
Appeal Decision

Site visit made on 19 October 2022

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd November 2022

Appeal Ref: APP/X1545/D/22/3304717

84 Highlands Drive, MALDON, Essex, CM9 6HY

- 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 Ms Cindy Lawes and Mr John Sutherby against the decision of Maldon District Council.
 - The application Ref. HOUSE/MAL/22/00556, dated 21 April 2022, was refused by notice dated 16 June 2022.
 - The development proposed is two-storey side extension and front porch.
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Decision

1. The appeal is dismissed.

Main Issues

2. 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) parking provision and highway safety.

Reasons

Character and Appearance

3. The appeal property is a semi-detached two-storey house, one of a group of similarly designed properties located either side of a cul-de-sac on Highlands Drive. Despite various extensions and alterations to the dwellings, they remain a recognisable group in an otherwise more mixed street scene. In common with the other pairs, the appeal property and its neighbour (Nos. 84 and 82) sit slightly behind the front of the semi-detached pair to the north.
4. The development pattern in the vicinity is mixed, and gaps between buildings vary, with some properties built close to their boundaries and others with more generous spacing. Some of the semi-detached dwellings to the south of the cul-de-sac have two-storey side extensions built up to the shared boundary, but set back into the site so that the original design and form of the host property has not been undermined.
5. Amongst other criteria, Policy D1 of the Maldon District Approved Local Development Plan 2014 – 2029 (2017) [LP] requires new development to respect and enhance the character and local context and to make a positive contribution in terms including architectural style, detailed design features,

height, size, scale, form, massing and proportion. LP Policy H4 also requires building extensions to be of an appropriate scale and design that makes a positive contribution to the character of the original building. Although the appellants note that the dwelling is not in a conservation area or other sensitive location, LP Policy S1 emphasises the importance of high quality design in all developments.

6. In this context, the proposed extension would infill the gap between the dwelling and the side boundary. Although extensions of this width are found elsewhere in this housing group, the proposal would appear far more dominant and visually intrusive in the street scene as a result of its depth and forward position. It would be set back behind the façade by a negligible distance, and the roof would sit below the ridge of the main house by a similarly modest amount, with both doing little to reduce the visual impact of the extension on the original dwelling. The closure of the existing side space to the boundary for the full depth of the property would make the resultant dwelling appear overly cramped on the plot and in the street scene, being highly visible from the public domain.
7. In isolation, the ground floor front extension would be in keeping with the dwelling and the locality, but considered as part of the extension as a whole it would add to the perceived size and bulk.
8. The appellants have drawn attention to the extensions on dwellings south of the cul-de-sac. However, as noted above, these are all set further back into the site, and have a more significant change in roof line. As such, despite closing the gaps between buildings, those extensions appear more subordinate to the host dwelling than proposed in this case, and therefore do not support an extension of the size, scale and siting proposed. Whilst I agree with the appellants' assessment that there is not a consistent run of gaps in the street scene, and that the local area is sufficiently able to absorb a level of modest and managed change, this would not be achieved by the proposal due to its significant impact on the dwelling and its setting.
9. The appellants have set out the 'fallback' position of an extension that could be constructed as 'Permitted Development'¹ (PD). However, whilst an extension could be built up to the side boundary, it would be much lower in eaves and ridge height than the proposal, and therefore with less impact on the dwelling and the street scene. I do not share the appellants view that the proposal would be more aligned with other nearby extensions than a PD scheme. Given the material difference in size, the fallback position would not justify acceptance of the appeal proposal.
10. I therefore conclude that the proposal would detract from the character and appearance of the dwelling and the surrounding area, contrary to the aims of LP Policies D1, H4, and S1. In so doing, the proposal would conflict with the design aims of the National Planning Policy Framework, which seeks development that adds to the overall quality of an area, is visually attractive as a result of good architecture, and is sympathetic to local character and the built environment.

¹ By virtue of the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015

Parking Provision & Highway Safety

11. Although the proposal includes a garage/bike store, its internal size would be too small to constitute a parking space as set out in the Council's adopted parking standards². As a result, the site frontage would be required for vehicle parking, and without the loss of part of the existing lawn only two spaces could be accommodated at the required size of 2.9m x 5.5m. This amount of parking would accord with the Council's standard for a three-bedroom dwelling.
12. A third parking space would be required for a four-or-more-bedroom dwelling, and the Council has applied this standard as the proposal includes a first-floor 'day room', which it considers could be used as a bedroom. Whilst this is not what has been applied for, I accept that there is no planning control that could prevent such use. Nevertheless, I am not persuaded that the proposal would generate additional parking demand that could not be met on site, or safely in the local area. Although there are timed parking restrictions in Highlands Drive, given the provision of off-street parking for most properties I think it unlikely that the proposal would generate a level of additional parking pressure that could not be safely accommodated. As the existing side access is too narrow to park a vehicle, the proposal would not reduce on-site parking to below current levels.
13. I am not convinced that limited on-street parking would materially affect the free flow of traffic, and indeed a degree of 'traffic calming' may be desirable in view of the nearby school. Given the width of the carriageway, I consider the risk of obstruction of the footway by parked vehicles to be low.
14. The appellants suggest that realigning the driveway to provide more parking could be the subject of a planning condition. However, I have not found there to be any practical requirement for such space to be created, and therefore do not consider that such a condition would meet the test of necessity.
15. I therefore conclude that the extended dwelling would be served by sufficient parking to meet the needs generated by its occupants, and would therefore accord with the aims of LP Policies D1 and T2, for development to include sufficient and safe parking facilities having regard to the Council's adopted parking standards, and to create and maintain an accessible environment. However, this does alter my conclusions on the first main issue.

Conclusion

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

H Lock

INSPECTOR

² Maldon District Local Development Plan Supplementary Planning Document, Vehicle Parking Standards, 2018