
Appeal Decision

Site visit made on 6 December 2016

by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 December 2016

Appeal Ref: APP/X1545/W/16/3153858

Lock up Garage, Alpha Road, Burnham-on-Crouch, Essex, CM0 8DS

- 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 Roger Noble against the decision of Maldon District Council.
 - The application Ref FUL/MAL/15/01246, dated 25 November 2015, was refused by notice dated 21 January 2016.
 - The development proposed is construction of a two storey home and change of land use to C3.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) The effect of the proposal on the living conditions of the occupiers of 1 Lilian Road and whether the proposal provides acceptable living conditions for the future occupiers of the proposal with particular regard to privacy and garden space.
 - ii) The effect of the proposal on the character and appearance of the area

Reasons

Living conditions

3. 1 Lilian Road is a two storey house with a single storey rear off shoot sited on the corner of Lilian Road and Alpha Road. Its rear garden runs parallel to Alpha Road and boundary treatment is formed by a high hedge. Beyond the hedge is a small drive and area for car parking before the main garden area which is enclosed by a wall.
 4. The proposed house would have two windows at first floor level which would look directly towards the rear garden of No 1. However, they would be set back within the appeal site slightly forward of the line of the existing garage due to the first floor over hang. This together with the set back of the private garden of No 1 would mean that the intervening distance between the garden and the bedroom window would be sufficient to ensure that overlooking would not occur to a significant or unacceptable degree.
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5. Guidance on the size of gardens is derived from the Essex Design Guide, which the Council has adopted as supplementary planning guidance. A garden of 100 sqm is regarded to be an acceptable and workable minimum size for most types of houses, a size that accommodates most household activities and adequate to offer visual delight, receive some sunshine and encourage plant growth. The requirement is recognised to be less for houses with one or two bedrooms for smaller households. No specific size is given as a guideline but 50 sqm is identified as the most common size used by local planning authorities. The expectation is that this garden space should be entirely on the private, non-entrance side of the house and contain a screened sitting out area adjacent that is not overlooked.
6. The proposal would provide a garden space of only 26.7 sqm which is below the guideline. Furthermore part of this provision would be beneath the first floor overhang which would reduce the quality of a small amount of the space through the creation of an oppressive dark area. Therefore the usable area of the garden would be smaller. In addition, the plans provided by the appellant show that the rear elevations of the dwellings under construction would contain first floor windows to bedrooms. There would be views from the window directly down and across the garden space, thereby reducing the privacy for the occupiers of the new dwelling to a small degree in this built up area.
7. Therefore the proposed garden would fall short of the recommended size and experience a degree of overlooking. Although future occupants of the dwelling proposed may be at various stages in their lives it is likely that they would still desire a private area to sit out in and relax, garden or perhaps to erect a small shed for the storage of garden tools or a bicycle. Furthermore, although the house would be two bedroom I cannot rule out the possibility that it would be occupied by a family who would require private play space for children. The garden space that would be provided with the dwelling proposed would not be of a sufficient size or quality to accommodate these needs.
8. The appellant considers that the site is within close proximity to a number of public open spaces, parks and walks. He considers that the presence and prevalence of these wider recreation areas off-set and mitigate against the lack of private space on-site. He also refers me to appeal decision APP/D1590/A/14/2228143 regarding this issue. However, I note that the policy document available to the Inspector in that decision, states that local parks will be taken into account but developments that provide little or no private amenity space will only be acceptable in exceptional circumstances. Furthermore the document does not recommend any minimum areas for garden spaces.
9. There is no provision within Policy in relation to this appeal to allow for the consideration of parks and public open spaces within the area. In any case I have not been directed to specific areas and therefore cannot be sure that they are in a reasonable walking distance of the appeal site.
10. The appellant also refers me to the consideration of planning application FUL/MAL/13/01069 which was for a one bedroom dwelling to the west of the appeal site. However I note on this proposal the Council stated that the site would benefit from a private enclosed garden extending to 47.5 sqm and would not be overlooked from adjacent occupiers. This would be different to the appeal proposal.

11. Whilst I have found the proposal would be acceptable in some respects, for the reasons above I conclude that it would not provide acceptable living conditions for the future occupiers of the house with particular regard to garden space. As a result it would be contrary to saved Policy BE1 of the Maldon District Replacement Local Plan 2005 (the Local Plan), emerging Policy D1 of the Maldon District Local Development Plan 2014-2029 (the LDP), the Essex Design Guide and the National Planning Policy Framework (the Framework). These require that development provides sufficient and usable private amenity space appropriate to the development and that it provides a good standard of amenity for all existing and future occupants of buildings.

