

Appeal Decision

Site visit made on 29 August 2023

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2023

Appeal Ref: APP/P1560/D/23/3320718

11 Council Houses, Colchester Road, Wix, Essex CO11 2RR

- 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 Benjamin Swallow & Carolyn Hill against the decision of Tendring District Council.
 - The application Ref 23/00137/FULHH, dated 25 January 2023, was refused by notice dated 17 March 2023.
 - The development proposed is first floor addition to rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed extension on the character and appearance of the host dwelling and the surrounding area; and the effect on the living conditions of the occupiers of No 10 Council Houses, with regard to outlook, daylight and sunlight.

Reasons

Character and Appearance

3. The appeal property is a two storey semi-detached dwelling in a row of similar properties with open countryside on the opposite side of Colchester Road.
 4. Policy SP7 of the Tendring District Local Plan 2013-2033 and Beyond, Section 1 (2021), concerning place shaping principles, requires that all new development must meet high design standards. Policy SPL3 of the Local Plan, Section 2 (2022) concerns sustainable design and includes the overarching requirement that all new development should make a positive contribution to the quality of the local environment and protect or enhance local character. More specifically, it requires amongst other matters that development should relate well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials.
 5. No 11 currently has a flat-roofed single storey rear extension that covers most of the width of the two storey dwelling. The proposal involves an upper storey of the same depth added to around two-thirds of the width of the existing
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extension. The pitched roof and gable end would reflect the design of the principal built form. However, the roof ridge would be the same height as that of the existing two storey dwelling and the eaves would be higher than those of the existing pitched roof.

6. This would result in the extension not appearing subordinate to the original dwelling, while the different eaves heights to the upper storeys of the original and extended elements would appear inconsistent and incongruous. While these changes would not be visible from the public realm to the front, they would be seen from neighbouring gardens from which views the incongruous appearance of the proposal would be readily apparent. There are no visible examples of a similar form of two storey extension to the rear of the row of properties and so the extended dwelling, despite the use of matching materials, would appear uncharacteristic in this setting of largely uniform character and appearance of built form.
7. I acknowledge that the proposed extension is intended to create additional living space. However, these personal circumstances do not overcome the harm that would result from the proposal, as found above. Reference is made to new properties nearby of similar design and that similar proposals may be forthcoming in the surrounding area, but these matters are not a sufficient basis to set aside the effects of the specific form of development in this case.
8. Accordingly, for these reasons, I conclude that the proposed extension would have an unacceptably harmful effect on the character and appearance of the host dwelling and the surrounding area. As such, it is contrary to Policies SP7 and SPL3 of the Tendring District Local Plan 2013-2033 and Beyond, as described above. It is also contrary to the National Planning Policy Framework (the Framework), which promotes good design. Policy LP4 of the Local Plan, Section 2 is less directly relevant in my reading of it, as it concerns new residential development.

Living Conditions

9. The neighbouring property, No 10, has a rear patio area close to the shared boundary, with the single storey extension to the appeal property on the other side of the boundary fence. No 10 also has a rear conservatory next to the patio area.
10. At present, the flat-roofed single storey extension will have limited effect on the outlook from the neighbouring dwelling and garden or on natural light to No 10. However, the addition of an upper storey of the same height as the principal built form will materially alter this. The extension would be of substantive depth and height in close proximity to No 10's patio and conservatory, resulting in it appearing as a dominant and overbearing feature from the neighbouring property. Moreover, for the same reasons and the relative layout and orientation of the properties, it will lead to some loss of natural light, notably due to overshadowing in the morning.
11. For these reasons, the proposal would harm the reasonable use and enjoyment of the neighbouring property and its garden. I acknowledge that there were no objections to the proposal. However, given the permanent nature of the change proposed, the effects need to be considered in the long term, with regard to both current and future occupiers of the neighbouring property.

12. Therefore, based on these findings, I conclude that the proposal would cause material harm to the living conditions of the occupiers of No 10 Council Houses, with regard to outlook, daylight and sunlight. Consequently, it is contrary to Policies SP7 and SPL3 of the Tendring District Local Plan 2013-2033, insofar as they require development to protect the amenity of existing and future residents. It is also contrary to the Framework in this regard¹.

Other Matters

13. I acknowledge that the appellants may be frustrated by the process leading to the Council's decision in this case. However, this matter is not within the scope of this appeal, which concerns the planning merits of the proposal.

Conclusion

14. For the reasons given above it is concluded that the appeal should not succeed.

J Bell-Williamson

INSPECTOR

¹ Paragraph 130f).