
Appeal Decision

Site visit made on 17 October 2023

by J L Cheesley BA(Hons) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th October 2023

Appeal Ref: APP/Z1510/D/23/3328976

27 Powers Hall End, Witham, Essex CM8 2HE

- 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 Neil Smith against the decision of Braintree District Council.
 - The application Ref 22/01955/HH was refused by notice dated 15 June 2023.
 - The development proposed is demolition of existing stand-alone garage and conservatory, proposed two-storey side and rear additions with integral garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider the main issues to be:

the effect of the proposal on the character and appearance of the host dwelling, streetscene and surrounding area; and

the effect of the proposal on the living conditions of occupiers of no. 25 Powers Hall End, with particular reference to sunlight, daylight and privacy.

Reasons

Character and Appearance

3. The appeal property is a two-storey detached dwelling of traditional design situated in a primarily residential area. The street scene comprises a mix of dwellings of differing types and ages, including two Grade II listed buildings on the opposite side of Powers Hall Lane and a Grade II listed wall. The appeal property lies behind part of the listed wall. In this group of properties behind this red brick wall there is a distinct sense of spaciousness at first floor level between the dwellings. This spaciousness makes a positive contribution to the streetscene.
 4. The proposal includes a wrap-around side and rear two-storey extension, which would include the demolition of the existing garage. The side extension would measure some 3.7m in width, some 10.9m in depth and wrap around to the rear extension, which would measure some 4.0m in depth. The front of the
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proposed side extension would be slightly set back at ground floor level from the existing front façade, with the proposed main roof height extending across from the existing ridge. It would include a front dormer window.

5. From my observations, the proposed side extension, due to its position, bulk, height and dominance of the dormer window, would not appear as a subservient addition. Similarly, the rear projection, due to its bulk and form, would not appear as a subservient addition. The cumulative additions of the side and rear extensions would appear as unacceptably dominant additions that would overwhelm the character and appearance of the existing dwelling.
6. Whilst set back from the road, the appeal dwelling is visible to some extent, particularly at first floor level. The proposed side extension, due to the reasons I have stated above, and because it would significantly erode the sense of spaciousness between the group of properties at first floor level, would have an adverse effect on the character and appearance of the streetscene and surrounding area.

Listed Buildings

7. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes duties requiring special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. The National Planning Policy Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
8. The three listed dwellings at Nos. 26, 28 and 30 Powers Hall End on the opposite side of the road are of traditional design. I consider the significance of these buildings to be their traditional design and their settings to be their immediate grounds. Due to the separation distance between them and the appeal property, together with the local topography, I consider that the proposal would preserve the settings of these buildings and would not harm their significance. The significance of the listed front boundary wall is its red brick design providing a strong front boundary definition for properties within the residential setting. Due to the separation distance between the wall and the appeal property, together with the change in levels, I consider that the proposal would preserve the setting of the wall and would not harm the significance of its boundary treatment. Nevertheless, due to the substantial harm I have identified, these matters do not justify allowing the appeal.

Residential Amenity

9. The depth of the proposed rear extension would be similar to the depth of the rear single-storey projection on part of the neighbouring property at No. 25 Powers Hall End. From my observations, due to the height, bulk and depth of the proposal, occupiers of that neighbouring property would experience a loss of daylight and afternoon sunlight to the outdoor area immediately to the rear of their property, particularly to the area immediately adjacent to the side boundary between the properties. Even though the existing orientation restricts daylight to this area to some extent, the proposal would make that area a significantly less pleasant place to use.
10. Whilst the Council has raised concern regarding the privacy of neighbours, it has not explained this concern. From my observations, there would be limited

opportunity for overlooking from side windows of the proposed side extension, particularly as this could be obscure glazed. Nevertheless, due to the harm I have outlined above with regard to daylight and sunlight, I conclude on this matter that the proposal would have an unacceptably adverse effect on the living conditions of occupiers of No. 25 Powers Hall End.

Conclusion

11. In reaching my conclusion, I have had regard to all matters raised. I have found that the proposal would not have an adverse effect on the settings of listed buildings or harm their significance. I have found that the proposal would not have an adverse effect on the privacy of neighbours. However, I have found that the proposal would have an adverse effect on the character and appearance of the host dwelling, streetscene and surrounding area. These matters are so significant that I conclude that I dismiss the appeal.
12. For the reasons stated above, the proposal would be contrary to Policies LPP1, LPP36 and LPP52 in the Braintree District Local Plan 2013 – 2033 (2022), particularly where they seek a high standard of design and where they seek to ensure that extensions are subordinate to residential buildings and do not have an unacceptably adverse impact on neighbours. In addition, the proposal is contrary to policy in the Framework, particularly where the Framework seeks to achieve well designed places.

J L Cheesley

INSPECTOR