



Appeal Decision

Site visit made on 10 August 2021

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 23 September 2021

Appeal Ref: APP/X1545/D/21/3269686

98 Washington Road, Maldon, Essex CM9 6AR

- 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 Mrs Karen Wiseman against the decision of Maldon District Council.
 - The application Ref HOUSE/MAL/20/01010, dated 2 October 2020, was refused by notice dated 3 December 2020.
 - The proposed development is for amendments to appeal granted APP/X1545/D/16/3164272: Single storey front extension to garage and porch. Omit 2nd storey front and rear aspect windows. Flat roof dormer to rear. rooflights. S73A application for side aspect gable window to 2nd storey bedroom. Form hip to gable roof to the existing single storey rear extension. Alteration of ridge height to western side gable projection.
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Decision

1. The appeal is allowed and planning permission is granted for the single storey front extension to garage and porch, omission of 2nd storey front and rear aspect windows. Flat roof dormer to rear, rooflights, side aspect gable window to 2nd storey bedroom. Form hip to gable roof to the existing single storey rear extension and the alteration of ridge height to western side gable projection.
2. This decision is subject to the conditions as set out in the schedule below.

Procedural Matter

3. The description of development in the heading above has been taken from the Council's decision notice. Neither of the main parties has provided written confirmation that this description is erroneous and accordingly, I have used the one given on the Council's decision notice.
4. The application relates to a previously allowed Appeal ref: APP/X1545/D/16/3164272 to which amendments are being sought in this application. Whilst I note this previous earlier decision, I have considered the information and proposed modifications before me on its own individual merits and in doing so I recognise the Appellant's fallback position with regards the previously, and partially implemented, scheme and their rights under the General Permitted Development Order (GDPO).
5. An application for a full award of costs has been submitted and is the subject of a separate decision.

Main Issues

6. The main issue is the impact of the proposal upon the character and appearance of the area.

Reasons

7. Number 98 Washington Road is a modern detached house within a housing estate of similar suburban properties. Many properties exhibit architectural details that are common on such house types such as simple gables and the use of similar materials.
8. To the front of the property there is a large area of hardstanding with an existing dropped curb that I saw on my site visit comfortably accommodated two parked vehicles. To the rear, the houses and gardens on Washington Road are located at a significantly lower level to those of properties on Norfolk Road to the rear.
9. On my site visit I saw that much of the previously consented building work had been implemented but some of it left unfinished or not commenced. This included the front extension and the proposed second floor windows to the gable elevations. The ground floor rear extension however had been partially finished and was accessible from the rear garden area.
10. As alluded to above I consider that there are some synergies in the architectural design of the existing housing estate due primarily to the use of simple architectural features such as gables, pitched roofs and the use of a defined, but varied palate of materials. However, I consider that most of the houses in Washington Road and its surrounding streets are standard house types and as such although there are similarities between houses, there is little consistency or uniformity in the design or the layout of the properties within the estate.
11. In the case of the appeal property for instance it bears little relationship to its immediate neighbours other than having a similar front gable form and using one of the selection of materials that can be found locally. As such the architectural language of the houses and streetscene is complimentary, but differing.
12. The proposal firstly seeks permission to raise the roof height of the side roof element by around 0.65m or 65cm from that previous approved. It also seeks to insert several rooflight windows upon the roof slope to give light into rooms within the roof itself but these will largely replace the second floor windows to the front and rear that will be removed.
13. In assessing these changes to the previous scheme I consider that there will be no adverse impact upon the character and appearance of the streetscene through the raising of the roof by around 0.65m. Such a modification will be nearly imperceptible from the ground floor level and will not be noticeable in relation to its neighbours due to the variation in architectural style and roof heights that I consider already exists. Similarly I agree with the previous Inspector who found that an increase in roof height would actually be complimentary to the other houses on the street due to the appeal property already having a slightly lower roof already.

