



Appeal Decision

Site visit made on 20 August 2024

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 13 September 2024

Appeal Ref: APP/H1515/D/24/3345733

Jackalberry, Marlborough Road, Pilgrims Hatch, CM15 9LN.

- 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 Mrs O Fadimilehin against the decision of Brentwood Borough Council.
 - The application Ref is 24/00029/HHA.
 - The development proposed is a double storey side extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider that there are two main issues:
 - The effect of the proposed development on the architectural integrity of the host property and thereby the character and appearance of the area; and,
 - The effect of the proposal on the living conditions of the occupiers of 54 Broomwood Gardens (No 54), in terms of the developments potential to result in a sense of enclosure and loss of privacy.

Reasons

Character and appearance

3. Jackalberry, previously known as Broadavon, is a two-storey detached house facing Marlborough Road. The garden of the neighbouring dwelling number 54 Brookwood Gardens projects behind an existing single storey flat roofed projection attached to the side of the Jackalberry.
4. The appellant proposes a first floor extension built over the existing single storey side projection along with alterations to the fenestration. The first floor addition would be set back behind the main façade of the house. Accordingly, a small section of flat roof facing the street would be maintained.
5. The extension would have a pitched roof, that while maintaining the same eaves line and pitch as that of the roof of host property its ridge would be set below that of the main roof. The extension would, therefore in terms of its height be subservient to the host property.

6. The alterations to the fenestration would benefit from the removal of the now, no longer functionally required former garage door. Nevertheless, due to what I consider the extension's unattractive three-dimensional form and the somewhat featureless fenestration pattern I consider that it would appear as a bland and utilitarian form of development.
7. I conclude in respect of the first main issue that the proposed development would, as a result of its design appear as a bulky and dominate addition, which would be to the detriment of the architectural integrity of the host dwelling and the character and appearance of the surrounding area. To allow the development as designed would therefore be contrary to the objectives of Policy BE14 of the Brentwood Local Plan 2016-2033 (Adopted March 2022) (LP) and the National Planning Policy Framework (the Framework) which seek, amongst other things, to promote high quality design.

Living conditions

8. No 54 Broomwood Gardens is a detached bungalow located to the south-west of Jackalberry. The private amenity space of No 54 adjoins the rear garden directly behind the proposed extension. The common boundary between the properties would be only about 1.5 metres or so from the rear wall of the proposed first floor addition.
9. Based on my observations from the rear garden of No 54 I consider that due to the overall height of the extension, its proximity to the common boundary and the limited size of the rear garden of No 54 the proposal would cause significant harm to the occupiers of that dwelling, in terms of creating an enhanced sense of enclosure.
10. The proposed first floor window in the rear elevation overlooking the garden of No 54 would serve a bathroom. It is shown to be obscure glazed, and it could also be conditioned to be fixed shut, if I were minded to allow the appeal. Accordingly, I do not consider that the proposed development would result in overlooking leading to a loss of privacy as suggested by the Council.
11. I have concluded in respect of the second main issue that the proposed development would not result in a loss of privacy. However, I consider that this factor is outweighed by the unacceptable harm that would ensue to the living conditions of the neighbouring occupiers in terms of an enhanced sense of enclosure. The proposal would be contrary to aims of LP Policy BE14 and the Framework as they look to, amongst other things, seek to protect residential living conditions.

Other Matters

12. I am sympathetic the appellant's need for additional accommodation. Whilst I acknowledge these personal circumstances, I conclude that this is not a matter which outweighs the significant harm that that I have identified if the development were to proceed.
13. The appellant has referred me to similarly large dwellings to Jackalberry as extended directly opposite the appeal site. Whatever the background to those cases, their existence is not an appropriate justification for permitting the extension here, which I have considered on its individual planning merits.

Conclusions

14. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Philip Willmer

INSPECTOR