
Appeal Decision

Site visit made on 14 September 2022

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2022.

Appeal Ref: APP/X1545/D/22/3300031

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/22/00467, dated 24 March 2022, was refused by notice dated 27 May 2022.
 - The development proposed is part two, part single storey extension to rear of house.
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Decision

1. The appeal is allowed and planning permission is granted for part two, part single storey extension to rear of house at Oxley House, D'arcy Road, Tiptree, COLCHESTER, CO5 0RT, in accordance with the terms of the application, Ref. HOUSE/MAL/22/00467, dated 24 March 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) With the exception of the garage roof alterations indicated on drawing no. PP05, the development hereby permitted shall be carried out in accordance with the following approved plans: PP01; PP05; PP02; and PP03.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The annexe accommodation 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.

Application for Costs

2. An application for costs was made by the appellant against Maldon District Council. This application is the subject of a separate decision.

Procedural Matters

3. The description of development in the heading above and in the formal decision has been taken from the planning application form. Part E of the appeal form states that the description of development has not changed but reference to a "reduced scale addition to garage building" has been added. Dormer windows are indicated on the roof of the garage on the Block Plan (drawing no. PP05),

but no elevations or other plans have been supplied of changes to the garage. There is no mention of extensions to the garage in the Council's delegated report. As neither of the main parties has provided written confirmation that a revised description of development which included garage alterations has been agreed, I have used the one given on the original application.

4. An application for a single-storey rear annexe extension and first-floor rear extension was refused by the Council under ref. HOUSE/MAL/21/00772 in November 2021. Planning permission was subsequently granted at appeal for a single-storey rear annexe extension (ref. APP/X1545/D/22/3297050, allowed 27 June 2022) and building work has started. However, as approved, that extension projected further east than proposed in this appeal. For the avoidance of doubt, I have determined the development 'as proposed' on the plans submitted with this appeal.
5. The site location is listed at Tolleshunt Knights on the application form and Tiptree on the decision notice and appeal form. I have used the latter based on the post code¹, which is the same on all documents.

Main Issue

6. The main issue is the effect of the proposal on the character and appearance of the appeal property and the surrounding area.

Reasons

7. The appeal property is a large house set back some distance from the road, and views of the property are filtered by roadside trees and hedging, plus a garage, wall and trees within the appeal site. The dwelling is approached by a long gated driveway, in contrast to the frontage dwellings sitting closer to D'arcy Road. Although there are some other buildings set back from the road, Oxley House appears as a standalone property set within an open landscape.
8. The dwelling already has single- and two-storey extensions, and work has started on an approved annexe. Policy H4 of the Maldon Local Development Plan 2014-2029 (adopted 2017) [LP] seeks to ensure that all development is design-led, with house extensions being of an appropriate scale and design that make a positive contribution to the character of the original building and the area. This is reflected in LP Policy D1, which seeks design that respects and enhances the character and local context in matters including architectural style, materials, design features, height, size, scale, form, massing, proportion and landscape setting. However, no policy or guidance has been cited which interprets 'size' or 'scale', and the Council confirms that the acceptability of a proposal is not based solely on the percentage increase in floorspace.
9. An annexe of the footprint proposed, albeit in a slightly different position, would be constructed at the site regardless of the outcome of this appeal. I am mindful that its height and its lack of disturbance to the form and appearance of the original dwelling were both influential factors in the decision to allow the appeal. However, rather than adding competing architectural elements of differing heights and widths as suggested by the Council, I consider that the proposed first-floor element would create a transition in height between the original house and ground floor annexe. The lower height and use of weatherboarding would reflect the existing extension on the north-western side

¹ As checked at www.royalmail.com/find-a-postcode

of the house, thereby appearing balanced and integrated. The siting of the proposal would not intrude upon the front elevation of the dwelling, nor diminish the dominance of the original dwelling, such that its character and appearance would not be undermined.

10. The orientation of the dwelling means that the area of the proposed extension can be glimpsed from the main road, and also from the public footpath to the south-east. However, there are no roadside footways to the south of the Elizabeth Villas, and therefore views of the extension from the public domain are likely to be fleeting; glimpsed from vehicles, or by pedestrians with attention more likely focussed on passing traffic. Whilst the screening effect of planting may not be permanent, views from the public footpath to the south-east would be distant, and the extension would be seen as part of an already large and established dwelling. Furthermore, as noted by the appellant, compared to the previously refused scheme, the simplified roof design and adjusted position of the ground floor, set back to create a courtyard, would both help to reduce the visual impact and perceived bulk of the proposal.
11. The Council considers that the appeal property already appears as large scale and dominant in comparison with other properties in the surrounding area. Whilst it may be larger than many dwellings in the vicinity, I do not find it to be dominant in the street scene. It is not 'read' in the same context as nearby properties, and is quite distinct in terms of its siting, proportions and design. As such, it is able to accommodate the amount of development proposed without adversely affecting the character and appearance of the surrounding area.
12. I therefore conclude that, considered with previous extensions, the proposal would not be unduly dominant or intrusive, and would be acceptable in its impact on the character and appearance of the dwelling and the surrounding area. The proposal would accord with the aims of LP Policies H4 and D1, and Policy S1, which amongst other criteria seeks to promote the effective use of land whilst emphasising the importance of high quality design. For the same reasons, the proposal would accord with the aims to achieve well-designed places set out in section 12 of the National Planning Policy Framework.

Conditions

13. In addition to the standard time limit, I have attached a condition specifying the approved drawings as this provides certainty. It is also appropriate to control materials to match the existing dwelling, in order to safeguard the character and appearance of the development and the area. I share the assessment of the previous Inspector that a condition to control the future use of the annexe is necessary and reasonable, and for consistency I have applied the condition attached to the extant permission, rather than the wording suggested by the Council.

Conclusion

14. For the reasons given above I conclude that the appeal should be allowed.

H Lock

INSPECTOR