



Appeal Decision

Site visit made on 16 May 2025

by **Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 June 2025

Appeal Ref: APP/H1515/D/25/3362012

34 Hogarth Avenue, Brentwood, Essex CM15 8BE

- 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 Leisha Chapman against the decision of Brentwood Borough Council.
 - The application Ref is 24/01209/HHA.
 - The development proposed is a double storey side and rear extension. Alterations to front elevation with small canopy.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect on:
 - The character and appearance of the appeal dwelling,
 - The living conditions of neighbouring residential occupiers; and
 - The boundary of the appeal dwelling and an adjoining property.

Reasons

Character and Appearance

3. The appeal dwelling is a two storey detached property with a hipped roof form and single storey attached garage to one side. The garage reaches to the boundary of the appeal dwelling with the neighbouring detached house at 36 Hogarth Avenue (No.36).
4. The appeal dwelling is located in a tree lined street, predominantly made up of detached and semi-detached houses and bungalows with generous front and rear gardens. Gardens and trees to the rear of properties are visible through the gaps between properties. Overall, this results in a spacious and verdant street scene.
5. The proposed two storey side and rear extension involves the demolition of the existing attached single storey garage that is set back from the front elevation of the appeal dwelling by approximately 1.1 metres. The proposed two storey side and rear extension would be set back approximately from the front elevation of the appeal dwelling, aligning with the boundary with No.36 and would project approximately 2.7 metres from the main rear wall of the appeal dwelling. The roof of the proposal would be hipped in form and would integrate with the existing

hipped roof of the appeal dwelling, including through the removal of an existing chimneystack.

6. The proposal would infill the first floor space between the appeal dwelling and No.36. This additional bulk would be massed to reach the boundary between the two properties for the full depth of the proposed side and rear extension. This would significantly increase the size of the appeal dwelling, especially towards No.36 resulting in a terracing effect with this neighbouring property that would appear cramped and overbearing. This would also result in the loss of separating space between properties at first floor level, which is an established spatial characteristic of the local area that plays a significant part in establishing its spacious and verdant character and appearance.
7. For these reasons the proposal would appear as a dominating addition to the appeal dwelling, which would also infill the existing first floor separating space. As this allows for views to the garden and trees to the rear of the appeal dwelling and neighbouring properties, this infilling would significantly detract from the established spacious and verdant street scene of the local area.

Living Conditions

8. The proposed two storey side and rear extension would be approximately 10 metres deep and would result in a two storey flank with hipped roof above, which would sit on the boundary with No.36. The height and extent of this flank wall and its position on the boundary would result in an oppressive and overbearing effect when experienced from both windows and glazed doors on the flank of No.36, as well as from adjacent parts of its gardens and side passage. This would result in a significant loss of outlook to the occupiers of No.36.
9. The proposal also includes the alteration and extension of the existing raised terrace to the rear of the appeal dwelling. The extension of the raised terrace to the boundary with No.36 would allow for direct views into the windows and doors of this neighbouring property and its garden area directly next to the house. This would allow for a degree of overlooking that would be intrusive and would lead to a loss of privacy to occupiers on No.36.
10. It is noted that since the refusal of the application to which this appeal relates, the Council has approved an application for a side and rear extension of the same depth, but with a substantial set in at first floor level away from the boundary with No.36. However, this approved scheme includes similar alteration and extension of the existing rear terrace to the boundary with No.36. The approval has a condition attached requiring the installation of a tall boundary screen that would screen the neighbouring property from intrusive overlooking, and result in no harm to living conditions through loss of privacy. An identical condition attached to an approval of the appeal proposal would resolve this otherwise harmful effect. Lack of harm regarding privacy would be a neutral factor in my considerations. Such a screen would however not resolve the harm due to loss of outlook identified above.

Boundary

11. The submitted drawings show that the edge of the roof above the flank wall of the proposed side and rear extension would directly align with the boundary with No.36. These drawings do not include or show the position of rainwater goods, including guttering. It would appear from these drawings that the addition of

rainwater goods, especially guttering would result in the proposal overhanging the boundary with No.36 and that the proposal as a whole would not sit within the appeal site. The appellant has not submitted any further details of rainwater goods including guttering in relation to the boundary as part of their appeal submission.

12. I have considered whether a condition requiring the submission of details of guttering and rainwater goods in relation to the boundary could be attached to any approval. However, given that the roof above the flank is shown on the boundary it is not evident that resolving the issue of the overhang of the proposal over the boundary of the appeal site could be achieved and the reason for refusal overcome. Such a condition would not therefore meet the requirement of the National Planning Policy Framework (2024) (the Framework) that, through the application of a condition, an otherwise unacceptable development could be made acceptable. Such a condition would not be reasonable and would fail the tests for conditions set out in Planning Practice Guidance and the Framework
13. For the reasons given above, the proposal would result in substantial harm to the character and appearance of the appeal dwelling and that of the local area, as well as substantial harm to the living conditions of neighbouring residential occupiers through loss of outlook. Further, it is not apparent that the proposal would be contained within the boundary of the appeal site. The proposal does not, therefore, accord with Policy BE14 of the Brentwood Local Plan 2016-2033 (2022) and Sections 4 and 12 of the Framework. Collectively these seek development, including extensions, that is of high quality design, and that safeguard the living conditions of neighbours.

Conclusion

14. The benefits of the proposal are limited and primarily private. I find that these do not outweigh the harm that I have identified. Accordingly, the appeal is dismissed.

Victor Callister

INSPECTOR