The Planning Inspectorate

# Appeal Decision

Site visit made on 7 February 2017

**by J Bell-Williamson MA MRTPI**

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

**Decision date: 27 February 2017**

**Appeal Ref: APP/X1545/D/16/3164272**
**98 Washington Road, Maldon CM9 6AR**

- 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 Michael Brebner (MB Design & Surveyors Ltd T/as M Brebner Architectural Design & Building Surveyors) against the decision of Maldon District Council.
- The application Ref HOUSE/MAL/16/00662, dated 11 June 2016, was refused by notice dated 23 September 2016.
- The development proposed is single storey rear extension, single storey enlargement of lounge at front, single storey enlargement at front of garage, removal of dormer and alteration to front bedroom wall and roof, loft conversion.

## Decision

1. The appeal is allowed and planning permission is granted for single storey rear extension, single storey enlargement of lounge at front, single storey enlargement at front of garage, removal of dormer and alteration to front bedroom wall and roof, loft conversion at 98 Washington Road, Maldon CM9 6AR. The permission is granted in accordance with the terms of the application, Ref HOUSE/MAL/16/00662, dated 11 June 2016, subject to the conditions included in the Schedule at Annex A.

## Main Issue

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

## Reasons

3. No 98 Washington Road is a two storey detached dwelling in a residential road of similar property types. This proposal is a resubmission following refusal of a similar form of extension (ref HOUSE/MAL/16/00082). While I note this earlier application and decision, this appeal involves a separate development proposal which I have considered on its own merits.

4. To the rear the proposal involves a single storey extension covering most of the property's width. The limited depth, height and pitched roof form would give this extension the appearance of a proportionate addition to the host dwelling of typical domestic scale and design. In this regard, it would not be dissimilar to the form of single storey element to the rear of the neighbouring

property, No 100. As such, it would not be uncharacteristic within the surrounding area.

5. Aside from the forward-facing gable, the existing dwelling has a lower roof ridge than those of neighbouring dwellings either side. The proposed heightened part of the roof would, therefore, be more in keeping with the general height of roofs within the street scene. Moreover, it would better balance the proportions of the host dwelling where the front gable is currently the larger and more prominent feature.

6. The change from the currently asymmetrical roof form to front and rear, to a more symmetrical side-facing gable would not result in significant change to the dwelling's character or appearance. The most obvious change seen from the front would be the removal of the dormer window. However, while some dormers are apparent to the front roofs of nearby properties, these are not a prominent feature in the street scene and there is no uniformity or pattern to their appearance. As such, together with the limited effects of the changes to the roof described, the loss of the dormer would not be harmful.

7. As well as the changes to the roof resulting from the loft conversion, the most visible change would be the single storey extension to the front. This would result in a shallow mono-pitched roof across the dwelling's full width, due to the extension to the living room and forward extension of the garage. As with the rear extension, these represent limited alterations, which would not add significant bulk, height or depth to the host property. For these reasons, this degree of additional built development would not upset the proportions of the existing two storey dwelling.

8. While properties in this part of Washington Road share some similar features, there is no overall uniformity of design and appearance. Consequently, the limited extensions proposed would not appear incongruous or uncharacteristic in the residential setting. The appearance of the garage in terms of height and roof form would mirror that of the neighbouring property, No 100, albeit it would project further forward. Seen from views approaching on either side, the forward projection of the garage and lounge would have a limited effect in obscuring views of properties either side. This would be mitigated in part by the staggered building line, but in any case would not block views of properties overall and would not, therefore, lead to material harm to the street scene.

9. Taken as a whole, therefore, the alterations proposed would be of a proportionate scale to the host dwelling and would not result in an unduly prominent or incongruous change to the street scene. Accordingly, for the reasons given, I conclude that the proposal would not have an unacceptably harmful effect on the character and appearance of the host dwelling and surrounding area. As such, it is not contrary to Policy BE1 of the adopted Maldon District Replacement Local Plan (the RLP) concerning the design of new development or to Policy BE6 of the RLP concerning extensions to existing dwellings. These policies are consistent with the National Planning Policy Framework, particularly section seven concerning good design.

