



Appeal Decision

Site visit made on 24 September 2024

by Eleni Marshall BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 October 2024

Appeal Ref: APP/Z1510/D/24/3347038

Station House, Station Road, White Notley, Essex, CM8 1RP

- 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 Mr Mo Taylor against the decision of Braintree District Council.
 - The application reference is 24/00815/HH.
 - The development proposed is two storey rear extension and first floor side extension (revision of 22/00456/HH).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the impact of the proposal upon i) the character and appearance of the original dwelling and surrounding rural area and ii) the residential amenity of neighbouring occupants with regard to privacy.

Reasons

Character and appearance of the original dwelling and surrounding rural area

3. The appeal site is a modest detached dwelling house which is located adjacent to White Knotley Station. The host dwelling is noted to have relevant planning history for a two-storey rear extension and first floor side extensions which were approved under application reference 19/00078/HH and 22/00456/HH. Neither of the permissions have been implemented at the point of determination.
4. The first refusal reason is specific in it being based upon the proposed two storey rear extension and does not raise any concern with other elements of the proposal. The Council's delegated report confirms that these proposed enlargements, the first-floor side extension, would replicate that already approved and that the side extension is therefore considered to have an acceptable impact. Based upon the evidence before me and my site visit, I have no reason to conclude differently on this element.
5. The proposal before me seeks planning permission for a two-storey rear extension and first floor side extension which is stated to be a revision of planning permission 22/00456/HH. The existing planning permission, extant at the point of determination, is a material consideration and I find that the principle of a two-storey rear extension is acceptable, however, it still falls to consider matters such as bulk, scale and massing in relation to the character and appearance of the original dwelling and surrounding rural area. Further to

this existing approval, the revisions now essentially concern the erection of an additional two storey rear extension as set out within the submitted plans.

6. The appellant's statement of case provides copies of the previously approved plans under reference 22/00456/HH which consisted of a single gable protrusion with a depth in the region of 4.4 metres and a width in the region of 4.5 metres, respectively. The current proposal would have a dual hipped gable roof with an eave height in the region of 3.6 metres and a ridge height of 7.3 metres. Whilst the proposals may share some similarities, in terms of general views from the front elevation, and the depth of the extension, the current proposal would result in an increase in width of the proposed extension and result in it extending across the entire rear elevation of the host dwelling. This would lead to a substantial increase in footprint compared to both the original dwelling and as a comparison to the approval under 22/00456/HH which was more akin, in footprint, to an offset T shape.
7. The proposed two storey rear extension I find would represent an excessively bulky and oversized addition which would fail to be subordinate to the host dwelling. The rear of the appeal site is visible within the public domain, from the adjacent station, and I find that the proposal would be disproportionate resulting in unacceptable impact on both the character and appearance of the original dwelling and the surrounding area. The proposal would consume the entire rear elevation and appear visually unbalanced when viewed from the side elevations. House extensions should generally be subordinate to the original dwelling in terms of bulk, height and position. I acknowledge that the original Station House is not a non-designated heritage asset, however, this does not change the policy requirement, within the Local Plan, that extensions should be subordinate to the original dwelling.
8. I note that the appellant makes reference to the approved dwellings flanks under permission 23/02471/FUL, however, even if I had considered the proposal to be acceptable in terms of impact on the character and appearance of the surrounding rural area this would not change my finding that the scheme would have an unacceptable impact on the character and appearance of the original dwelling itself and would fail to be a subordinate addition. The proposal which is before me is materially larger compared to the existing permission and is unacceptable, on its own merits and taking into account cumulative development in the vicinity, in terms of bulk and scale for the reasons which I have set out.
9. Whilst the proposal may well be consistent with other policies contained within the Local Plan and the principle of an extension is acceptable, the proposal that is before me would not result in appropriate scale, height and massing which is a particular issue as a result of the failure to be subordinate to the original dwelling. Whilst I note that, overall, the proposal does appear to take design cues from the adjacent permission granted for two new dwellings, I find that in the context of the remaining plot, and in comparison, to the original dwelling, the proposal appears overly large with clear views of the rear of the property available from the adjacent train station.
10. The proposal would fail to comply with Braintree District Council Local Plan Section 1 (LP1) Policy SP7 which requires that all new development respond positively to local character and context to preserve and enhance the quality of existing places and their environs and Local Plan Section 2 (LP2) Policy LPP36

