

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: 16 November 2020

Appeal Ref: APP/X1545/D/20/3250883

1 Springfield Road, Burnham-On-Crouch CM0 8TF

- 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 Stefan Van Der Marel against the decision of Maldon District Council.
 - The application Ref HOUSE/MAL/19/01317, dated 20 December 2019, was refused by notice dated 5 March 2020.
 - The development proposed is single storey rear extension.
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Preliminary Matters

1. Construction of the proposed extension had begun at the time of the inspection. Therefore, I have dealt with the appeal on the basis that it involves an application for part retrospective permission.
2. An application for costs was made by Mr Stefan Van Der Marel against Maldon District Council. This application is the subject of a separate decision.

Decision

3. The appeal is allowed and planning permission is granted for a single storey rear extension at 1 Springfield Road, Burnham-On-Crouch CM0 8TF. The permission is granted in accordance with the terms of the application, Ref HOUSE/MAL/19/01317, dated 20 December 2019, subject to the following 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: Ex01 Revision C and BR02 Revision A.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Main Issue

4. The main issue is the effect of the proposed extension on the amount of private amenity space at the appeal property and, therefore, on the living conditions of current and future occupiers.

Reasons

5. The appeal property is a two-storey semi-detached dwelling in a row of similar properties. On the opposite side of Springfield Road is open space comprising playing fields. An industrial estate is located beyond the residential part of the road.
6. 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 to provide sufficient and usable private and public amenity spaces. The Maldon District Design Guide Supplementary Planning Document (SPD) includes detailed guidance and standards to support the policy, including that a three or more bedroom dwelling as in this case should have a minimum of 100m² of private amenity space.
7. The Council indicates that the existing garden is 76m² and that this shortfall from the expected standard would be reduced to 63m² as a result of the proposed extension being built. As a general principle, guidance such as that included in the SPD should be applied judiciously, taking account of the particular circumstances involved.
8. While the size of the garden would be reduced further by the extension, the configuration of the remaining space means that even with the small extension in place it could reasonably be used and enjoyed for both children's play or sitting outside. Despite this and recognising the shortfall from the requisite standard for amenity space, it is important to consider whether other opportunities exist for use of open space.
9. I agree with the Council's view that the open space on the other side of Springfield Road is not easily accessible; it is fenced off and access needs to be gained through the industrial estate. However, there is a good-sized area of public open space fronting onto Orwell Way close to the appeal property. This is within easy walking distance of No 1 and its size and proximity combined with the remaining garden space would provide ready access to good quality and useable amenity space.
10. I have had regard to the appeal decision referred to by the Council¹ in which the Inspector found that, despite its proximity to public open space, the development proposal would not make adequate provision for private amenity space, contrary to Policy D1 and the SPD. However, there are significant differences between the current appeal and the earlier one. The Inspector in that case did not, as a matter of principle, refute the use of alternative off-site space to supplement the private space available. Rather the finding was that future occupiers should have access to their own private space and barely any of

¹ APP/X1545/W/17/3191918 dated 5 July 2018.

the proposed space, in the form of a balcony and spaces to the front and sides of the building were of sufficient quantity or quality to meet occupiers' needs. Indeed, it appears that the only space reasonably available for use, to accommodate a small table and chairs, was to the front of the property and would, therefore, afford no privacy to its users. The same cannot be said of the findings in this case where, despite the quantitative shortfall from the guidance, the remaining garden space would be private, of good quality and useable, and would be supplemented by easily accessible public open space a short walk from the appeal property. As such, the earlier appeal relates to different circumstances and should not be seen as a precedent for the current proposal.

11. Therefore, for these reasons, I conclude that the proposed extension would not have an unacceptably harmful effect on the amount of private amenity space at the appeal property and, therefore, on the living conditions of current and future occupiers. Consequently, it is not contrary to Policy D1 of the Local Plan, referred to above.

Conditions and Overall Conclusion

12. Of the Council's suggested conditions I have imposed the standard time condition and, to ensure the proper implementation of development in accordance with the submitted details, 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.
13. For the reasons given above and having regard to all other matters raised, it is concluded that the appeal should be allowed.

J Bell-Williamson

INSPECTOR