



Appeal Decision

Site visit made on 5 March 2024

by J Davis, BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th March 2024

Appeal Ref: APP/H1515/D/23/3331229

57 Hutton Village, Hutton, Essex, CM13 1RX

- 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 Ms Emma Lant against the decision of Brentwood Borough Council.
 - The application Ref 23/00952/HHA, dated 2 August 2023, was refused by notice dated 6 October 2023.
 - The development proposed is described as 'First floor front extension. Single storey rear extension. Front porch roof adapted.'
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments. Where reference is made to the Framework in this decision, the paragraph numbers are those that appear in the latest version.

Main Issues

3. The main issues are:
 - the effect of the proposal on the living conditions of the occupiers of 55 Hutton Village with particular reference to outlook and light; and
 - the effect of the proposal on the character and appearance of the host dwelling and the surrounding area, including on the setting of Hutton Village Conservation Area and the setting of nearby listed buildings.

Reasons

Living conditions

4. The appeal property is a detached, two-storey dwelling located on the western side of Hutton Village. It is located within a row of detached dwellings of varying design and appearance but which display common features. The dwellings have a staggered front building line reflecting the alignment of the street.

5. The appeal property has a forward projecting double garage with a sloping 'catslide' roof above which contains a shallow eyebrow dormer. It is sited forward of the adjacent dwelling, 55 Hutton Village. The closest part of the front elevation of No 55 to the appeal site comprises a door and windows on the ground floor which are slightly recessed beneath the sloping roof above, together with a dormer window set within the roof slope at first floor level.
6. The existing sloping roof and eyebrow dormer would be replaced with a front gable which would add to the bulk and mass of the existing dwelling. Due to the staggered siting between Nos 55 and 57, the proposal would result in a two storey flank wall extending forward of the adjacent front windows of No 55.
7. As a result of the staggered siting of the dwellings and the proximity of the extension to the side boundary, the flank wall of the extension would appear prominent and overbearing when viewed from the adjacent windows on the front elevation of No 55 and would be harmful to the outlook currently enjoyed by the occupiers of that property. Moreover, given the orientation of the extension on the southern side of No 55, in the absence of any substantive evidence to the contrary, I consider that the proposed extension would be likely to have a harmful effect on the level of light received by the adjacent front windows which would be detrimental to the living conditions of the occupiers of No 55.
8. Whilst I acknowledge that no representations were received from the occupiers of 55 Hutton Village, this does not alter my above findings as it is necessary to protect the living conditions of current and future occupiers.
9. The proposed single storey rear extension would have a depth of 2 metres and I am satisfied that it would not result in any material harm to the living conditions of occupiers of adjacent dwellings.
10. However, for the reasons identified above, I conclude that the proposed first floor front extension would have a harmful effect on the living conditions of the occupiers of 55 Hutton Village, with particular reference to outlook and light. Thus, it would be contrary to Policy BE14 of the Brentwood Local Plan 2016-2033 (2022) and paragraph 135(f) of the National Planning Policy Framework (2023) (the Framework). Together these policies seek, amongst other things, to safeguard the living conditions of existing and future occupiers.

Character and appearance and the setting of the CA and listed buildings

11. The appeal site is close to the boundary of the Hutton Village Conservation Area (CA) which includes the dwellings on the eastern side of Hutton Village as well as All Saints Church of England Church, Hutton Hall and its extensive grounds further to the south and other extensive areas of woodland and open spaces. The Council advise that several of the dwellings along Hutton Village are also statutorily listed, including Hutton Lodge and 64 Hutton Village opposite the site.
12. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires the decision maker, "in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses". Section 72(1) of the Act states that special attention should be

- paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
13. Furthermore, the Framework advises that heritage assets are irreplaceable resources and should be conserved in a manner appropriate to their significance. Paragraph 205 of the Framework states 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. Paragraph 206 states that any harm to, or loss of, the significance of a heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
 14. The proposed extension would replace the existing catslide roof and eyebrow dormer with a front gable. Whilst the front gable would be a prominent feature of the dwelling, it would be well proportioned and constructed in materials to match the existing dwelling and would not be harmful to the character and appearance of the dwelling. Furthermore, many other of the houses in the same row display front gables of a similar width, scale, design and appearance and the proposed front extension would not be out of character with the surrounding area in this regard.
 15. The dwellings on the western side of this section of Hutton Village benefit from long front gardens and are well set back from the road frontage. The appeal property is consistent with this character, with the mature oak tree in its front garden also adding to the character and appearance of the area.
 16. The proposed extension would respect the design and appearance of the host dwelling and others within the same row. Given the generous set back from the CA boundary I conclude that the extension would not be unduly prominent and would not materially detract from views into or out of the CA. I am therefore satisfied that the appeal proposal would not have a harmful effect on the setting of the CA.
 17. The Grade II listed Hutton Lodge (17th- 19th century) and Grade II listed building 64 Hutton Village (late 18th -20th century) are broadly opposite the appeal site, on the eastern side of Hutton Village. These listed buildings sit behind walls, high hedges and other mature vegetation and having regard to the modest scale of the proposal, its appropriate design and the generous intervening distance, I am satisfied that the proposed first floor extension would not negatively impact upon their setting.
 18. Accordingly, the proposal would not result in material harm to the character and appearance of the host dwelling or the surrounding area, including on the setting of the CA or the setting of nearby Listed Buildings. I therefore find that the proposal would not conflict with Policies BE14 and BE16 of the LP or the Section 16 of the Framework in this regard. Together (and amongst other things) these policies seek to protect the heritage assets and their settings and expect new development to be of a high-quality design which responds positively and sympathetically to their context.

Conclusion

19. Whilst I have found that the proposed development would not be harmful to the character and appearance of the host dwelling or the surrounding area, including on the setting of the CA and the setting of nearby listed buildings, I

have found that it would have a harmful effect on the living conditions of the occupiers of 55 Hutton Village.

20. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

J Davis

INSPECTOR