which requires that bulk and form of the alteration or extension should be compatible with the original dwelling and character of the area and that extensions will be required to be subordinate to the original dwelling in terms of bulk, height and position. The proposal would also be contrary to LP2 Policy LPP52 which requires developments to be of a height and massing and overall elevation design which reflects or enhances the areas local distinctiveness and shall be in harmony with the character and appearance of the surrounding area and the National Planning Policy Framework 2023 (the Framework), paragraph 135, which seeks to ensure that developments are sympathetic to local character and function well and add to the overall quality of the area.

Residential amenity of neighbouring occupants

11. The proposed two storey rear extension would feature two Juliet balconies which would provide views from the rooms which are described as sensory room and bedroom one towards the rear garden of 1 Fambridge Hall Chase (no. 1). The existing permission would benefit from one, standard, window which would face towards the end of the neighbouring gardens and would have, from the plans provided by the appellant, been broadly in line with the end of the neighbouring garden boundary. The proposal before me, comparatively, would feature two Juliet balconies within the dual gabled roofs which would allow for potential overlooking into the rear garden of no. 1.
12. Despite this, due to the orientation of the proposal and the garden in question, I find that natural views would be straight across the very end of the neighbouring garden and whilst I acknowledge that the windows would be in the region of 3.8 metres from the shared boundary, I do not find that this would result in unacceptable impact on the neighbouring properties residential amenity. I note that there is also vegetation along the shared boundary I have no evidence to suggest that this would be removed. It can be seen, from the submitted plans, that the neighbouring property in question benefits from a long garden and that a substantial amount of the garden would be unaffected by the proposals with natural use of the windows in question even without the vegetation noted on site.
13. Whilst the proposal would, overall, offer some increased potential for overlooking at the far end of the neighbouring properties garden I do not find that this impact would be unacceptable in order to warrant refusal. I find that there would be, to some extent, existing views, of the same area of garden, from both the existing dwelling and from the window in the existing permission resulting in a level of general overlooking and impact on privacy already.
14. The proposal would be consistent with LP1 Policy SP7 which seeks to protect the amenity of existing residents and users with regard to overlooking and LP2 Policy LPP36 and Policy LPP52 which both require that there should be no unacceptable adverse impacts on the amenities of adjoining residential properties, including on privacy. The proposal would also be consistent with paragraph 135 of the Framework which seeks to ensure developments have a high standard of amenity for existing and future users.

Other Matters

15. I note that the appellant contends that current accommodation does not meet the Nationally Described Space Standard 2015, particularly regarding the first-floor bedrooms. I note, however, that the existing permission does allow for

reorganising of space and would add a double bedroom. The appellant outlines that the proposed accommodation remains inadequate in terms of overall space and that the additional gable would result in a better layout with more practical and comfortable living environments for a growing family, however, the needs of the appellant in this case do not outweigh the harm that I have identified as a result of the bulk, scale and massing of the proposals before me which are disproportionate in comparison to the original dwelling.

16. It is outlined that there are many examples of large additions on older properties with examples provided including Cressing Station which is stated to benefit from a number of extensions. An image, from Google Street View is provided of the property in question but I have not been provided with any evidence as to the extensions at the property in question including, for example, copies of the relevant planning permission and plans to enable me to consider the extensions and reasoning for the permissions granted nor the general site context. This does, therefore, limit the weight I can place upon the proposals highlighted and each case should, in any case, be considered on its own merits.

Conclusion

17. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Marshall

INSPECTOR