
Appeal Decision

Site visit made on 27 October 2020

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 November 2020

Appeal Ref: APP/X1545/D/20/3255196

Ashmead Lodge, 41 Stow Road, Cold Norton, Chelmsford, Essex CM3 6RR

- 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 A Taylor against the decision of Maldon District Council.
 - The application Ref HOUSE/MAL/20/00189, dated 13 February 2020, was refused by notice dated 16 April 2020.
 - The development proposed is first floor extension with terrace and single storey extension to the rear and the formation of raised terrace at ground floor level.
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Preliminary Matters

1. The appellants indicate that the original description of development has changed. Therefore, the above description reflects the amended description shown on the appeal form.

Decision

2. The appeal is dismissed.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host dwelling and the surrounding area.

Reasons

4. The appeal site is located in a semi-rural area outside established settlement boundaries that includes a limited number of residential properties dispersed along this part of Stow Road. No 41 is a predominantly two storey building of traditional character and appearance, located close to the road frontage in an extensive open plot. It has a modern extension to the rear that houses a swimming pool and a number of outbuildings are situated within its curtilage. To the rear is a golf course, providing a highly open aspect beyond the garden.
5. Policy D1 of the Maldon District Approved Local Development Plan 2014-2029 (the Local Plan) concerns design quality and the built environment. It requires development to respect and enhance the character and local context, and make a positive contribution against a number of criteria, including architectural style, use of materials, detailed design features and construction methods. Policy H4 of the Local Plan concerns the effective use of land. With regard to

development which includes the extension to a building, as in this case, it requires amongst other things that the proposal should maintain, and where possible enhance, the character and sustainability of the original building and the surrounding area. Policy S1 of the Local Plan emphasizes the importance of high quality design, amongst other criteria.

6. As the appeal site is located outside a settlement boundary, the Council also refers to Policy S8 of the Local Plan, concerning settlement boundaries and the countryside. While the National Planning Policy Framework (the Framework) does not preclude development of the type proposed here in such locations, the requirement in Policy S8 that the countryside will be protected for its intrinsic character and beauty is consistent with the Framework¹.
7. The proposal involves the replacement of the existing glazed structure over the swimming pool with a more solid building with a pitched roof that would join directly to the rear roof slope of the dwelling. This part of the dwelling has a lower roof ridge than the main, two storey part. Consequently, while it would add some additional bulk compared to the existing structure, this element of the replacement extension would be subordinate in scale and appearance to the predominant two storey built form of the original dwelling. Despite their number, the row of small rooflights above the eaves would not be a prominent feature that would detract from or otherwise harm the dwelling's character and appearance.
8. The proposed extension also includes a larger, two storey element to the end of the replacement extension, furthest from the original dwelling. This comprises two side-facing gables and a rear-facing one to accommodate additional living space above the swimming pool. A new raised terrace with a glazed surround would be positioned below this.
9. The three gabled upper storey addition would stand on lower ground than the original house, but despite this it would be of similar height seen from the rear. From views of the north-east elevation it would be materially taller than the single storey gable end and of similar scale to the two storey part of the dwelling behind this. As such, it would not appear as a subordinate and complementary addition to the house, but a bulky and separate feature that would compete visually with the dwelling's existing built form. The raised terrace and particularly the glazed surround would exacerbate this perception of a separate and competing later addition.
10. I acknowledge that the gable ends with pitched roofs look to the original dwelling for their inspiration. However, their detached position from the main house with an extent of lower roof ridge in between, together with the smaller gables next to them, would result in a contrived, incongruous and complicated appearance. This element of the overall proposal would compete with and detract from the original dwelling resulting in material harm to its character and appearance.
11. There is substantive screening to the front boundary due to the wall and planting above this. However, it is possible to gain passing views of the north-east elevation of the dwelling through the entrance gateway from which the

¹ Paragraph 170b).

effects of the extended dwelling already described would be seen; although such views would be limited, particularly in a vehicle rather than on foot. However, while strong boundary features such as trees and hedging can help to reduce the visual impact of new or extended buildings, simply screening them from public view is rarely sufficient justification for bulky and incongruous development in the countryside outside settlement boundaries, because the low incidence and intensity of buildings is in itself a key element of the countryside's intrinsic character.

12. Furthermore, despite the screening to the front, it would be possible to gain extensive views of the extended property from the golf course to the rear, from which views the incongruous appearance and harmful effects of the extension would be readily apparent. The fact that this is private land does not alter the fact that such views of a harmful form of development would be possible, nor does the visibility of other properties in the landscape.
13. The single storey extension to the kitchen would be of limited height and depth and, therefore, a subordinate and minimal addition to the rear of the existing dwelling. As such, it would not be harmful.
14. Nonetheless, for the reasons given above, I conclude that the overall proposal would have an unacceptably harmful effect on the character and appearance of the host dwelling and the surrounding area. As such, it is contrary to Policies D1, H4, S1 and S8 of the Local Plan, referred to above. These policies are consistent with the Framework, particularly section twelve concerning good design.

Other Matters

15. I accept that the proposal is intended to rectify the condition of the existing structure to the rear of the property and to improve the appellants' living conditions. However, these personal circumstances do not overcome the harm and conflict with development plan policies that has been found would result from the proposal.
16. The appellants express concern about procedural issues, including the contention that the Council did not seek to discuss the proposal or undertake a site visit. However, any such concerns about procedural issues are properly for the Council to consider and are outside the scope of this appeal.
17. I acknowledge that there were no objections to the proposal and that it would create some economic benefits locally through its construction, but given the permanent nature of the changes proposed and the conflict with development plan policies, these facts do not change the above findings or overall conclusion. The appellants also refer to the appeal proposal being preferable to the alternative of extending the dwelling through permitted development rights. However, as there is no specific alternative scheme before me and a principal purpose of the extension is to replace the swimming pool housing, I give this alternative approach limited weight as a 'fallback' to the current proposal.
18. The appeal proposal has been considered on its own merits as it relates to an individually designed detached dwelling, which is well-separated from neighbouring dwellings. As such, the extension at No 33 cannot be seen as a

direct precedent that would overcome the harm that has been found in this case.

19. Therefore, while I have had full regard to all these other matters, they do not have a direct bearing on the outcome of the appeal.

Conclusion

20. For the reasons given above and having regard to all other matters raised, it is concluded that the appeal should not succeed.

J Bell-Williamson

INSPECTOR