
Appeal Decision

Site visit made on 10 October 2023

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 27.10.2023

Appeal Reference: APP/Z1510/D/23/3316715

'Clovelly', Henny Road, Lamarsh, Essex C08 5EU

- 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 Lawton against the decision of Braintree District Council.
 - The application (reference 22/02627/HH, dated 3 October 2022) was refused by notice dated 5 December 2022.
 - The development proposed is described in the application form as a "first floor extension, garage conversion, materials and fenestration changes, with double carport".
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Decision

1. The appeal is allowed and planning permission is granted for a "first floor extension, garage conversion, materials and fenestration changes, with double carport", at Clovelly', Henny Road, Lamarsh, Essex C08 5EU, in accordance with the terms of the planning application (reference 22/02627/HH, dated 3 October 2022), subject to the conditions set out in the attached Schedule of Conditions.

Main issues

2. The first main issue to be determined in this appeal is the effect of the proposed development on the character and appearance of the host building and its surroundings. The second is the effect of the proposed development on the residential amenities of neighbours (whether unacceptable harm would be caused by overbearing appearance).

Reasons

3. Lamarsh is a modest village, set in a rural landscape and characterised by ribbons of development along the various road frontages. Henny Road runs in a north-south direction and in the vicinity of the appeal site it has open farmland on its eastern frontage, with a row of dwellings (including the appeal site) on the western frontage and more farmland beyond. These dwellings are set well back from the road behind relatively deep front gardens and with good sized back gardens. Many of the front gardens are planted with trees and shrubs, creating a rural and tranquil appearance overall.

4. In the vicinity of the appeal site, the existing dwellings appear to have been constructed in groups of similarly designed bungalows, although they differ in scale. Some are quite small but others can be described as chalet bungalows, with significant areas of floorspace in the roof, judging by their dormers. Overall, the development is restrained and traditional in form but it is by no means worthy of special protection on the grounds of its architectural or townscape qualities.
5. The existing dwelling at 'Clovelly' is a bungalow with living space only on the ground floor and that to the south ('Glen Gari') is similar, while that to the north ('Cobwebs') is a rather larger chalet bungalow with dormers on both the front and rear roof slopes. The submitted plans for 'Clovelly' show three bedrooms, with separate kitchen, living and dining rooms as well as ancillary facilities. The spaces are not large, however. The existing bungalow is conventional in design, of brickwork under a main tiled roof, with a flat-roofed rear projection.
6. It is now proposed to carry out substantial alterations to 'Clovelly', adding a first floor extension, converting the garage and making changes to the existing materials and the fenestration. A new double carport and store would be constructed on the front part of the plot.
7. The 'National Planning Policy Framework' emphasises the aim of "achieving well designed places" in the broadest sense (notably at Section 12), while making effective use of land and encouraging economic activity. It is aimed at achieving good design standards generally, by adding to the overall quality of the area and being visually attractive and sympathetic to local character and history, although it is also recognised that appropriate change may include increased densities. The achievement of good design includes protecting existing residential amenities and providing good standards of residential accommodation.
8. These basic principles also underpin the Development Plan. Policies SP7 and LPP52 of the 'Braintree District Local Plan' are general design policies that are intended to generate high standards of layout and design and both policies include an aim to protect the amenity of neighbouring residents. Policy LPP36 deals specifically with "Residential Alterations, Extensions and Outbuildings" and raises the same considerations.
9. The proposed alterations would involve the replacement of the existing pitched roof by constructing a new roof with a much steeper pitch over the front part of the bungalow. The steeply pitched roof on the front elevation would have a higher ridge than at present and would incorporate a large gable feature and a small dormer. The appearance of the building would be greatly changed and the building would no longer be one of a similar group. Even so, it would still be in scale with others in the vicinity and, architecturally, it would be in keeping with the streetscene.
10. At the rear, the finished building would be very different. A two-storey elevation would be created, with a flat roof and large windows in a modern style. The first floor windows and a small inset balcony in the centre of the elevation (off the main landing internally) would look over the back garden towards the agricultural land to the west, although there would also be oblique

views towards parts of neighbours' back gardens. Evidently, the construction at the rear would have only a very limited impact on views along Henny Road, however.

11. It must be acknowledged that the character and appearance of the original bungalow would be greatly changed as a result of the appeal proposals. Nonetheless, the finished building would achieve a satisfactory standard of design and would fit in well with its surroundings.
12. The rear part of the finished building would be two-storeys in height and it would create an additional bulk to the construction, even though it would not extend significantly behind the footprints of neighbouring homes. I have concluded that the proposed rear extension would not have an undue impact on neighbours' outlook, either from 'Glen Gari' to the south or from 'Cobwebs', to the north, and that it would not have a significantly overbearing impact on neighbours. Nor would it lead to unacceptable overlooking, bearing in mind its context in a residential frontage.
13. Turning to the proposed double carport and store, I note that the building would be very small and simple in form, constructed to harmonise with other buildings in the vicinity. The front garden is large enough to accommodate the building without harm to the streetscene and I conclude that this part of the proposals is also acceptable in planning terms.
14. The appeal scheme is located within a developed frontage and it would provide useful additional space, thereby adding to the stock of residential accommodation in the locality, albeit in a very limited way. The scheme would change the host building but, in this case, it is not necessary for a "subordinate" extension to be required as a matter of principle. The finished design would not have an unacceptable effect on its surroundings and the scheme would satisfy underlying design requirements. It would not cause undue harm to neighbours' amenities.
15. In short, I have concluded that the project would not be in conflict with national planning policies or the Development Plan as a whole and that it is acceptable in planning terms. Hence, I am persuaded that the scheme before me can properly be permitted and, although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.
16. I have, however, also considered the need for conditions and, in imposing conditions, I have taken account of those suggested by the Council in the usual way (without prejudice to their main arguments in the appeal). In particular, I have concluded that the usual conditions are necessary, to define the planning permission and to ensure that quality is maintained.
17. For the avoidance of doubt, a more specific condition has also been imposed to require the submission of details of any alternative materials, since the drawings and application form indicate that some more modern materials may be desirable, although the drawings themselves provide only limited information in this respect.

18. In addition, I have noted that the drawings show the proposed side windows at first floor level to be "obscured". Also for the avoidance of doubt, I have added a condition to make this a clear requirement.

Roger C. Shrimplin

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings:
 - drawing number 126-01A (site and location plan);
 - drawing number 126-02 (plans and elevations as existing);
 - drawing number 126-03 (plans and elevations as proposed);
 - drawing number 126-04 (carport as proposed).
3. 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.
4. No different materials shall be incorporated into the external surfaces of the development hereby permitted until samples (or specifications) of those materials have been submitted to and approved in writing by the local planning authority. The development shall be carried out using the approved materials.
5. All windows at first floor level in the north and south (side) elevations of the dwelling as hereby permitted, except for that part of any window which is at least 1.7 metres above finished floor level in the room in which the window is installed, shall be glazed in obscured glass and shall also be fixed shut. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no further modifications to these windows shall be made and no further windows, doors or openings of any kind shall be inserted in these elevations of the building without the express written approval of the local planning authority.