

Appeal Decision

Site visit made on 29 August 2017

by H Lock BA(Hons) DipTP MRTPI

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

Decision date: 07 September 2017

Appeal Ref: APP/X1545/D/17/3177175
39 Orchard Road, Maldon, Essex, CM9 6EW

- 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 Stephen Hoy against the decision of Maldon District Council.
 - The application Ref. HOUSE/MAL/17/00087, dated 6 March 2017, was refused by notice dated 23 May 2017.
 - The development is described as 'proposed new brick built garage. All materials to match existing. Ground levels remain unaltered. New rainwater gutter downpipes run into existing'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. The Maldon District Local Development Plan (2014-2029) (LDP) was approved by the Secretary of State for Communities and Local Government on 21 July 2017. The reasons for refusal of the appeal application include reference to 'Policy D1 of the Submitted Local Development Plan'. With some modification to wording, this has become LDP Policy D1, and Policies BE1 and BE6 of the Maldon District Replacement Local Plan 2005, also listed in the decision, have been replaced.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the appeal property and the street scene.

Reasons

5. The appeal property is a semi-detached house located on a residential estate, and in particular is within a cul-de-sac of dwellings which are cohesive in terms of their original design, materials and detailing. This style of property is found
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elsewhere on the estate, and this planned layout includes buildings set back from the road behind front gardens. Properties in the vicinity have been extended, but front extensions are generally modest in size and depth. Some gardens have been paved to provide off-street parking, but garages are not a prevalent or prominent feature in the street scene.

6. The proposed garage would be a large and dominant addition to the front of the property, and would appear disproportionately deep relative to the depth of the original house. It would be visually prominent in the street scene as a result of its overall size and height, but also due to its position opposite the entrance to the cul-de-sac and next to a footway. The introduction of a large addition to the front of the property would be out of keeping with the more open frontages in the vicinity, and would detract from the distinctive pattern of development in the area. In this regard, the proposal would conflict with the design aims of LDP Policy D1, in that it would not respect and enhance the character and local context and make a positive contribution in terms of height, size, scale, form, massing and proportion, and visual impact.
7. I note that the proposal did not elicit any objections from local residents, but this is not the only factor to be considered. The appellant advises that other residents may wish to build their own garages, and whilst this may be the case, I have assessed this proposal on its own merits in the context of the existing street scene. The appellant's willingness to consider design alterations is appreciated, but I am obliged to determine the appeal on the basis of the development submitted.
8. I therefore conclude that the proposal would detract from the character and appearance of the appeal property and the street scene, contrary to the design aims of LDP Policy D1.

Conclusion

9. The National Planning Policy Framework establishes a presumption in favour of sustainable development, and part of its environmental strand is to contribute to protecting and enhancing the built environment. A core planning principle of the Framework is to always seek to secure high quality design, but for the reasons given above the proposal would not comply with this principle and would not be sustainable development supported through the Framework. As a consequence, I conclude that this appeal should be dismissed.

H Lock

INSPECTOR