

Appeal Decision

Site visit made on 13 February 2024

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th February 2024

Appeal Ref: APP/Z1510/D/23/3331755

Heathersett, Spa Road, Feering, Essex CO5 9PZ

- 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 Tarek El Diwany against the decision of Braintree District Council.
 - The application Ref 23/01116/HH, dated 27 April 2023, was refused by notice dated 28 July 2023.
 - The development proposed is raising of roof to create first floor accommodation incorporating front and rear dormers.
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Decision

1. The appeal is allowed and planning permission is granted for raising of roof to create first floor accommodation incorporating front and rear dormers at Heathersett, Spa Road, Feering, Essex CO5 9PZ. The permission is granted in accordance with the terms of the application Ref 23/01116/HH, dated 27 April 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 0528 (10) 100 (block plan), 0528 (10) 101 (location plan), 0528 (20) 100 B (ground floor plan), 0528 (20) 101 C (first floor plan), 0528 (20) 102 A (roof plan), 0528 (20) 200 C (section), 0528 (20) 300 C (elevations), 0528 (20) 301 D (elevations), 0528 (20) 302 C (elevations) and 0528 (20) 303 B (elevations).
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Preliminary Matters

2. The appellant indicates that the original description of development has changed. Therefore, the above description reflects the amended description shown on the appeal form.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host dwelling and the surrounding area.
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Reasons

4. Heathersett is a detached bungalow located in a residential cul-de-sac. The surrounding area is residential in character with open fields beyond the end of Spa Road.
5. Policy SP7 of the Braintree District Local Plan 2013-2033 Section 1 (2021) requires all development to meet high design standards, including responding positively to local character and providing buildings that exhibit individual architectural quality. Policies LPP47 and LPP52 of the Braintree District Local Plan 2013-2033 Section 2 (2022) require a high standard of layout and design in all new development. Policy LPP36 of the Section 2 Local Plan concerning residential alterations, extensions and outbuildings requires that their design, siting, bulk, form and materials should be compatible with the original dwelling and character of the area; and that there should be no unacceptable impact on the identity of the street scene.
6. Reference is made to a previous unsuccessful application for a similar form of development to the current proposal and one that was withdrawn due to concerns raised by the Council¹. While I note the earlier applications and decision, this appeal involves a separate proposal which I have considered on its own merits.
7. The existing dwelling is a well-proportioned bungalow with a prominent front roof slope and central porch feature. In terms of the greater height resulting from the proposed extension, it is significant that aside from the appeal property and the dwelling opposite, the predominant property types in Spa Road are two storey semi-detached and detached dwellings. The appeal property is positioned between semi-detached dwellings to either side. As such, the extended dwelling would be of similar height to these neighbouring dwellings and, therefore, would not appear uncharacteristic in this regard.
8. The additional development to form the raised roof would not be so substantive that it would give the dwelling a top heavy appearance or would otherwise result in a poorly-proportioned built form. The dormers would be aligned with the existing ground floor fenestration and of appropriate scale and design seen within the context of the extended roof. The gambrel roof would contrast with the pitched roofs with gable ends of the neighbouring dwellings. However, the generous separation between dwellings and planting between them and to the road frontage prevents views of the dwellings as a group within the street scene. Consequently, there is little sense of uniformity of built form along Spa Road and the different roof form proposed in this case would not be so incongruous in this setting that it would result in material harm.
9. Accordingly, for the above reasons, I conclude that the proposed development would not have a materially harmful effect on the character and appearance of the host dwelling and the surrounding area. Consequently, there is no conflict with Policy SP7 of the Braintree District Local Plan 2013-2033 Section 1; or with Policies LPP36, LPP47 and LPP52 of the Local Plan Section 2, described above. There is also no conflict with Policy 2 of the Feering Neighbourhood

¹ Refs 22/02303/HH and 22/01082/HH.

Plan, concerning design, which the Council refers to; or with the National Planning Policy Framework, which promotes well-designed places.

Other Matters

10. I note the Council's response to the Parish Council's concerns about the loss of a retirement bungalow due to the proposed enlargement of the dwelling. However, I see no reason to disagree with the Council's assessment, that the proposal is already a substantial property that is unlikely to be used as a retirement bungalow. Moreover, I have no basis to find that the proposal would result in material harm arising from car parking or vehicle movements; or that the extended property would be environmentally unsustainable or otherwise harmful in this regard.

Conclusion and Conditions

11. For the reasons given above, the appeal should succeed. Of the Council's suggested conditions I have imposed the standard time condition and, to ensure the proper implementation of the proposal, one requiring development to be carried out in accordance with the approved plans. I agree that a condition requiring external materials to match those of the existing dwelling is necessary in the interests of the character and appearance of the area.

J Bell-Williamson

INSPECTOR