14. The rear extension was originally proposed to have a hipped roof to its side adjacent to number 96. The proposal now is to create a lean too element to this end. Although such a change could be seen in elevation to differ from the opposite hip, once again I consider that such a roof form is synonymous with the traditional house type design that this development has been inspired by. As such, and due to the extension being to the rear and not readily visible, I consider this modification to be acceptable.
15. The proposed rear dormer does differ somewhat from the character of the area due to the fact that it is a flat roof feature upon the roof slope. However the dormer will be located to the rear of the house and it will, moreover, be of a modest proportion and set well into the roof slope. Such a design enables the roof form to adequately accommodate a flat roof dormer such as this without causing detriment to the character or appearance of the area.
16. The other changes to the property were included in the previous application and included the insertion of a new first floor window above the garage along with the proposed gable over the garage door. Once again I do not consider that these proposed features and architectural details are in conflict with the overriding character of the estate as they reflect the proportion, scale and materials that are found throughout the area. As such I do not consider that they represent an incongruous, unbalanced or unacceptable design approach.
17. The proposed roof windows would also be nearly imperceptible from the streetscene unless specifically sought out. As such the roof lights would integrate well into the roof slope of the house and cause no visual harm.
18. In summary I consider that the architectural qualities of the area will be preserved through these changes and that the modifications before me would not lead me to a conclusion of rejecting this appeal on Urban Design grounds. As such I consider that Policies D1 and H4 of the Maldon Local Development Plan have been fully addressed and that the character and appearance of the area will be unharmed.

Other Matters

19. Several comments from concerned neighbours relate to the impact of the proposal upon the living conditions of neighbours. Although I consider that many of the issues raised were previously addressed in the previous appeal the proposed rear dormer window would cause a small change to the previous proposal in this regard. However, this rear dormer will be in place of a second floor gable window and as such will be farther removed from the rear boundary of the property. As such I do not consider that there will be any further impact upon the living conditions of neighbours through the use of this dormer and, if anything, the issues of overlooking will be slightly reduced from those of the previous scheme.
20. The small apex window to the gable and the high level window to the lean too rear extension, will, similarly be contained to the sides of the property and be modest interventions. I consider moreover that the gable window will be unlikely to be used to look out of very frequently and in any case it will look out onto the adjoining neighbour's gable. The high level window to the rear lean to will also be difficult to see out of and will be used primarily for giving light into

this rear room. As such I consider that any impact upon the living conditions of neighbours will be negligible.

21. Similarly the rooflight windows would be located well within the roof slope of the existing house and I consider that they would be positioned in such a location as to make it highly unlikely for anyone to look out of for any length of time. Moreover, as above, these windows face skyward or towards the public realm to the front or to the sides of the property. As such their presence will be largely unnoticeable from the ground and any overlooking issues would be confined to areas that are already visible from the public realm of other upstairs windows. As such I do not consider that there will be any adverse impact through these windows either upon the living conditions of neighbours or the character of the streetscene.
22. Concerns have also been raised with regards the impact of the proposal upon highway safety and in curtilage car parking. As mentioned above I saw on my site visit that two vehicles could be parked comfortably side by side on the existing driveway and I also acknowledge that, with the omission of part of the proposed front extension, there will be more space remaining for the off street parking and manoeuvring of vehicles. As such I have no reason to disagree with the previous Inspector who found no unacceptable impact upon parking or highway safety through the previous proposal and, bearing in mind the proposal before me is less extensive I too find no harm.
23. In light of the information before me, I consider that the proposal conforms to Policies D1 and H4 of the Maldon Local Development Plan as well as the aspirations for good design quality contained within the NPPF 2021.

Conditions

24. I allow the appeal subject to the conditions below, most of which are the standard conditions for a development of this type. However, I feel it unreasonable of the Council to stipulate that the existing roof lights should be obscured and non-opening in light of my findings above that such windows would cause limited harm to the living conditions of neighbours. I also take into account in this regard the ability of the applicant to install such rooflights without the need for planning permission if they so wished and as such I consider that such a condition seeking to protect residents from overlooking is irrelevant.

Conclusion

25. For the reasons above, taking into account all other matters raised, I allow the appeal subject to the conditions set out in the schedule below.

A Graham

INSPECTOR

Schedule of Conditions

- 1) The development hereby approved shall be carried out in accordance with the following plans: 2020-41 02 and 2020-41 04.
- 2) The materials used in the construction of the development shall match those of the existing building.
- 3) The existing vehicular access shall be extended by 1.8 metres only northerly, which shall be constructed at right angles to the highway boundary and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to a specification to be submitted to and approved in writing by the Highway Authority. The alterations shall be undertaken in accordance the approved specification.
- 4) Prior to the vehicular access being extended and reconstructed the applicant shall relocate the existing lamp column immediately adjacent to the existing vehicular access to a new location agreed and approved in writing by the Local Planning Authority in consultation with the Highway Authority.
- 5) The development hereby permitted shall be carried out in accordance with the details supplied within the Construction Method Statement approved under application 17/05177/DET.