The Planning Inspectorate

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/22/3294591
Keston, 29 Wellands Close, Wickham Bishops, Essex CM8 3NE

- 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 M Gotts against the decision of Maldon District Council.
- The application ref. HOUSE/MAL/21/01075, dated 11 October 2021, was refused by notice dated 4 January 2022.
- The development proposed is a "*Proposed detached single storey cart lodge garage with storage room.*"

Decision

1. The appeal is allowed and planning permission is granted for a proposed detached single-storey cart lodge garage with storage room at Keston, 29 Wellands Close, Wickham Bishops, Essex CM8 3NE in accordance with the terms of the application ref. HOUSE/MAL/21/01075, dated 11 October 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 and/or annotated: MG01 REV1; MG02 REV1; MG03 REV1 proposed block/roof plan; MG03 REV1 proposed front, rear and side elevations; MG04 REV1; MG07 REV1; MG08 REV1; and site location plan.

   3) The external walling and roofing materials to be used in the construction of the building hereby permitted shall follow the specifications set out on the householder application form/approved plans.

   4) The building hereby approved shall not be occupied or used at any time other than for purposes incidental to the residential use of the dwelling known as Keston, 29 Wellands Close, Wickham Bishops, Essex CM8 3NE, and shall not be used as separate residential accommodation or for primary living purposes.

Preliminary matters

2. The description of the proposed works provided on the householder application form has been updated by subsequent documents. In the heading and decision above, I have adopted the version found on the Council's decision notice and the appeal form as it more correctly describes the proposal before me. There are 2 plans carrying the same reference number MG03 REV1. In the decision above, in the interests of clarity I have included a brief description of what those 2 plans contain after the numbers.

Main issue

3. I consider that the main issue in this appeal is the effect of the proposed development upon the character and appearance of the locality.

Reasons

4. The appeal property lies towards the closed north-western end of Wellands Close, an unadopted cul-de-sac with an unmade surface. The road is lined on both sides by bungalows of various designs other than in the vicinity of the appeal site where a group of 3 houses (nos 27, 29 and 30) is found. No. 29 is a sizeable detached 2-storey house which occupies the last plot on the south-western side of the road before the cul-de-sac is terminated by no. 30 set on lower ground.

5. Whilst there tends to be understandable opposition to the building of garages or outbuildings directly in front of dwellings and in front gardens, the proposed single-storey outbuilding would stand on land that can be best described as the property's north-western side yard which is about 6 m wide. It would not occupy any of the land directly in front of the house, even though it would be close to the front of the dwelling at its northern end.

6. To the extent that the north-eastern corner of the side yard might also be viewed as part of the front garden, it would be only the open garage section (about 3.45 m in width) of the proposed structure that would project forwards of the forwardmost wall of the house which is the central double-height advanced bay containing the entrance door at ground floor level. There would be a gap of about 1.5 m between the front of the garage and the edge of the drive to no. 30 which starts from the end of the unmade road. A low wall and dense hedge on the boundary to that drive would therefore be retained.

7. In the wider context, being at the end of a cul-de-sac without any formal turning head, this a quiet location with no through traffic or passing pedestrians. Given the alignment of Wellands Close, the north-eastern half of the proposed outbuilding would not come into public view until the frontage of no. 23 has been reached. Observers would be aware of other single or double garages in front of several dwellings along Wellands Close (for example, at nos 2, 5, 15, 22, 27 and 28). The forward position of the proposed garage section would not therefore be uncommon of garages within the wider area.

8. The north-eastern half of the proposed outbuilding would indeed be highly visible on the approach along the road after no. 23 but I am not convinced that it would be excessively prominent or harmfully intrude into and mar the street scene. It would be very much viewed against the backdrop of the wide-fronted

house at no. 30. It would also be framed by the retained vegetation on the appeal site and the conifer hedgerow growing inside the boundary of no. 30.

9. In the views that are available when passing directly in front of the appeal property, the outbuilding would not appear unduly assertive given its limited size and scale, attractive design, exemplary materials of black weatherboarding and plain clay tiles and low roof line. In these views some observers might judge the outbuilding to be part of an acceptable subsidiary front-projecting ground floor extension. Others may see it as providing some form of visual stop to development on this side of the road which, in my opinion, would be a reasonable design to employ in this location at the end of the cul-de-sac.

10. I consider that the proposed development would represent a visually attractive solution, exhibit a high standard of design and be sufficiently respectful of the street scene. I find on the main issue that the proposed development would not be materially harmful to the character and appearance of the locality. There would be no conflict with the aims of Policies D1 and H4 of the Maldon District Approved Local Development Plan 2014-2029 or with the objective of the Wickham Bishops Neighbourhood Plan 2016-2029 to promote high quality development that reflects local distinctiveness and the character and appearance of the local area. The scheme would also respect the key design themes in the National Planning Policy Framework insofar as they relate to achieving well-designed places. The expressed need for the development and the multiple benefits that would flow from it for the appellant and his family are further factors in favour of granting planning permission.

11. 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. To ensure that the development would preserve the character and appearance of the locality, I have also imposed the Council's suggested condition on materials; these should follow those specified on the application form/approved plans. It is necessary and reasonable for a condition restricting the use of the outbuilding to incidental purposes. This will reflect the purposes stated on the plans and in the written material before me. The use of the outbuilding for other purposes might raise wholly different considerations which could well be unacceptable in planning terms. The Council's fourth suggested condition is therefore imposed on the planning permission I have granted.

12. For the reasons given above and having regard to all other matters raised, the absence of objections from neighbouring residents and the recommendation of approval from Wickham Bishops Parish Council, I conclude that this appeal should be allowed.

Andrew Dale

INSPECTOR