

Appeal Decision

Site visit made on 5 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/21/3280502

25 Chapel Road, Tolleshunt D'Arcy, CM9 8TL

- 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 Nigel Lempriere against the decision of Maldon District Council.
 - The application Ref HOUSE/MAL/21/00244, dated 8 March 2021, was refused by notice dated 21 May 2021.
 - The development proposed is the erection of a replacement outbuilding to rear of garden to provide car garaging, gym and workspace incidental to use of main dwelling house.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a replacement outbuilding to rear of garden to provide car garaging, gym and workspace incidental to use of main dwelling house at 25 Chapel Road, Tolleshunt D'Arcy, CM9 8TL in accordance with the terms of the application, Ref HOUSE/MAL/21/00244, dated 8 March 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: Drg Nos A20625-Loc, A20625A-Existing garden building Rev A, A20625A-Block Plan and A20625A-PP01.

Procedural Matter

2. Since the date of the Council's decision a revised version of the National Planning Policy Framework (the Framework) has been published. Having considered the role and content of the Framework in relation to this case, together with the submissions made by the main parties, I considered there to be no reason to consult about the changes.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the area, and whether adequate and usable access would be provided having regard to the Council's policies for design quality and accessibility.

Character and Appearance

4. The appeal property comprises a former chapel that has been converted into a residence. It has a very long garden, consistent with most other properties to this side of Chapel Road, but which overlaps the shorter garden to No 27, which is also within the appellant's ownership. No 25 is identified by the Council as a non-designated heritage asset by virtue of its local architectural interest and makes a positive contribution to the character and appearance of the Tolleshunt D'Arcy Conservation Area within which the site is located and which gains its special interest from an eclectic mix and layout of historic and more modern architecture in a rural village setting.
5. The proposal envisages the construction of a detached outbuilding at the foot of the garden with a L-shaped footprint comprising a triple garage and gym with associated facilities on the ground floor and partial use of the loft to provide a first-floor workspace. Vehicular access would be gained via space between Nos 25 and 27, with a new hard-surface drive leading to the building. The building would be finished with timber cladding, a slate roof, and a zinc clad box dormer facing back towards the dwelling.
6. The building would be unquestionably large in comparison to the very modest garden building it would replace. However, it would be well separated from the host property and neighbouring buildings and set away from the side and rear boundaries of the plot. Although larger and taller, in part, than some garden outbuildings, it would not, in my view, be excessive but domestic in scale and appearance. The new hard surface would be purposeful and proportionate to the size of the garden. Contrary to the Council's view I am satisfied that the proposal would not dominate the plot or look out of place in its spacious garden setting.
7. The Council is satisfied that, due to its rear garden location and limited public view, there would be no impact upon the character or appearance of the conservation area or the setting of the former chapel. I have no reason to disagree with these findings and am satisfied that there would be no effect upon the significance of these as designated and non-designated heritage assets respectively.
8. 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 Framework's objectives for achieving well-designed places and as such it would represent a sustainable form of development that would therefore also comply with LDP Policy S1 in this specific regard.

Access

9. Because the width of the access would be narrow, measuring approximately 2.5m, the Council considers that it would be inadequate for vehicles to

comfortably travel between the two neighbouring buildings. However, I have no reason to doubt that a vehicle could physically use the proposed access, which is already gated to the front and hard surfaced. It may not meet the advised width of 3m that is given within the Essex Design Guide, but it would be used privately by owners/occupiers of No 25 who would be aware of the constraints offered by its narrow width. I cannot detect how its use would be unsafe and am satisfied that it would pose no danger on the public highway. I can identify no conflict with any of the criteria within LDP Policies D1 or T2. Neither can I detect any conflict with the transport policies of the Framework.

Conditions

10. 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. However, the materials are clearly set out in the proposals and, as a stand-alone building, I see no reason to require a condition that seeks to further clarify their use.

Conclusions

11. For the reasons given, I conclude that there would be no harm to the character or appearance of the area. I also find no substantive evidence to demonstrate that the access would be inadequate or unusable for private use. 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