

Appeal Decision

Site visit made on 26 May 2022

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10TH June 2022

Appeal Ref: APP/X1545/D/21/3289962
20 Ash Grove, Heybridge, Maldon CM9 4BB

- 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 Graham Lake against the decision of Maldon District Council.
 - The application ref. HOUSE/MAL/21/01091, dated 15 October 2021, was refused by notice dated 16 December 2021.
 - The development proposed is "New detached garage".
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The new detached garage has already been erected. The application was submitted retrospectively based on the details provided at section 3 of the application form. I have also noted the selection of photographs which depict the garage as built and the site as it was before the construction of the garage.

Main issue

3. The main issue in this appeal is the effect of the new detached garage upon the character and appearance of the area.

Reasons

4. Ash Grove is a cul-de-sac situated in a residential area. The appeal property is a detached two-storey house which occupies a plot of notable depth.
 5. The land in front of the dwelling, where the new garage has been erected, extends northwards just beyond the head of the eastern leg of the cul-de-sac and separates Ash Grove from Broad Street Green Road to the east. This land had an open appearance before the construction of the garage.
 6. The new detached garage is 3.8 m wide by 5.75 m deep. It has a pitched roof with a low angled design which reaches 2.6 m high at the ridge. The materials of construction are brown-stained timber boards and green roofing felt.
 7. I did not observe any other detached garages or outbuildings in the front gardens of any of the neighbouring properties in the vicinity of the appeal site. Although many of the other properties in the same cul-de-sac do have garages, these tend to be integral garages or ones that are set back from or to the side of their respective dwellings.
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8. By contrast, given its location well in advance of the host dwelling and its size, the new detached garage is readily apparent in long views down Ash Grove where it stands out as a prominent, dominant and somewhat isolated building beyond the head of the cul-de-sac. The roof and the upper part of the walling along the western elevation are clearly visible in these views above the new boundary fencing. The Council says that this fencing will require investigation; this means there is a possibility that the new garage would become even more conspicuous if that fencing was eventually removed or reduced in height for whatever reason.
9. The garage can only be glimpsed in views from Broad Street Green Road on account of the mature hedging and more established boundary fencing found there. However, the garage appears visually prominent to any pedestrians using the footpath linking Broad Street Green Road and Ash Grove which passes immediately adjacent to the site's northern boundary.
10. Having regard to its design and materials of construction, the new garage has a rudimentary shed-like appearance and is more akin to what one might find in a more enclosed rear garden setting.
11. I consider that the new garage is a visually incongruous addition to the front garden and the Ash Grove street scene by failing to have regard to the wider setting of the buildings hereabouts, by significantly detracting from the spacious quality at the front of this dwelling, which makes a positive contribution to the distinctive character of this particular locality and on account of its inappropriate design and materials of construction.
12. I find on the main issue that the new detached garage causes material harm to the character and appearance of the area. This would run contrary to the aims of Policies D1 and H4 of the Maldon District Approved Local Development Plan 2014-2029, particularly where they seek to ensure that new development will respect and enhance the character and local context and will be design-led. Good design is also a cornerstone of the National Planning Policy Framework.
13. There is conflict with the development plan. The harm cannot be mitigated by the imposition of conditions. The harm is not outweighed by other considerations, including the appellant's desire to curb the antisocial behaviour that was apparently occurring when the land was previously open before the development took place and the absence of objections regarding other planning considerations such as the living conditions of neighbours, private amenity space, parking and highway safety.
14. For the reasons given above and taking into account all other matters raised, I conclude that this appeal should not succeed.

Andrew Dale

INSPECTOR