



Appeal Decision

Site visit made on 10 August 2021

by David Spencer BA(Hons) DipTP MRTPI

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

Decision date: 16 August 2021

Appeal Ref: APP/X1545/D/21/3273720

558 Beachy Drive, St Lawrence, Southminster CM0 7NB

- 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 Matthew Cooch against the decision of Maldon District Council.
 - The application Ref HOUSE/MAL/21/00117, dated 31 January 2021, was refused by notice dated 23 April 2021.
 - The development proposed is single storey front and side extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issue

2. The description of the proposed development in the banner above is taken from the Local Planning Authority's (LPA) decision notice which I consider more accurately describes the proposal. I deal with the appellant's particular circumstances separately in the decision below.
3. On 20 July 2021 the Government issued a revised version of the National Planning Policy Framework (NPPF). The content of the NPPF as it relates to the main issue in this appeal has not materially changed. Accordingly, no party would be prejudiced by my references to the NPPF in this decision being the latest version.
4. The main issue in this appeal is the effect of the proposed extension on the character and appearance of No. 558 Beachy Drive and its surroundings.

Reasons

5. No.558 Beachy Drive is a relatively modest, single storey dwelling set back from the highway. There is a small front porch which does not detract from the character or scale of the original dwelling or erode the openness to the front of the dwelling. The area to the front of No.558 is used for off-street parking and I observed that similar arrangements exist elsewhere in this part of Beachy Drive. This reflects a general openness to the front of dwellings and a reasonably consistent front building line set back from the highway. This arrangement provides a positive spacious character to the street scene in both Beachy Drive and nearby Moorhen Avenue.
6. The appeal site occupies a position where Beachy Drive curves close its junction with Moorhen Avenue. Consequently, the appeal site occupies a triangular shaped plot with its widest point being the frontage onto Beachy

Drive. The existing dwelling largely occupies the width of the plot as it tapers. The scale of the proposed extension would be sizeable, extending forward to a point very close to the boundary with Beachy Drive. The overall depth of the forward projection would be broadly comparable to the width of the existing dwelling. It would not be, therefore, a modest or subservient addition to the host dwelling. Notwithstanding its single storey height, because of its overall forward projection it would appear as a bulky and awkward addition that would harmfully dominate the simple, modest front elevation of No.558. It would also significantly erode the degree of openness to the front of dwellings, characteristic of this part of St Lawrence.

7. Additionally, the proposed triangular footprint of the extension, designed to follow the tapering boundaries of the plot, would appear particularly discordant given the relatively conventional layout of the host dwelling and surrounding development. The scale, extensive depth of the forward position and layout of the proposed extension close to the front and side boundaries would appear oddly cramped. It would be an inappropriate overdevelopment to the front of No.558. The harmful loss of openness to the front of the dwelling would be highly visible in views east along the street scene in this part of Beachy Drive. Whilst vegetation in the front garden of 'Rowallen' would screen the extension in views from the south, this is not under the control of the appellant and if removed would readily reveal the harmful effects of the proposed extension as described above.
8. I note the proposed design and materials are proposed to match the existing property and that the proposed height would be similar to the host dwelling. I also observed that many plots on Beachy Drive and Moorhen Avenue have been redeveloped and altered and as such there is considerable variation in the design and appearance of the dwellings. These factors, however, do not overcome my concerns that the layout, shape, scale and forward projection of the proposed extension would be conspicuously incongruous and significantly detrimental to the modest appearance of No.558 and the characteristic spaciousness to the front of dwellings in this part of St Lawrence.
9. I therefore conclude the proposed extension would have a significantly harmful effect on the character and appearance of No.558 Beachy Drive and its surroundings. The proposal would be therefore contrary to Policies D1 and H4 of the Maldon District Local Development Plan 2014-29 (adopted 2017) which require development, including alterations, extensions or additions, to respect character and local context and to maintain, and where possible enhance, the character or the original building and the surrounding area, including amongst other things, through appropriate scale, layout and orientation. It would also fail to accord with the objective of the NPPF to secure well-designed places including the content at paragraph 130 of the NPPF seeking that developments should add to the overall quality of the area, are visually attractive (as a result of good architecture and layout), are sympathetic to local character and maintain a strong sense of place.
10. The appellant has submitted that the extension is required to enable them to provide suitable accommodation to continue to carry out their role as foster carers. This includes continuing to provide care for a young person, alongside their own child, with appropriately sized and separate bedroom accommodation. The appellant also submits that they provide occasional

respite care for disabled children and as such additional accommodation and facilities would improve the care they could offer.

11. I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Since the appeal is made for accommodation relating to age and disability, the appeal proposal would relate to persons who share a relevant protected characteristic for the purposes of the PSED.
12. From the evidence provided by the appellant, various elements of the appeal proposal would enhance the quality of accommodation, for example, larger bedrooms, a new playroom, additional bathing facilities etc. The appellant also refers to the accommodation proposed potentially assisting others in the future. There is, however, no persuasive evidence that without the proposed scale and position of the extension the appellant could not provide a suitable level of accommodation and care at No.558 to meet current foster and respite provision. Whilst it is commendable that the appellants seek to potentially increase the level and quality of care they could provide, there is no evidence that this could not be achieved by alternative alterations to the layout and/or size of No.558 in ways that would be less harmful to the character and appearance of the locality than has been identified.
13. The harm arising to the appearance of the host dwelling and the character of the surrounding area from the proposed scale and forward position of the extension would be significant. The proposal would be contrary to the relevant, up-to-date policies of the development plan. There would be benefits in terms of improving the quality of accommodation for those with relevant protected characteristics, but these benefits would be no more than modest for the reasons set out above. The material consideration of the appellant's circumstances does not indicate a decision other than in accordance with the development plan. Consequently, it does not follow from the PSED that the appeal should succeed.
14. I have taken into account all other matters raised, including the lack of objections from neighbours, but there is nothing that indicates to me other than that the appeal should be dismissed for the reasons given.

David Spencer

Inspector.