Character and appearance

12. The appeal site is located to the rear of 10 Crouch Road which is a small mid terrace property. The site is occupied by a lock up garage taking access from Alpha Road which runs parallel to Crouch Road. Alpha Road is narrow but serves a number of dwellings together with garages/parking areas for properties fronting Crouch Road. The residential properties on Alpha Road are generally two storey but exhibit a variety of sizes, heights and designs. Plot sizes are generally large and residential development extends across most of the frontage of the plots with minimal spacing between the dwellings. However plots of the properties fronting Crouch Road are mostly lengthy and narrow. As a result the area has a mixed residential character and appearance. At the time of my site visit dwellings were being constructed to the immediate west of the appeal site and which would, according to the submitted plans, reflect the general character and appearance of the street (FUL/MAL/15/00512).
13. The appeal site is linear in nature and mostly occupied by a flat roof lock up garage set back to allow a car parking space to the front. It makes a neutral contribution to the character and appearance of the area.
14. The proposal is for a small two bedroom house sited in a similar position to the lock up garage on the site at a height of about 6.85 metres presenting a gable elevation to the road. The house would extend across the width of the plot. As a result it would be viewed within the immediate context of the flat roof single storey garage to the east and the new dwellings to the west which will be about 8 metres high with a pitched roof with gable feature dormer when completed.
15. Within the Council's application report is a drawing showing the proposed dwelling in relation to new dwellings to the west. I appreciate the drawing is not to scale, but it has been included within the documentation which the Council made their decision on. While the proposed house would be of a different height to its immediate neighbours the drawing shows that the eaves height of the appeal proposal would be similar to that of the dwellings under construction. This together with the gable features would provide some visual continuity between the two sites. Furthermore, there are other dwellings within the street that have a gable elevation facing the road and therefore its appearance in this respect would not be unique within the street scene.
16. The plot size would be limited resulting in a narrow house frontage which is untypical of those on Alpha Street. However, the plot width would be similar to those on Crouch Road resulting in a size of dwelling that would not be out of place or unusual. Therefore I am not convinced that the proposal would be unacceptable in this respect. The materials proposed would be slate roof and

composite weather boarding on the walls which I saw other examples of in the in the wider area.

17. The proposed dwelling would be different to the dwellings to which it would be sited adjacent to. However given the very mixed character and appearance of the area where it would be sited and my findings above I do not consider it would be overly obtrusive or incongruous in the street scene.
18. For the reasons above I do not consider that the proposal would be harmful to the character and appearance of the area. It would therefore be in accordance with saved Policy BE1 of the Local Plan, emerging Policy D1 of the LDP and the Framework. These require that development be of high quality design that is compatible with its surroundings and harmonises with and respects and enhances the character and local context.

Other matters

19. The appellant has referred me to two schemes that have received planning permission near to the appeal site, which he considers demonstrates development intensification and redevelopment in the area (FUL/MAL/15/00580 and site at New Road). However, I do not have full details of the circumstances that led to these proposals being accepted and so cannot be sure that they represent a direct parallel to the appeal proposal. In any case I have determined the appeal based on its own merits.

Balancing and conclusion

20. The provision of new housing within an accessible location on a brownfield site can be seen as a benefit. However, a net increase of one dwelling would be a small contribution so I afford this benefit only limited weight. In addition, the construction of the dwelling would derive some economic benefits but this would be for a limited time. Furthermore, given the small scale of the development, the contribution to the local economy from the spending power of future occupants is unlikely to be significant.
21. The lack of harm to the character and appearance of the area, is not a benefit justifying the development, but is a pre requisite of good design. I therefore find this would have a neutral impact.
22. The Council suggest that cumulatively, the harmful effect on the character and appearance of the area and the effect on existing and future residents living conditions, the proposal leads to an overdevelopment of the plot. While I have found that the proposal would not have an adverse impact on character and appearance the inability of the scheme to provide an acceptable quality of garden space leads me to conclude that the plot size is limited in this respect. This impact is contrary to both local and national planning policy to which I give considerable weight.
23. I have considered the benefits which would be derived from the appeal scheme but these carry limited weight. I therefore conclude that the considerable harm caused by the proposal would significantly and demonstrably outweigh the limited benefits. The proposal would conflict with the Framework and Development Plan when taken as a whole and consequently the proposal is not sustainable development for which the Framework carries a presumption in favour. For this reason, and having regard to all other matters raised,

including letters of support and objection, I conclude that the appeal should be dismissed.

Zoe Raygen

INSPECTOR