

Appeal Decision

Site visit made on 4 January 2022

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 JANUARY 2022

Appeal Ref: APP/X1545/D/21/3283072

Rosemary Cottage, Bung Row, Great Braxted, CM8 3FJ

- 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 and Mrs E Miles against the decision of Maldon District Council.
 - The application Ref HOUSE/MAL/21/00663, dated 18 June 2021, was refused by notice dated 18 August 2021.
 - The development proposed is the erection of a two-storey side extension, front porch & replacement of existing conservatory.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a two-storey side extension, front porch & replacement of existing conservatory at Rosemary Cottage, Bung Row, Great Braxted, CM8 3FJ in accordance with the terms of the application, Ref HOUSE/MAL/21/00663, dated 18 June 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan at scale 1:1250 and Drg Nos 2355-01A, 2355-02, 2355-03B, 2355-04B and 2355-05B.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issues

2. The main issues are the effect of the proposal on: - (i) the character and appearance of Rosemary Cottage and the surrounding area, and (ii) pedestrian and highway safety, and the function of the highway network, with regard to car parking provision.

Reasons

Character and Appearance

3. The appeal property is a semi-detached, two-storey cottage within a row of dwellings that all have very shallow frontages and set close to Bung Row, a narrow country lane that leads into the small settlement of Great Braxted. There is space immediately to the side of the dwelling that, at the time of my visit, was occupied by a parked car. Adjacent to that is a recessed double garage with open forecourt space to the front. The proposal includes a two-storey side extension, a single-storey rear extension in lieu of an existing conservatory and a front porch addition.
4. The existing dwelling has a fairly shallow pitched roof that is slightly truncated to the rear, beyond which the two-storey form of the building extends with a flat roof over. It is unclear if this is part of the property's original design or not. However, the building appears as a cohesive design and is consistent with the rear roof form of the attached neighbour and at least one other property nearby that is evident from views along Bung Row. The proposed two-storey extension would merely project the existing form of the building sideways, but in a slightly subservient form, with a recessed forward building line and marginally lower ridge. The original scale and form of the cottage would remain legible, with the extension appearing as an obvious addition but one that would be complementary, being appropriately scaled in terms of its height and bulk, and which would match the style, detailing and materials of the existing. The flat roof projection to the rear would be visible from Bung Row due to the exposed nature of the dwelling's side elevation but this would simply replicate the existing arrangement and would be neither inharmonious nor out of keeping within its contextual setting.
5. The Council considers both the single-storey rear extension and the front porch to be elements of the proposal that would be acceptable. I have no reason to disagree. Moreover, when taken together with the step created by the recessed position of the side extension, they would add articulation and interest to the side profile of the building. I therefore do not share the Council's view that the absence of detailing on the side elevation of the two-storey extension would be incongruous.
6. Overall, I am satisfied that the proposal would display the design quality that is required by Policies D1 and H4 of the Maldon District Local Development Plan 2014 – 2029 (LDP), adopted in 2017, in order to properly respect the character and appearance of the appeal property and the surrounding area. For these same reasons there would be no conflict with the National Planning Policy Framework's (the Framework) objectives for achieving well-designed places. As such, there would be no conflict with LDP Policy S8, which supports sustainable development within the defined settlement boundary of Great Braxted.

Pedestrian and Highway Safety

7. The proposal would add a fourth bedroom to the property. In such circumstances the Council's parking standards would require the provision of three parking spaces. The application drawings show three parking spaces side

- by side to the side of the extension and spreading across the forecourt to the detached double garage. These would each measure 6m deep by 2.7m wide.
8. The Council states that these dimensions would be below the 6m x 2.9m size required by their Vehicle Parking Standards Supplementary Planning Document (SPD), and that therefore the proposal would fall one space short of the required number resulting in the likelihood of unacceptable on-street parking that would harmfully impact pedestrian safety, highway safety, and free flow of traffic on a narrow country lane.
 9. The appellants have pointed out that the SPD states the preferred size of a car parking bay is 2.9m x 5.5m. Each of the proposed parking spaces would be 20cm below the preferred width. Whilst I accept that there would be less space to open doors to each side of any car parked within these spaces than would be preferred, I am not persuaded by any evidence that this would inhibit the use of the spaces bearing in mind that they would be utilised by residents of the dwelling on private land and on a daily and routine basis. In other words, the owners/occupiers of the property would become swiftly familiar with how the size of the spaces would work in practice.
 10. In addition, the nature of Bung Row at this point is that on-street parking would be impossible without causing an obvious obstruction to the highway which would be inconceivable. In these circumstances I cannot identify how pedestrian or highway safety could be prejudiced by the development, or how the free flow of traffic would be affected. Although there would be a slight technical breach of the guidelines for the preferred size of a parking space, I can find no conflict with LDP Policies D1 or T2 as far as they relate to safeguarding pedestrian and highway safety, or the function of the highway network. Neither can I detect any conflict with the transport policies of the Framework.

Other Matters

11. I have a statutory duty to have special regard to the desirability of preserving the setting of two nearby Grade II listed buildings known as Sexton Cottage and Farm Cottage and the Grade II listed village pump. The dwellings are a semi-detached pair that sit orientated perpendicular to the road and to the east of the appeal site, separated from it by an access driveway leading to a dwelling known as Tuktaway. They have open frontages and benefit from deep rear garden settings. This would not change. The village pump sits opposite the appeal site and within parkland that is screened from sight along Bung Row by dense and mature roadside vegetation. This would not change. I am satisfied that there would be no impact upon the setting of any of these nearby listed structures that would alter their significance as individual heritage assets. These conclusions reflect those of the Council.

Conditions

12. A condition specifying the relevant plans is necessary as this provides certainty. The Council has suggested a condition requiring that the materials used in the construction of the development shall be as set out within the application form/plans. I note however that there is a discrepancy between the application form, which states that the side extension would be finished in soft red face brickwork, and the drawings, which show render painted to match the existing.

It is evident from information elsewhere within the appeal submissions that the rendered finish shown on the plans is deliberately intended, being a revision to that which was proposed as part of an earlier refused planning application (Ref 21/00253/HOUSE). The intention to use matching painted render is repeated in the appellants' grounds of appeal. In these circumstances I have used a condition simply requiring the materials to be used in the construction of the external surfaces of the development to match those used in the existing building, which is necessary in the interests of maintaining the character and appearance of the area.

Conclusions

13. For the reasons given, I conclude that there would be no harm to the character or appearance of Rosemary Cottage or the surrounding area. I also conclude that there would be no harm to pedestrian or highway safety, or to the function of the highway network. Accordingly, in the absence of any other conflict with the development plan, and having regard to all other matters raised, the appeal is allowed.

John D Allan

INSPECTOR