10. The Council also refers to Policy D1 of the submission Maldon District Local Development Plan (the LDP). The Secretary of State directed in June 2015 that the plan should be submitted to him for consideration and subsequently

indicated in March 2016 that examination of the LDP would be resumed. The Council contends that due weight should now be given to the emerging plan. However, it is not fully clear from the information provided what scope the current examination has and what bearing, if any, it might have with regard to any potential changes to the particular policy referred to by the Council. Accordingly, for this reason, I give the LDP policy limited weight for the purposes of this appeal and instead have relied on the RLP policies referred to by the Council.

**Other Matters**

11. I have had regard to a number of other matters raised by interested parties. These include concern about the effects of the lounge extension on the living conditions of the neighbouring occupiers of No 96 and the garage extension on those of the occupiers of No 100. With regard to the outlook from the front windows of both properties, due to the extensions' limited forward projection beyond the neighbouring front building lines, any views of the extensions would be indirect and at an oblique angle close to the nearest window, thereby not harmfully affecting the main outlook from the rooms. Moreover, the limited depth, single storey height and degree of separation would maintain current light levels to these ground floor front windows. The kitchen door to No 96 faces the side wall of the main two storey part of the appeal property. The limited degree of additional forward projection of the lounge extension means that there would be no discernible additional effects on the natural light reaching the door of this non-habitable room.

12. While most front and side boundaries in the surrounding area are open, the wall proposed to the side boundary would be of limited length and height and, therefore, would not be sufficiently prominent or incongruous to cause visual harm to the street scene. Concerns related to restrictive covenants and property rights are properly separate legal matters that are outside the scope of this appeal, which has been determined on the planning merits of the development proposed. The submitted plans appear to be consistent in their representation of the boundary wall.

13. The boundary wall and lounge extension would not be of such height and depth that they would impede views of a driver reversing out of No 96's driveway. A vehicle parked in the proposed additional space at the appeal property would be angled away from the neighbouring drive; this position, together with the degree of separation and slow speeds involved in the reversing manoeuvre would overcome any concerns regarding highway safety. I note also that the Highway Authority has not raised any concerns with regard to this matter. A side boundary wall of the type proposed is a common feature between properties in suburban areas such as this. Consequently, there is no basis to conclude in the particular circumstances here that the wall will act as an impediment to access from vehicles parking either side of the wall.

14. I have no substantive evidence to conclude that the heightened roof would reduce light to neighbouring properties, particularly given that the extended roof would reflect the common height of other properties in the street. There is no basis to suggest, therefore, that this will lead to replacement of original leaded light windows in some properties. Similarly, there is no evidence to suggest that the proposed extensions will result in harmful additional on-street

parking. I note in this regard that the Council is satisfied that the number of parking spaces will meet the appropriate standards in relation to the extended dwelling.

15. Concerns are raised about the accuracy of some elements of the submitted plans, particularly with regard to the representation of existing and proposed parking arrangements. I was able, however, to ascertain the effects of the proposal from all the submitted material and the site inspection. Moreover, I have no basis to conclude from the evidence available to me that the on-site parking arrangements would be inadequate or do not meet all relevant standards. I have also had regard to the fact that the Council and Highway Authority have not raised concerns.

16. To the rear the back-to-back gardens result in a good degree of separation between properties. While a higher level window would be added, the first floor windows already face each other and the existing outbuildings and separation distances will mitigate any direct views into the gardens of properties on Norfolk Street. The relatively small single storey extension would not appear as a dominant or overbearing addition viewed from these neighbouring dwellings due to its size and design, and the extent of remaining garden available to the appeal property's occupiers.

