



Appeal Decision

Site visit made on 19 July 2024

by **J L Cheesley BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2nd August 2024

Appeal Ref: APP/C1570/D/24/3342911

3 Park Side, Stebbing, Essex CM6 3RQ

- 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 Jess Gridley against the decision of Uttlesford District Council.
 - The application Ref is UTT/23/3075/HHF.
 - The development proposed is resubmission of UTT/23/1994/HHF first floor side extension, garage conversion, internal remodelling and changes to fenestration.
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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 and surrounding streetscene; and

the effect of the proposal on the living conditions of occupiers of No. 5 Park Side, with particular reference to daylight and sunlight, privacy and visual amenity.

Reasons

Character and Appearance

3. The appeal property lies within a residential cul-de-sac characterised by two-storey semi-detached dwellings of similar original scale and design with linked garages. No. 5 Park Side, adjacent to the appeal property has a first-floor addition to the side, as does an end property on the opposite side of the road. No. 1 has a small side extension. Nevertheless, the remaining single-storey elements give a sense of spaciousness to the streetscene, making a positive contribution to the character and appearance of this cul-de-sac.
4. The proposal includes a first-floor side extension set down from the existing main roof. Due to its design and position, being adjacent to the first-floor side projection on No. 5 Park Side, this will create an unacceptable terracing effect at first floor level, giving a cramped appearance to the dwelling. The spaciousness within the streetscene would be lost. This would be to the detriment of the character and appearance of the host dwelling and surrounding streetscene.

Living Conditions

5. The rear window of the proposed first-floor extension would be for a bathroom, where obscure glazing would be required. As such, I see no loss of privacy from overlooking for neighbours.
6. I note that the proposal would not breach the 45-degree line to the nearest first floor habitable room window in No. 5 Park Side and from my observations, in terms of sunlight, I consider that any sunlight shade created by the proposal would fall within the existing silhouette of the host dwelling. Therefore, I do not consider that the proposal would unacceptably cause a loss of sunlight by means of overshadowing. Nevertheless, due to its position and design, I consider that the proposal would create an unacceptable sense of enclosure for occupiers of No. 5 Park Side when in their rear amenity space, making this a less pleasant space to use. It would reduce daylight through the ground floor glazed doors and create a tunnelling effect in the area immediately outside these doors. Thus, it would have an adverse effect on neighbours in terms of loss of daylight and visual amenity. For these reasons, I consider that the proposal would have an adverse effect on the living conditions of neighbours.

Conclusion

7. In reaching my conclusion I have had regard to all matters raised. Reference has been made to a similar development at 46 Garden Fields and other examples in Garden Fields. From my observations, due to a number of extensions, that streetscene has less uniformity of design than found in Park Side. I have determined the proposal before me on its individual merits within a small group of dwellings in this cul-de-sac.
8. I have found that the proposal would not have an adverse effect on the living conditions of neighbours with respect to loss of sunlight and privacy. Nevertheless, I have found that the proposal would have an adverse effect on the living conditions of neighbours with respect to loss of daylight and visual amenity. In addition, I have found that the proposal would have an adverse impact on the character and appearance of the host dwelling and surrounding streetscene. The harm I have identified is so significant that it has led me to dismiss the appeal.
9. For the reasons stated above the proposal would be contrary to saved Local Plan Policies GEN2 and H8 in the Uttlesford Local Plan (2005) and guidance in Uttlesford District Council's Supplementary Planning Document: Home Extensions (2005), particularly where they seek to ensure that development is compatible with the scale, form and layout, of the existing dwelling and surrounding buildings and where they seek to protect residential amenity. In addition, the proposal would be contrary to the National Planning Policy Framework where the Framework seeks to ensure good design that is sympathetic to local character and where it seeks to protect living conditions. Saved Policies GEN2 and H8 are broadly in accordance with the Framework on these matters.
10. For the reasons given above the appeal should be dismissed.

J L Cheesley

INSPECTOR