



Appeal Decision

Site visit made on 29 May 2024

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th June 2024

Appeal Ref: APP/Z1510/D/23/3329812

17 Joslin Avenue, Witham, Essex CM8 1YU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Garth Jackson-Smith against the decision of Braintree District Council.
 - The application Ref is 23/01656/HH.
 - The development proposed is the erection of a single storey rear lean to extension.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey rear lean to extension at 17 Joslin Avenue, Witham, Essex CM8 1YU in accordance with the terms of the application, Ref 23/01656/HH, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 23.006.003A, 23.006.002A, 23.006.011A and PP-12264486v1.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials that match those used in the existing building.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of the host dwelling.

Reasons

3. The appeal site is occupied by a semi-detached, two-storey, four bedroom dwelling with additional rooms in the roof space. It is located in a residential setting within a recently constructed estate. The proposed single storey extension would be located to the rear of the dwelling, within the current garden space. It would therefore result in a reduction in the size of the garden from 98m² to 79m².
4. The Essex Design Guide states that a minimum private garden size of 100m² is required for most types of houses with three or more bedrooms. It goes on to outline that this has been found to be an acceptable and workable minimum size that accommodates most household activities and is, at the same time,

adequate to offer visual delight, receive some sunshine and encourage plant growth.

5. The resultant garden would be smaller than the 100m² required by this guidance. However, due to its regular shape and spacious surrounding environment, it would still provide a useable and well-lit space for the occupants of the host dwelling. This could adequately accommodate their day to day needs, including those highlighted by the Essex Design Guide, and therefore such a reduction would not be detrimental to the occupier's living conditions.
6. It is noted that the appeal property forms part of a new development site which is still partly under construction. However, the host dwelling and the properties immediately surrounding it are fully constructed and occupied. Therefore, the date of construction of the host dwelling and the remaining properties to be constructed on the overall site have no bearing on my consideration of this appeal.
7. Therefore, whilst it would not accord with the guidance within the Essex Design Guide, I conclude that the proposed development, in this instance, would not harm the living conditions of occupiers of the host dwelling. It would therefore accord with Policy LPP52 of the Braintree District Council Local Plan 2013-2033 (the LP) which seeks to ensure that residential development provides a high standard of accommodation and amenity for all prospective occupants with the provision of private outdoor amenity space being accessible, useable and well-related to the development. The proposal would also accord with the National Planning Policy Framework which requires a high standard of amenity for existing and future users.

Other Matters

8. Witham Town Council has raised concerns in relation to overdevelopment of the site due to the reduction in the size of the garden. Whilst the proposal would result in additional built form on the appeal site, the proposed extension is not overly large and the resultant garden would still provide sufficient useable space for the occupiers of the property. Therefore, the proposed development would accord with Policy LPP36(a) of the LP which states that there should be no over-development of the plot.

Conditions

9. In addition to the standard time period for commencement of the development, I have attached a condition requiring the development to accord with the approved plans, as this provides certainty and precision. A condition requiring the use of materials matching that of the existing building is also necessary to ensure an appropriate appearance for the development.

Conclusion

10. For the reasons set out above, the appeal is allowed.

E Grierson

INSPECTOR