



Appeal Decision

Site visit made on 27 August 2024

by Peter D. Biggers BSC Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th September 2024

Appeal Ref: APP/C1570/D/24/3346423

19 Farmadine, Saffron Walden, Essex CB11 3HR

- 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 and Mrs McCuskey against the decision of Uttlesford District Council.
 - The application Ref is UTT/24/0958/HHF.
 - The development proposed is first floor extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposed development would have an adverse effect on:
 - the living conditions of present and future occupants of Nos 17 and 21 Farmadine in respect of proximity, light and outlook and
 - the character and appearance of the host dwelling and its surroundings on Farmadine.

Reasons

3. The appeal site is located on the east side of Farmadine which is a street of two storey, detached houses built in brick, render and tile. No 19 and its near neighbours on the east side of the road are designed with the gable end of the main roof facing the road with limited side separation between the houses. To the rear most of the houses, including the appeal property, have been extended in a variety of differing styles. The extension to No 19 takes the form of a single storey, flat-roofed extension extending across the full width of the house. The proposal would extend upwards to provide a first floor, again across the full width of the house.

Living conditions

4. Because of the limited side separation between No 19 and both its neighbours the proposal would mean that built form is brought very close to the neighbouring properties.
5. In respect of No 17, the house has side windows both at ground floor lighting the living room and at first floor lighting a bedroom. The proposed first floor extension would be on the south side of No 17 and very close to it and as such

would adversely affect levels of sunlight and make the current degree of enclosure in the side passage to No 17 even worse. I acknowledge that the ground floor living room window looking onto this passage is the secondary window to the room and the outlook is already severely compromised in this direction by the minimal side separation. Nevertheless it was apparent from viewing it onsite that the effect of the proposed extension would be to overshadow this window.

6. The situation with regard to the first floor window, the only window lighting the bedroom, would be even worse. At present it has some open outlook over the roof of the existing single storey extension and also reasonable levels of sunlight from the south. The effect of the proposal would be to introduce a blank gabled wall immediately in front of this window removing most of its outlook and a substantial amount of sunlight.
7. In respect of the relationship to No 21, although the proposed extension would be on the north side of the house and the impact on levels of sunlight to No 21 would therefore be minimal there is a ground floor patio window to No 21 and a patio sitting out area close to the site boundary and the impact on these needs to be considered.
8. The 45° rule is often used to assess the impact of an extension on an existing window. The extension in this case would extend beyond a line drawn at 45° from the centre of the patio windows to No 21. I acknowledge that there would still be an open outlook down the garden from the window but given the depth, proximity and height of the extension it would introduce an overbearing and enclosing frame to the outlook from the window and these effects would be even worse on the patio sitting-out area. There would therefore be harm to living conditions for the occupants in respect of both neighbouring properties.
9. Paragraph 135 of the National Planning Policy Framework (The Framework) requires development to provide a high standard of amenity for existing or future users. Similarly, Policy HOU8 of the *Uttlesford Local Plan* (ULP), which remains consistent with the Framework, requires that extensions must avoid adversely affecting the amenity of neighbouring residents. For the reasons above the proposal would be in conflict with national and local policies.

Character and Appearance

10. The design of the rear/side extension would extend the main roof ridge backwards over the single storey extension and include a gabled offshoot on the north side towards No 17. The design of the first floor would oversail the ground floor forming a jettied appearance and it has been put to me that this, along with the use of render to the rear, would be incongruous and detrimental to the character and appearance of the dwelling.
11. Given that there is use of render elsewhere on the dwelling I do not consider that its use on the extension to the rear would be inappropriate. Whilst I accept the jettied form would appear unusual it is contained to the rear of the dwelling and not overlooked. It is the fact that it would deepen the first floor extension increasing the impact on the neighbours that would be of fundamental concern.

12. Viewed from the front on Farmadine the extension, although it would be visible, would not be intrusive given the appearance of the design from the front and the degree of setback from the road.
13. Given that Policies GEN2 and HOU8 of the ULP, seeking to control design generally and that of extensions, require that the scale, form and layout of developments are compatible with surrounding buildings, the design would be in conflict with the policies for the reasons above. However, the harm to the character and appearance of the main house itself would be of less concern and I am not persuaded that, of itself, such an impact would be sufficient to warrant dismissing the appeal on these grounds.

Other Matters

14. In coming to a view on this proposal, I accept that the appellant, in proposing the extension is seeking to make sustainable and effective use of their existing home, an objective which is encouraged by the Framework. However, the Framework as set out above attaches great importance to ensuring that the amenity of existing and future users is not adversely affected by development. The proposal in respect of the extension would fail in this regard.

Conclusions

15. I have considered the matters before me and, notwithstanding my conclusion in respect of the impact on the character and appearance of the house itself, for the reasons given above, I conclude that the appeal should be dismissed.

P. D. Biggers

INSPECTOR