
Appeal Decision

Site visit made on 8 February 2022

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23RD February 2022

Appeal Ref: APP/X1545/D/21/3289457

Infinity Cottage, 8 Goat Lodge Road, Great Totham, CM9 8BT

- 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 Jason Tarling against the decision of Maldon District Council.
 - The application Ref. HOUSE/MAL/21/00805, dated 30 July 2021, was refused by notice dated 27 September 2021.
 - The development proposed is Two storey side/rear extension and removal of garden shed.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development above has been taken from the Council's decision notice and the appellant's appeal form. Whilst normally this would be taken from the original application form, the above is a distilled version of the detailed account included on that form, and I have therefore used the more succinct version above.

Main Issues

3. The main issues are the effect of the proposal on (1) the character and appearance of the appeal property and the surrounding area; and (2) the living conditions of occupants of neighbouring properties, with particular reference to outlook; and (3) whether the amenity space would be sufficient to meet the outdoor requirements of occupants of the extended dwelling.

Reasons

Character and Appearance

4. The appeal property is a semi-detached house that sits slightly above Goat Lodge Road. It has a single-storey flat-roofed rear extension that projects into the side garden. This extension has a screened roof terrace, with the remainder of the amenity area being a side courtyard that is fenced from the paved parking area in the front garden. A narrow passage between the extension and the rear boundary provides functional storage space, including a shed and log store. A further shed in the rear garden would be removed to facilitate the proposed extension.

5. The proposal would be a significant addition given the scale of the original dwelling, and the resultant building would extend across much of the plot width. Whilst plot sizes and the spacing between buildings is not uniform in the vicinity, I do not share the appellant's view that it is characteristic of dwellings in this area to cover the entire width of their plots. Moreover, the limited depth to the rear boundary would also make the extended building appear cramped on its plot.
6. The proposed ridge height would be lower than the main roof ridge, but the front eaves would be higher. This combined with the size and position of the new front window and the jettied first-floor would be at odds with the design and detailing of the main house. Although set back towards the rear of the dwelling, the siting of the extension would appear incongruous and out of keeping with the dwelling form.
7. The appellant considers that the design would create a subservient addition, and I note the Council's view that the rear element would not be overly dominant in the street scene as set back from the highway. However, the cumulative size and scale of the proposal would be excessive relative to the host house, and due to the site levels, this would be apparent in views across the driveway and garden. However, I share the appellant's view that the visual impact when viewed from the rear would be limited, primarily due to the dense footpath planting.
8. The attached property has been extended to the side at some point, but is materially different in design and visual impact to the appeal proposal, and does not offer support for an extension of the design proposed.
9. The appellant has provided photographs of extensions built locally, but no details of their planning permissions have been supplied, nor details of the reasoning for those decisions and the planning policies against which they were assessed. Whilst they serve to highlight the variety of buildings and extensions in the vicinity, they do not offer support to the proposal given the site-specific constraints.
10. I therefore conclude that the proposed side extension would detract from the character and appearance of the appeal property and the surrounding area, in conflict with the design aims of Policy D1 of the Maldon Local Plan¹ (LP), which amongst other criteria seeks development which respects and enhances the character and local context and makes a positive contribution in terms including architectural style, detailed design features, height, size, scale, form, massing and proportion; and with LP Policy H4, which requires extensions to be of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area.

Living Conditions of Neighbouring Residents

11. The proposed extension would project deeply along the shared boundary with the attached property, No.10, which has its own single-storey rear extension of similar depth. At the depth and height proposed, the appeal extension would be unduly dominant to the outlook from the closest bedroom window of No.10, and this effect would be exacerbated by the orientation. This harm would not be mitigated by unaltered views over the garden of No. 10 and to the north.

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

Loss of view over the existing balcony is not the issue, but rather the introduction of a solid wall along much of the boundary which would be oppressive to the general outlook.

12. Although the proposed extension would be sited closer to the boundary with No.6, given the absence of proposed side-facing windows I am satisfied that the proposal would not materially diminish the living conditions of occupants of that property. There would be some impact on the outlook from a side window at No.6, but it would not be so close as to cause material harm.
13. I therefore conclude that the proposal would diminish the outlook from 10 Goat Lodge Road to a degree that living conditions of occupants would be harmed. This would be contrary to LP Policy D1 4), which requires proposals to protect the amenity of surrounding areas taking into account matters including outlook, light and visual impact.

Amenity Space

14. The Maldon District Design Guide² (SPD) confirms that the minimum amount of amenity space for a 2-bedroom unit should be 50m², and LP Policy D1 2) includes a requirement to provide sufficient and usable private amenity space. The appeal property has a modest courtyard garden, plus a narrow paved strip between the existing extension and the rear boundary. This strip contributes to amenity space insofar as it offers a functional storage area, but would have limited recreational value as a result of its size and sense of enclosure.
15. An existing shed would be removed and the space returned to garden area. However, this benefit would be offset by the proposed increase in the dwelling footprint, with the narrow area that would be returned to garden having limited value as amenity space. I note the appellant's view that part of the front garden could be used as garden. However, with the exception of a property opposite at the road junction, the prevailing pattern in the area is of open front gardens, with some used for parking. To introduce any meaningful roadside screen at this point would be out of keeping in the street scene. Moreover, the use of this modest area is unlikely to be attractive, sitting as it would beside the parking for the host house and the carriageway, there being no footpath on this side of the road. The SPD notes that amenity spaces should not be compromised by the location of parking areas, garages and refuse storage areas.
16. Whilst I acknowledge the appellant's view that the wording of Policy D1 implies some degree of flexibility, I consider that the loss of the existing roof terrace combined with the increased footprint of the dwelling would materially reduce the size of the private amenity space at the property. This would not be mitigated by the removal of a shed. Although the actual reduction in available space may be modest, the remaining area would nevertheless be materially below the Council's standard. In any event, the primary factor is not the size but how usable the remaining space would be, and I consider the provision would be inadequate.
17. I conclude that the proposal would result in a dwelling with insufficient usable garden area to meet the reasonable needs of current and future occupants of the dwelling, to the detriment of their living conditions. This would be contrary

² Maldon District Design Guide Supplementary Planning Document, December 2017

to the requirement in LP Policy D1 2), with the guidance contained in the SPD, and with the aim set out in the National Planning Policy Framework to create places which promote health and well-being with a high standard of amenity for existing and future users.

Other Matters

18. A representation was submitted regarding the siting of guttering relative to the shared boundary, but this is a civil matter beyond the scope of this appeal.

Conclusion

19. For the above reasons, I conclude that this appeal should be dismissed.

H Lock

INSPECTOR