



Appeal Decision

Site visit made on 28 September 2021

by Julie Dale Clark BA(Hons) DipTP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 October 2021.

Appeal Ref: APP/X1545/D/21/3273776

5 Many Weather Houses, Maldon Road, Bradwell-On-Sea CM0 7HT

- 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 Carey against the decision of Maldon District Council.
 - The application Ref HOUSE/MAL/20/01282, dated 13 December 2020, was refused by notice dated 11 February 2021.
 - The development proposed is rear extension only.
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Decision

1. The appeal is dismissed.

Main Issue

2. I consider that the main issues are the effect of the extension on:-
 - the character and appearance of the area; and
 - the living conditions of the occupiers of the neighbouring dwelling, No 4 Many Weather Houses.

Reasons

Character and Appearance

3. The appeal site is one of a terrace of six houses with an original two-storey outrigger and a single storey addition. The houses in the terrace are generally of similar design. The proposal would extend across most of the width of the house incorporating the single storey lean-to and the ground floor of the two-storey outrigger. It would also effectively fill in the existing space between the outrigger and the boundary with the adjoining house, No 4.
4. Local Plan¹ Policy D1 sets out criteria for design quality and the built environment and amongst other things, requires development to respect and enhance the character and local context and make a positive contribution in terms of architectural style, detailed design features, height, size, scale and form. Local Plan Policy H4 indicates that alterations, extensions or additions to a building should maintain and where possible, enhance the character of the original building and the surrounding area.

¹ Maldon District Approved Local Development Plan 2014 – 2029, July 2017.

5. The width of the house is fairly modest and so proportionally the extension would be significant and although single storey, it would alter the character and appearance of the terrace when viewed from the rear. Its flat roof design and roof lanterns would not complement the original character of the house but rather would appear as an unsympathetic addition to the property. I appreciate that it would be to the rear of the house but its rear projection, especially adjacent to the boundary with No 5 would appear incongruous. As such the proposal would conflict with policies D1 and H4.

Living Conditions

6. In addition to the above, Local Plan Policy D1 also requires the protection of the amenity of surrounding areas, taking into account matters including, outlook, visual impact and daylight and sunlight.
7. The design of the houses in the terrace is such that there is a relatively narrow passage between the rear main wall and the outriggers. By filling in this area at No 5, the remaining passage to No 4 would be enclosed by its own outrigger to one side and the proposed extension to the other. The proximity of the extension to No 4's windows and a door would appear overbearing and reduce the amount of light to this part of the neighbour's property, especially the passageway and thereby making it feel quite oppressive. The overall projection close to the boundary with No 4 would therefore have a harmful effect on the occupiers of the neighbouring property's living conditions contrary to Policy D1.

Other Matters

8. The appeal site benefits from a Lawful Development Certificate that includes a rear extension² and it is clear that there have been various attempts to obtain approval for extensions and alterations to No 5. The appellant states that the house is in much need of refurbishment and improvement to the standard of accommodation. I have no reason to doubt this.
9. The appellant points out that the approved Certificate of Lawfulness provides a 'fall back' position and I accept that the house could be extended in accordance with permitted development rights³. However, the proposed extension would be larger than that permitted by the Certificate and whilst I have taken the 'fall back' position into account, it does not overcome my concerns with this proposal, in particular in terms of its effect on the occupants of No 4 Many Weather Houses. I note that the current occupiers of the neighbouring house have written in support of the proposal but this does not justify allowing an otherwise unacceptable development especially given that occupancy may well change over time.
10. I am also aware of the approved extension at No 1 Many Weather Houses and I saw this on my site visit. No 1 is at the end of the terrace, whilst No 5 is a mid-terraced property and despite No 1's extension, it does not persuade me that the proposed development at No 5 is acceptable.

Conclusion

11. I have taken all matters raised into account but none alter my conclusion. I have found that the proposal would conflict with Local Plan Policies D1 and H4

² Certificate of Proposed Lawful Development Ref: LDP/MAL/20/00022.

³ Town and Country Planning (General Permitted Development) (England) Order 2015 – As amended.

in that it would have a harmful effect on the character and appearance of the terrace and the area generally and on the living conditions of the occupiers of No 4 Many Weather Houses.

12. I conclude that the proposal would harm both the character and appearance of the area and the living conditions of the occupiers of the neighbouring dwelling, No 4 Many Weather Houses. The appeal therefore fails.

J D Clark

INSPECTOR