

Appeal Decision

Site visit made on 31 May 2022

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27TH June 2022

Appeal Ref. APP/X1545/D/22/3297050

Oxley House, D'arcy Road, Tiptree, Colchester CO5 0RT

- 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 Charlie Roch against the decision of Maldon District Council.
 - The application ref. HOUSE/MAL/21/01270, dated 7 December 2021, was refused by notice dated 1 February 2022.
 - The development proposed is a single-storey rear annexe extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single-storey rear annexe extension at Oxley House, D'arcy Road, Tiptree, Colchester CO5 0RT in accordance with the terms of the application ref. HOUSE/MAL/21/01270, dated 7 December 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans numbered: 2021-15/01; 2021-15/02; 2021-15/03; 2021-15/04; 2021-15/22; 2021-15/23; 2021-15/24; 2021-15/25; and 2021-15/26.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing dwelling.
 - 4) The single-storey rear annexe extension hereby permitted shall not be occupied or used at any time other than for purposes ancillary to the residential use of the dwelling known as Oxley House, D'arcy Road, Tiptree, Colchester CO5 0RT.

Main issue

2. I consider the main issue to be the effect of the proposed single-storey rear annexe extension upon the character and appearance of the existing dwelling and the surrounding area.
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Reasons

3. The appeal concerns a large detached 2-storey house occupying a substantial plot in a countryside setting, beyond the settlement of Tolleshunt Knights. There are other sporadic dwellings along D'arcy Road hereabouts. Approached via a long private drive, Oxley House is set back about 90 m from D'arcy Road at its closest point.
4. The original property was sizeable. It has been enlarged by a 2-storey side extension and a single-storey rear extension. The latter extension is fairly modest. It is proposed to add a larger single-storey rear extension to provide a one-bedroom annexe for dependent relatives of the occupiers of the main house. The Council is satisfied that the extension would be used as ancillary accommodation and not as an independent dwelling and that the scheme would comply with its guidance on annexes in the Specialist Needs Housing Supplementary Planning Document (SPD). In coming to that view, the Council presumably accepted that the annexe would "*Be subservient/subordinate to the main dwelling*", the first relevant criterion in the SPD.
5. I have not been referred to any development plan policies or local guidance which contain any definition, numerical or otherwise, as to how the size or scale of an extension is to be assessed in this context. It should be remembered that any assessment should take into account that it is an annexe with all the necessary facilities for day-to-day living that is being proposed, not an ordinary house extension.
6. The first part of the appeal extension would be built around the earlier rear extension, which is itself a secondary component in the overall built structure. The existing rear extension would be widened and lengthened but this part of the extension would still only accommodate a galley kitchen with utility space and a dog kennel. It would be centrally located on the 2-storey, rear-projecting gable end instead of being slightly offset as at present. The second and larger part of the annexe would be in an adjoining wing set at right angles to the first part of the appeal extension. This design would bring the annexe extension to a clear stop, rather than unduly elongate the western and eastern elevations. The extension as a whole would not double the depth of the existing property, but it would double the depth of the original property. Still, all the additional depth would be in single-storey form.
7. The extension would be well set back from the original front elevation and the original double-height projecting bay on the east elevation which is a dominant and attractive architectural feature. There would be no disturbance to the form and appearance of the original dwelling. The pitched roofs of the extension would be well designed and at a consistent height, match the predominant roof form over the main house and not challenge the dominance of the main roof. The development would appear as a subordinate addition to the existing and original building in terms of siting, design, size, bulk, scale and height. Whilst the resulting western, eastern and southern elevations, when viewed as a whole, would inevitably appear more built-up and convoluted than the original versions, they would not appear so disrespectful of the original building's character and appearance or so out of proportion to this large plot as to warrant withholding planning permission.

8. In the few short-lived and glimpsed views of the front and eastern flank of Oxley House that are available when looking through the roadside vegetation along D'arcy Road, the proposed extension would not appear unduly assertive given its limited height, its position far back from the road and the front of the dwelling and the presence of a garage block and a variety of hedges, trees and walls that limit the views towards the house. The development would not present itself as a visibly significant urbanising feature in this countryside location, so it would not have an adverse impact upon the character and appearance of the area.
9. Noting the proposed use of matching brick, smooth render and plain clay roof tiles, I consider overall that the proposed extension would be respectful of its rural context, exhibit a high standard of architectural design and be sufficiently sympathetic to the scale, bulk, design, position, character and appearance of the existing and original building. I find on the main issue that the proposed single-storey rear annexe extension would cause no material harm to the character and appearance of the existing dwelling and the surrounding area. The proposal would accord with the objectives of Policies D1, S1 and H4 of the Maldon District Approved Local Development Plan 2014-2029 and with the National Planning Policy Framework insofar as it relates to achieving well-designed places and contributing to and enhancing the natural and local environment by, amongst other things, recognizing the intrinsic character and beauty of the countryside.
10. The scheme will enhance the quality of life for the occupiers of Oxley House and their dependent relatives by providing additional living accommodation. This is a further factor that weighs in favour of granting planning permission.
11. The appellant says that there have been much larger extensions approved within the district which have added a further 130% to an already large house. No case studies of any such extensions have been provided. This claim must therefore remain unsubstantiated and has not played a part in the decision I have reached. In any event, it is an established planning principle that each case should be determined on its own merits.
12. In addition to a condition setting a time limit for the commencement of development, a condition requiring that the development is carried out in accordance with the relevant approved drawings is necessary as this provides certainty. I have also imposed the other condition the Council suggested in its questionnaire regarding materials to ensure that the development would safeguard the character and appearance of the dwelling and the area.
13. The development is likely to remain in place long after the need which gave rise to the application has gone and the Council, in its officer's report, recognised the need for a condition to control the future use of the proposed annexe. I find that it is necessary and reasonable for a condition restricting the annexe to ancillary usage. This will reflect the purposes stated by the appellant whilst the use of the annexe for other purposes might raise wholly different considerations which could well be unacceptable in planning terms. Such a condition should not come as a surprise to the parties.

14. For the reasons given above and having regard to all other matters raised, the absence of objections from local residents and the support from Tolleshunt Knights Parish Council, I conclude that this appeal should succeed.

Andrew Dale

INSPECTOR