
Appeal Decision

Site visit made on 1 September 2023

by S. Hartley BA(Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 15 September 2023

Appeal Ref: APP/C1570/D/23/3324732

46 Glebe End, Elsenham, Essex CM22 6EL.

- 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 Joao Miguel Passos against the decision of Uttlesford District Council.
 - The application ref UTT/23/1087/HHF dated 28 April 2023 was refused by notice dated 16 June 2023.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is allowed, and planning permission is granted for a single storey rear extension at 46 Glebe End, Elsenham, Essex, CM22 6EL in accordance with the terms of the application ref UTT/23/1087/HHF dated 28 April 2023 and subject to the following conditions:-
 - i. The development hereby permitted shall begin no later than three years from the date of this decision.
 - ii. The development hereby permitted shall be carried out in accordance with the following approved plans: PD0046-PL01-A (location plan/block plan); PD0046-PL02-A (existing and proposed plans) and PD0046-PL04-A (proposed elevations).
 - iii. 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

2. A single storey rear extension has been constructed at the appeal property and both parties agree that this does not conform in all respects to the submitted plans. The local planning authority (LPA) has refused the application on this basis, amongst other things. However, I have determined the appeal based on the submitted plans before me. Any differences between the approved plans and what has been constructed on the site is a separate matter to be investigated and considered by the LPA if necessary, using its planning enforcement powers.

The Main Issues

3. The main issues are (i) the effect of the development upon the character and appearance of the host property and area and (ii) the effect of the proposal on the living conditions of the occupiers of No.45 Glebe End in respect of daylight, sunlight and outlook.

Reasons

Character and appearance

4. The appeal site is set within a mainly residential area comprised of two-storey, brick buildings with double pitched roofs and generally arranged in terraces. The properties have small front amenity spaces, often given over to off-street parking and with garden spaces to the rear.
5. The proposed single storey rear development would extend the host property outwards by some 4 metres and its double pitched roof would have a height to its ridge of approximately 4 metres and which would not exceed the eaves of the existing, original building. The pitch of the extension would be generally the same as that of the host property.
6. Thus, by the limited extent and height of the proposed extension relative to the host property, it would assimilate well with the latter and it would appear as subordinate to it.
7. Moreover, the surrounding area is characterised by single storey outbuildings and garages, and while these may not be attached house extensions, the proposed development, of a similar size, design and height would not appear as an incongruous feature in the area.
8. Therefore, I conclude that the proposed extension would accord with policies S1, GEN2 and H8 of the Uttlesford Local Plan 2005 (LP) which, amongst other things, require development to be within the existing built-up area and to be comparable in design terms with their host properties and with the wider area. It would also meet the requirement of Chapter 12 of the National Planning Policy Framework 2023 (the Framework) which emphasises the need for good design in keeping with local character.

Affect upon living conditions – 45 Glebe End

9. The appeal dwelling is located on the northern end of a terrace of properties and the proposed extension would be sited on its west facing rear elevation. Therefore, the proposed extension, and the properties to the south of it, are only likely to be affected by the east-westerly trajectory of the sun's arc when the sun is in the west.
10. The appellant has produced a sunlight report which indicates the same. Any effect in terms of the loss of sunlighting is likely to be limited to the summer months and very late in the day.
11. The LPA states that it disagrees with the report's findings and considers that the proposed development would extend beyond a line drawn at a 45 degree angle from the windows of No.45 Glebe End and contrary to the Council's House Extensions Supplementary Planning Document 2005 (SPD). However, its stated aim is to protect residential amenities in terms of sunlight and daylight.

- 12.I consider that, when taking into account the submitted sunlight report, there would be no significant adverse impact of the proposed extension upon sunlighting to No. 45 Glebe End. I appreciate that daylighting can be reflected towards the latter property off surfaces towards the north, but most daylighting would be associated with the trajectory of the sun from east to west, and therefore I consider that the effect on the adjoining property in terms of daylighting would not be so significant as to warrant the dismissal of the appeal.
- 13.The proposed extension would be single storey with a limited height to the eaves and with its roof sloping away from No.45 Glebe End. For these reasons, I do not consider that the proposal would have a dominating impact upon occupants of the neighbouring property and, in this regard, their outlook would not be unacceptably compromised.
- 14.Therefore, I conclude that the living conditions of the occupants of No.45 Glebe End in terms of sunlight/daylight and outlook would be suitably safeguarded and hence the development would accord with policies GEN2 and H8 of the LP which aim to minimise the impact of development upon neighbouring properties.

Conditions

- 15.I have imposed the standard time condition and a condition to ensure the development is in accordance with the approved plans in the interests of certainty. In the interests of good design, it is necessary to impose a condition relating to external materials.

Conclusion

- 16.For the reasons outlined above, I conclude that the appeal should be allowed.

S. Hartley

INSPECTOR