17. Conjecture about how the internal layout of the property may be used or may change over time, or the intended type and level of future occupation cannot properly have a determinative influence on the outcome of the appeal. The same principle applies to concerns raised about potential noise or disturbance related to assumed levels of occupation or behaviour associated with use of the extended dwelling. Any alleged on-street parking infringements are also not a matter for this appeal. Similarly, concerns about Council procedures with regard to notification of development proposals and site notices are not a matter to be addressed by the appeal procedure.

18. There is no evidence from the plans or other submitted material to suggest that the foul drainage arrangements proposed, including the position of manholes, are unusual or potentially harmful in relation to this domestic scale development; or that development of this type and scale will lead to problems related to surface water drainage. Any diversion of a mains sewer would require approval and is outside the scope of this planning appeal.

19. There is no evidence available to me that the extensions or scaffolding used during their construction will harmfully effect the operation of the satellite dish associated with No 100. Consequently, I cannot draw a firm conclusion on this matter nor can it have a direct bearing on the appeal's outcome. The extensions are not sufficiently deep to have a harmful effect on sightlines for drivers or pedestrians, in relation to Fambridge Road or other streets. The amount and form of built development involved will not have a harmful effect on crime prevention due to the maintenance of the open aspect to the street, with the front of properties overlooked by their neighbours opposite.

20. Domestic residential extensions of the type proposed here are commonplace and there is no evidence that this particular proposal will set a precedent for other extensions in the area. In any case, other development proposals would need to be determined on their individual merits. There is no evidence before

me to conclude that development of this type and scale will cause damage to other properties during or after construction. The removal of a tree and implications of the retained stump for damage to neighbouring property are not within the scope of this appeal. I have no basis to conclude that refuse bins cannot be stored adequately at the property following implementation of the proposed development.

21. I acknowledge that construction traffic may be unwelcome to existing residents. However, this will occur for a temporary period, although it is important to ensure that parking of construction vehicles and storage of materials will not impede residents' access or be harmful to highway safety. I agree, therefore, with the Highway Authority that a condition requiring a construction method statement should be submitted and approved to address these matters. I do not, however, agree that wheel washing facilities are necessary for the scale of domestic extensions involved here.

22. I agree also with the Highway Authority's suggested conditions to oversee details of an extension to the dropped kerb to access the additional parking space and to agree details of the relocated lamp column. These conditions are necessary in the interests of the proper implementation of these off-site features and for reasons of highway safety. This will address nearby residents' concerns about these matters.

23. Therefore, while I have had regard to all these matters, for the reasons given they do not lead me to reach a different overall conclusion.

**Conditions and overall conclusion**

24. Of the Council's suggested conditions I have imposed the standard time condition and, to ensure the proper implementation of development, one requiring development to be carried out in accordance with the approved plans. I agree also that a condition requiring the external materials used to match those of the existing building is needed in the interests of the appearance of the host dwelling and wider area. The Council also suggests a condition restricting use of the garage for vehicular parking only. However, it also acknowledges that three off-street spaces are required for a property of this size. As two spaces on the drive are to be retained and a third one created adjacent to this, it is unnecessary to impose the further restriction proposed.

25. For the reasons given above and having regard to all other matters raised, it is concluded that the appeal should succeed.

*J Bell-Williamson*

INSPECTOR

Annex A

**Schedule – conditions**

1) The development hereby permitted shall begin not later than three years from the date of this decision.

2) Development shall be carried out in accordance with the following approved plans: location plan, 002 Revision A (proposed elevations and floor plans), 002 Revision C (proposed ground floor plan) and 003 (proposed location plan and parking arrangements).

3) The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.

4) The existing vehicular access shall be extended by 1.8 metres only northerly, which shall be constructed at right angles to the highway boundary and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to a specification to be submitted to and approved in writing by the Highway Authority. The alterations shall be undertaken in accordance the approved specification.

5) Prior to the vehicular access being extended the applicant shall relocate the existing lamp column immediately adjacent to the existing vehicular access to a new location agreed and approved in writing by the Highway Authority.

6) No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
   i. the parking of vehicles of site operatives and visitors;
   ii. loading and unloading of plant and materials;
   iii. storage of plant and materials used in constructing the development.