



Appeal Decision

Site visit made on 5 August 2025

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th August 2025

Appeal Ref: APP/Z1510/D/25/3361368

Holly House, Dewlands, Black Notley, Essex CM77 8LW

- 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 Tony Lewis against the decision of Braintree District Council.
 - The application Ref is 24/02494/HH.
 - The development proposed is two storey side extension and loft conversion.
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Decision

1. The appeal is allowed and planning permission is granted for two storey side extension and loft conversion at Holly House, Dewlands, Black Notley, Essex CM77 8LW in accordance with the terms of the application, Ref 24/02494/HH, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 24-016-pp-02.
 - 3) The materials to be used in the construction of the external surfaces of the extension to the existing dwelling hereby permitted shall match those used in the existing dwelling.

Preliminary Matters

2. I have used the description of development given on the original application form as this satisfactorily describes the proposal.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of No 10 Dewlands with particular regard to outlook and light.

Reasons

4. The appeal property is a two storey, detached dwelling with a single storey attached garage. It is located within a residential cul-de-sac where I observed a mix of property types, albeit two-storey.
5. The appeal site shares a boundary to the southeast with No 10 Dewlands, a two-storey semi-detached dwelling set within a wide rectilinear plot. This property includes a single storey side extension proximate to the shared boundary with windows to its rear elevation. As both the rear gardens are enclosed with close

boarded fencing, the outlook from ground level is contained to some degree by this boundary treatment.

6. The proposal would include an upward side extension above an existing single storey attached garage and wrap around extension. The proposed first floor side extension would be sited close to the shared side boundary with No 10. However, it would also be contained within the footprint of existing built form and the small gap between the side of the extension and the shared boundary would be retained.
7. The increase in height and scale, compared with the existing garage, would result in the proposed extension being more obvious in views from the garden of No 10. Even so, the proposed first floor extension would not materially harm the outlook from the ground and first floor rear windows of No 10 which directly overlook their own garden.
8. The rear garden of No.10 is also wide and deep and has a good degree of openness. Whilst Holly House is already set back beyond the rear elevation of No 10 it is marginally so, and the length of the proposed extension would not occupy a significant proportion of the overall length of the shared boundary. Therefore, when considering these factors together, I do not consider that the proposed extension would appear dominant, or result in an unreasonable level of overbearing on the rear garden space of the neighbouring property.
9. Although not referred to in the reason for refusal, in its report the Council raise concern regarding a loss of light to No 10. Given the limited extent of projection beyond the rear elevation of No 10, the position of habitable room windows and the orientation of the properties relative to each other, I am satisfied that the proposal would not result in a significant reduction of light to the neighbouring property or garden such that it would be materially harmful to the living conditions of the occupiers of the property.
10. For the above reasons, I conclude that the development would not have a harmful effect on the living conditions of the occupants of No 10 with particular regard to loss of outlook and light. The proposal therefore accords with Policies SP7, LPP36 and LPP52 of the Braintree District Local Plan 2013-2033 which collectively, amongst other things, states that, development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties including on privacy, overshadowing, loss of light and overbearing impacts.

Other Matters

11. The proposal includes other elements including dormer windows and roof lights to which the Council did not raise any concerns. Based on the evidence before me and the observations of my site visit, I have no reason to reach a different view.

Conditions

12. In addition to the standard commencement condition, in the interests of certainty a condition is necessary requiring that the development is carried out in accordance with the approved plans. A condition for matching external materials is necessary in the interests of the character and appearance of the site and the area.

Conclusion

13. For the reasons given above, I conclude that the proposal would accord with the development plan and there are no material considerations that would outweigh that. The appeal is therefore allowed.

R Gee

INSPECTOR