



Appeal Decision

Site visit made on 16 April 2025

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 April 2025

Appeal Ref: APP/Z1510/D/25/3361779

Birch House, 20A Mill Lane, Cressing, Essex CM77 8HN

- 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 Ricky McNeil against the decision of Braintree District Council.
 - The application Ref is 24/02622/HH.
 - The development proposed is erection of a new rear dormer and two rooflights.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed rear dormer on the character and appearance of the host dwelling and the surrounding area.

Reasons

3. No 20A is a two storey dwelling in a terrace of three properties in a residential road of mixed dwelling types. The surrounding area is residential in character.
4. Policy LPP1 of the Braintree District Local Plan 2013-2033 Section 2 (2022) states that within development boundaries, development will be permitted where it satisfies design and other criteria and where it can take place without material adverse detriment to the existing character of the settlement. Policies LPP47 and LPP52 require a high standard of layout and design in all new development that respects and responds to the local context. Policy LPP36 concerning residential alterations, extensions and outbuildings requires that their design, siting, bulk, form and materials should be compatible with the original dwelling and character of the area.
5. Reference is made to a previous unsuccessful application for a similar form of development¹. While I note the earlier application and decision, this appeal involves a separate proposal which I have considered on its own merits.
6. The appeal property is a later addition to the original pair of semi-detached dwellings to form a short terrace of three dwellings. The design and construction of No 20A respects that of the original dwellings so that the resultant terrace is highly uniform in appearance. Moreover, the dwellings on the same side of Mill Lane to the north of the appeal property, share the same design and appearance. While

¹ Ref 24/01415/HH.

the properties opposite are more varied, there is nonetheless a good degree of uniformity of character and appearance on the eastern side of the street.

7. To the rear this uniformity is apparent from the paired dwellings' projecting hipped roof forms and central recessed slope. The terrace of which No 20A is part accentuates these features due to the repetition of the roof form across three dwellings. As a whole, the unaltered roofs along the properties on the eastern side of Mill Lane create a rhythm across the roof scape to the rear. This is readily visible from Claude Ince Avenue and the extensive gap between dwellings on Wrights Avenue. The appeal property is particularly prominent due to its corner plot location.
8. The proposed dormer would be positioned on the rear roof slope and would be of similar height to it, with a flat roof. As such, it would be a prominent addition to the appeal property and surrounding area. In terms of design and appearance, the flat roof would contrast unfavourably with the existing pitched and hipped roof forms, while the position and presence of the dormer would harmfully upset the articulated rhythm of the roof scape across the rear of properties on this side of Mill Lane. As such, the dormer would be an uncharacteristic and incongruous addition.
9. There are a number of existing dormer windows in the street scene, as the appellant contends. Those on the front and side roof slopes of properties on the opposite side of Mill Lane do not have the same effect as the appeal proposal as there is no uniformity of character or appearance on the western side of the street. The front-facing dormer to the side extension at No 6 Mill Lane has a pitched roof that reflects the design of the original roof and, as such, it integrates more effectively than would be the case with the appeal proposal. The extension of a nearby bungalow to create a two storey dwelling is not directly comparable as the mix of dwelling types includes both bungalows and two storey dwellings. Other examples referred to are not in the same street scene.
10. I acknowledge that the proposed dormer is intended to create additional living space. However, these personal circumstances do not overcome the harm that has been found to result from the proposal. While there were no objections to the proposal, this is not a sufficient reason to set aside the findings above that the proposal would result in material harm.
11. Accordingly, for the above reasons, I conclude that the proposed rear dormer would have a materially harmful effect on the character and appearance of the host dwelling and the surrounding area. Consequently, it is contrary to Policies LPP1, LPP36, LPP47 and LPP52 of the Braintree District Local Plan 2013-2033 Section 2, described above.

Other Matters

12. The Council contends that the dormer would have an unacceptable impact on neighbours' living conditions as a result of overlooking of rear gardens. I accept that the height of the window would enable potentially more extensive views than from the existing first floor windows. However, some views of neighbouring gardens from properties within a suburban setting such as this are not unusual. Consequently, there is no basis to conclude that there would be a materially harmful loss of privacy through the normal residential use of the room that the window would serve.

Conclusion

13. For the reasons given it is concluded that the appeal should not succeed.

J Bell-Williamson

INSPECTOR