



Appeal Decision

Site visit made on 16 March 2020 by Thomas Courtney BA(Hons) MA

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th April 2020

Appeal Ref: APP/X1545/D/19/3243300

Jasmine House, Blue Mill Lane, Woodham Walter CM9 6LS

- 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 & Mrs Clayton against the decision of Maldon District Council.
 - The application Ref HOUSE/MAL/19/00943, dated 3 September 2019, was refused by notice dated 29 October 2019.
 - The development is a proposed extension to existing cartlodge.
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Decision

1. The appeal is allowed and planning permission is granted for a proposed extension to existing cartlodge at Jasmine House, Blue Mill Lane, Woodham Walter CM9 6LS, in accordance with the terms of application Ref HOUSE/MAL/19/00943 dated 3 September 2019 and subject to the following conditions:
 - 1) The development hereby permitted shall begin no 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: Drawing Nos. 010 Rev A and 011 Rev A.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons for the Recommendation

4. The appeal site comprises a large of chalet-like dwelling and an existing cart lodge which is finished with black stained timber boarding and plain clay tiles. The site is a large plot bounded by high hedging and mature trees and located on the northern side of Blue Mill Lane within a rural area characterised by open fields and hedgerows, dotted with residential dwellings of varying sizes and
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architectural styles. On my site visit I observed that many properties in the vicinity had large outbuildings and garages.

5. The proposal would result in an extension to the northern and southern flanks of the existing cart lodge and the insertion of five rooflights. The extensions would replicate the architectural style of the existing cart lodge and would feature black timber cladding, plain clay tiles and barn-like timber doors typical of traditional rural buildings. In my view, the development is sensitively designed and would adequately assimilate with the surrounding rural character. Furthermore, the resultant development would only be partially visible from the road and surrounding area owing to the mature hedging enclosing the site as well as the cart lodge's siting set back from Blue Mill Lane. Although the roof of the proposed structure would be visible from the road and various locations nearby, its appearance would not be obtrusive.
6. Although the Council is concerned with the increase in built form I find, however, that the resultant building would not be excessively sized or have a dominant effect. Despite the increase in footprint, the proposed ridge height of the roof on the northern flank would match the existing height of the building whereas the height of the proposed tractor store on the southern flank would be slightly lower than the existing. The resultant building would maintain a lower profile than the large and bulky host dwelling and thus appear as a subservient structure. It would not appear to visually compete with the host dwelling, rather it would appear as a standard rural outbuilding common within the wider area.
7. Therefore, in this context, the proposed development would not appear incongruous, or have an adverse effect on the street scene or result in a visually discordant feature that would jar with the host dwelling or harm the character and appearance of the surrounding area.
8. Given the above, I conclude that the proposed development would not conflict with Policy D1 of the Maldon District Local Development Plan (the 'Local Plan') which seeks to ensure proposals respect and enhance the character and local context and make a positive contribution in terms of architectural style and use of materials. It would also adhere to Policy H4 of the Local Plan which states that extensions must be of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area. This is consistent with the National Planning Policy Framework (the Framework) which aims to ensure proposals are sympathetic to local character.

Conditions

9. The Council has suggested a number of conditions that it would wish to see imposed in the event that the appeal was successful. I have considered the suggested conditions against the advice on conditions set out in the Framework and the Planning Practice Guidance.
10. I have imposed the standard conditions relating to the commencement of development and specifying the relevant plans in order to provide certainty. I have also included a condition requiring that the external materials match the existing building, to protect the character and appearance of the area.

11. The Council, and Parish Council, have requested a condition specifying the development shall not be used at any time other than for purposes ancillary to the residential use of the main dwelling. Any alternative uses of the building, other than that incidental to the enjoyment of the dwelling, would require planning permission. Thus, it would fall within the control of the Council. Therefore, this condition would not be necessary, and I do not recommend it be imposed.

Recommendation

12. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

K Taylor

INSPECTOR