
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/21/3281661

Shamrock Cottage, 30 Tiptree Road, Wickham Bishops, CM8 3NB

- 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 Colin Gold against the decision of Maldon District Council.
 - The application Ref HOUSE/MAL/21/00659, dated 18 June 2021, was refused by notice dated 20 August 2021.
 - The development proposed is demolition of existing conservatory and lean to roof at the rear and erection of a two-storey side and rear extension and erection of an outbuilding.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing conservatory and lean to roof at the rear and erection of a two-storey side and rear extension and erection of an outbuilding at Shamrock Cottage, 30 Tiptree Road, Wickham Bishops, CM8 3NB in accordance with the terms of the application, Ref HOUSE/MAL/21/00659, 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: Drg Nos 6819/1101 Rev P1, 6819/1102 Rev P1, 6819/1103 Rev P2, 6819/1104 Rev P1, 6819/1105 Rev P1, 6819/1201 Rev P1, 6819/1202 Rev P2 and 6819/1203 Rev P3.
 - 3) The materials used in the construction of the external surfaces of the extension hereby permitted shall be as set out within the schedule on Drg No 6819/1202 Rev P2 that is hereby approved.

Preliminary Matter

2. At the time of my visit, I saw that the outbuilding had already been constructed.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of Shamrock Cottage and the wider area.

Reasons

4. The appeal property is a fairly modest, two-storey chalet-style cottage with its first floor contained within a mansard roof and with a reasonably large conservatory addition to one side and single-storey lean-to projection to the rear. It sits close to the highway behind a grass verge, a hedgerow to the front boundary, and a shallow frontage. To the east is Cherry Tree Cottage, a Grade II Listed Building which sits centrally within a very wide plot and with separately listed structures to its frontage, all positioned a noticeable distance from Shamrock Cottage and with significant mature trees and vegetation in the intervening space. To the west side of the appeal site is a recently constructed, detached chalet-style dwelling.
5. The newly constructed outbuilding comprises a single-storey, timber clad building with a tiled, hipped roof located in the south-west corner of the appeal site. The extensions to the cottage would comprise a two-storey side extension in lieu of the conservatory, and a two-storey rear projection in lieu of the existing single-storey element, but which would span the full width of the property, including the new side addition.
6. The side addition would project the existing building sideways but in a slightly subservient form, with a recessed forward building line and lower ridge height. When seen head-on from Tiptree Road, the original scale and form of the cottage would remain clearly legible and dominant with the side extension appearing as an obvious addition but one that would be complementary in terms of scale, height, bulk, detailing and materials.
7. The two-storey addition to the rear would alter the form and appearance of the building's rear elevation. I accept that it would add noticeable bulk but not excessively so in my view. The Council recognises that the roof profile of the rear extension would follow design cues from the original building in terms of its mansard form. I am also mindful of the proposed rear stepped building line, with the projection behind the new side wing much shallower in depth than that proposed to the rear of the original dwelling. This would ensure that the west side elevation of the building, which is exposed to open views in the approach along Tiptree Road, would appear modest and proportionate. The greatest bulk to the rear extension would be merely glimpsed in part from beyond the confines of the appeal site where I am satisfied it would be seen as appropriately domestic in its scale and form, and reasonable in its setting.
8. The Council is critical of the extent of flat crown roof to the rear extension. I am not persuaded that this would be openly perceived in the streetscene, where the mansard roof slopes would be seen as dominant. In addition, crown roofs are not alien to the area as is evidenced by the newly erected dwelling to the west of the site but which sits comfortable and unobtrusive along Tiptree Road.
9. The extensions would all be finished with fenestration and detailing to match the existing, including render in part and facing brickwork to the main part of the rear extension, which would distinguish it in a complementary way and add contrast and interest.
10. The Council is satisfied that the outbuilding has an acceptable design and scale. I have no reason to disagree. However, I do not share their view that it would

combine with the extensions to the house and add unreasonable bulk of development across the appeal site. It would be set a reasonable distance from the extended dwelling and is seen as a standard domestic outbuilding within a garden setting.

11. Overall, I am satisfied that the extensions and the outbuilding, both in isolation and in combination, 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 objectives for achieving well-designed places.

Other Matters

12. I have a statutory duty to have special regard to the desirability of preserving the setting of the nearby listed Cherry Tree Cottage, its listed bakehouse, and its listed well. These buildings and structures are contained within a wide plot that is heavily screened by mature vegetation. There is no visual association with them and their immediate surroundings, which comprises a variety of more contemporary residences, all fairly well segregated. The setting of the nearby heritage assets would be unaffected by the appeal proposal. This conclusion reflects that of the Council.
13. I have noted some other concerns expressed by a nearby occupier. Issues raised querying the boundaries of the appeal site are not supported by any substantive evidence. The original planning application was submitted with a red line site boundary and a declaration that the land identified falls within the applicant's ownership. I have no reason to doubt this.
14. The proposal would include a new two-storey height window to the east side elevation facing Cherry Tree Cottage. However, this would serve a stairwell rather than any habitable space. Also given the separation distances involved and the amount of mature vegetation in the intervening space, I agree with the Council's assessment that there would be no prospect of harm to any neighbouring amenities through overlooking or loss of privacy. There is no evidence to suggest that the proposal would lead to any harmful impact upon the highway network.

Conditions

15. 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 match those used in the existing building. However, there is contrasting brickwork proposed in part for the extensions. I have therefore altered the wording of the condition to require that the materials to be used in the extensions to the dwelling reflect those shown on the plans. This is necessary in order to safeguard the character and appearance of the area.
16. I note requests from third parties to include conditions that would restrict construction traffic from using Handley's Lane to the rear of the appeal site, to limit the hours of construction, and to limit use of the outbuilding for domestic purposes only. I do not know the precise nature of Handley's Lane to the rear

although I noted it was fairly narrow with no structured surface. Nevertheless, I have identified no specific harm directly related to the proposed development that would give me reason to limit access to the appeal site from Handley's Lane. Due to the domestic scale of the development, construction work would be limited in time and any statutory noise nuisance would reasonably be controlled by other legislation. Use of the outbuilding for anything other than ancillary domestic purposes would require planning permission in its own right.

Conclusion

17. For the reasons given, I conclude that there would be no harm to the character or appearance of Shamrock Cottage or the surrounding area. 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