and Mrs Thorn against the decision of Braintree District Council.
 - The application Ref 22/01787/HH, dated 5 July 2022, was refused by notice dated 6 October 2022.
 - The development proposed is raising of roof and changes to roof form, first floor front extension and inclusion of front dormer, part single part two storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the proposed development was amended by the council with the agreement of the applicant from that set out in the application form as the original description did not make it clear that the proposal involved the raising of the roof. As the change was with the agreement of the appellant I have taken the revised wording as the description for the purposes of my decision.

Main Issues

3. The main issues are whether the proposed development would have a detrimental impact on:
 - the living conditions of present and future occupiers of No 7 Beaufort Gardens in terms of height, proximity and outlook and
 - the character and appearance of the host dwelling and its surroundings on Julien Court Road.

Reasons

4. The appeal site is located at the east end of Julien Court Road on a private unmade section of the road along the northern boundary of the Braintree Recreation Ground. No 41 is a dormer bungalow with a large flat roof single storey extension to the rear and two large outbuildings at the foot of the garden. The plot on its east side is bounded by a public footpath and the rear gardens to the detached two storey dwellings in Beaufort Gardens which sit at a slightly lower level to the appeal site.
5. The proposal would involve a major reconfiguring of the property, an increase in the height of the roof to accommodate a full upper floor of accommodation and increased floorspace to the rear in single and two storey extensions.

Living Conditions

6. The raising of the roof would increase the height of the dwelling at the ridge from about 5.8 metres to 7 metres. In addition to the additional height, the proposed alterations would change the east-facing elevation from a gabled end to an eleven metre long flank wall extended to accommodate the rear extension. I note that the appellant proposes to construct a north-south gabled roof to allow the ridge height to be as low as possible. Nevertheless, the impact of the change from gable end to linear ridge on the adjacent properties in Beaufort Gardens and in particular No 7 would be overbearing because the whole plot width would be dominated by the proposed development.
7. It has been put to me that the distance between the extended house and the rear elevation of No 7 Beaufort Gardens would be around 14.5 metres at the narrowest point and that this would be adequate separation. I accept in this case because there are no upper floor windows there would be no issue of overlooking or loss of privacy and the separation distance is satisfactory in that respect. However, the rear garden to No 7 is only about 12 metres in depth and even allowing for the proposed small standoff from No 41's boundary and the width of the public footpath, the effect of a high flank wall of unrelieved brickwork set at a higher level to No 7 and its garden would be overbearing on the garden and dominating in the outlook from the rear windows.
8. Also, because No 41 sits to the west-south-west of No 7 there would be some overshadowing of the garden particularly in the afternoon in winter months when the sun would be lower in the west.
9. I accept that the existing single storey offshoot on the east facing elevation would be removed in the proposal but this would be of little benefit to the neighbouring occupiers as it would not mitigate the effect of the scale and height of the blank facade.
10. The *National Planning Policy Framework* (the Framework) at Paragraph 130 requires good design that delivers a high standard of amenity for existing and future users and in this regard the proposal would fail. Both LPP36 and LPP52 of the recently adopted Braintree Local Plan (BLP) dealing with extensions and alterations and layout and design respectively are consistent with the Framework in requiring development to avoid unacceptable impacts on the amenity of nearby properties. For the reasons above, the proposal would have a detrimental impact on the living conditions of the occupants of No 7 in respect of the overbearing and overshadowing effect of the extension and the effect on outlook.

Character and Appearance

11. Most of the properties in Julien Court Road are two storey and in that context the existing bungalow at No 41 appears slightly incongruous and the principle of extending the house to two storeys would not necessarily be inappropriate subject to the right design being achieved.
12. It has been put to me that the designs, including roof designs in Julien Court Road range widely and that hipped, gabled and dormered roofs all feature in the road. What is less common however (indeed from my observations on site - absent) are asymmetric roof pitches as proposed for No 41. I note the point made by the appellant that the offset gable is reminiscent of an Arts and Crafts design and

would add interest and I acknowledge that because the nature of house design in Julien Court Road varies widely, it would be difficult to argue that the proposal would have an unacceptable impact on the streetscene or character of the area – test e) in BLP Policy LPP36.

13. Less satisfactory is comparing the proposal against test c) in Policy LPP36 relating to extensions being subordinate to the original dwelling. The proposal would completely subsume the simple, modest character of the existing house. However, again given the context in which the bungalow sits of mainly 2 storey dwellings, I am not persuaded the disproportionate nature of the extensions compared to the existing house would be enough in itself to dismiss the appeal. Nevertheless, my conclusion in this respect would not outweigh the adverse impact of the height and scale on the living conditions for present and future occupants at No 7 Beaufort Gardens.

Other Matters

14. I understand the appellants' wish to achieve additional and better configured living space through the proposed extensions, particularly at first floor and in that way make sustainable and effective use of housing land, an objective which is encouraged by the Framework in Section 11. However, as stated above, paragraph 130 of the Framework makes it clear that this should not be at the expense of a high standard of amenity for existing and future users. As such, sustainable and effective use of the dwelling would not outweigh the harm to the living conditions for neighbouring occupants as a result of the proposal.

Conclusion

15. In reaching my decision I have had regard to the matters before me but, for the reasons above, the appeal should be dismissed.

P. D. Biggers

INSPECTOR