



Appeal Decision

Site visit made on 19 October 2023

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

an Inspector appointed by the Secretary of State

Decision date: 24.10.2023

Appeal Ref: APP/Z1510/D/23/3327664

Barrington, Hall Lane, Ridgewell CO9 4SE

- 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 & Mrs Ryan Davies against the decision of Braintree District Council.
 - The application Ref 23/01066/HH dated 21 April 2023, was refused by notice dated 13 June 2023.
 - The development proposed is described as proposed first floor extension over existing garage.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the submission of the appeal the National Planning Policy Framework (2021) has been superseded by the National Planning Policy Framework (2023) (the Framework). However, in relation to this appeal the aims of both sets of policies are similar. No party would be prejudiced or caused any injustice by me proceeding with the appeal in light of this change in policy.

Main Issues

3. The main issues in this appeal are the effect of the proposed development on (i) the character and appearance of the area; and (ii) the living conditions of the occupiers of neighbouring properties.

Reasons

Character and Appearance

4. The site is within a predominantly residential area, properties in the area vary in terms of design and form. The existing property is a detached two storey dwelling set back from Hall Lane.
5. The development proposes a first floor above the existing large attached double garage, the first floor would be set back from the front and rear of the property and stepped down in terms of height.
6. Whilst a large first floor extension which would add bulk to the existing property, due to the variation of properties within the area, design of the proposed development and the set back from Hall Lane. I find that the

proposed extension would be subservient to the existing property and would not harm the character and appearance of the area.

7. There is no conflict with Policies SP7 and LPP36 of the Braintree District Local Plan 2013 - 2033 (2022) (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.
8. There is also no conflict with the Framework which seeks to ensure developments are of good design appropriate and sympathetic to their surroundings.

Living Conditions

9. The appeal site is a two-storey property set back on the plot. The proposed development would introduce a substantial first floor extension close to the shared boundary with properties on Church Lane. Despite the set back from the rear elevation due to the orientation of properties, separation distance and the mass the proposed development would dominate the adjacent properties.
10. Whilst landscaping exists between the properties this would not limit the effect of the proposed development which would create an overbearing sense of enclosure to the adjacent properties on Church Lane.
11. Although a significant extension the effect of the proposed development on the occupiers of the neighbouring detached property, Kesshoven would be limited given the separation distance and boundary treatment.
12. Notwithstanding this I find that the proposed development would harm the living conditions of the occupiers of neighbouring properties. There is 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.
13. There is also conflict with the Framework which seeks to ensure developments have high standards of amenity for existing and future users.

Other Matters

14. The appeal site is within the Ridgewell Conservation Area with Listed Buildings within the immediate area. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act) requires decision makers, when considering whether to grant planning permission, to have special regard to the desirability of preserving the listed building or its setting or any feature of special architectural or historic interest which it possesses. A similar duty exists in relation to having regard to the character and appearance of a Conservation Area under Section 72(1) of the LBCA Act.
15. The Council considered the effect of the proposed development on the conservation area and on listed buildings during the determination of the application and raised no concerns, from the information I have before me I do not disagree.

Conclusion

16. For the above reasons I conclude that this appeal should be dismissed.

C Pipe

INSPECTOR