



Appeal Decision

Site visit made on 21 November 2022

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 January 2023

Appeal Ref: APP/X1545/D/22/3304050

15 Rectory Road, Woodham Walter, Essex, CM9 6RD

- 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 Richard Turner against the decision of Maldon District Council.
 - The application Ref HOUSE/MAL/22/00373, dated 28 February 2022, was refused by notice dated 25 May 2022.
 - The development proposed is the erection of a two-storey side extension, porch to front and relocation of an oil tank.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a two-storey side extension, porch to front and relocation of an oil tank at 15 Rectory Road, Woodham Walter, Essex, CM9 6RD in accordance with the terms of the application, Ref HOUSE/MAL/22/00373, dated 28 February 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) The development hereby permitted shall be carried out in accordance with the following approved plans: Drg Nos 01B, 02C and 03.
 - 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.

Procedural Matter

2. I have used the description that was given on the decision notice and which was repeated by the appellant on the appeal form. This is an accurate but more succinct version of the description that was given on the application form.

Main Issues

3. The Council has raised no concern regarding the proposed relocation of the oil tank. I have no reason to disagree. The main issues are therefore the effect of the proposed side extension upon the character and appearance of the area, and the effect of the development upon the free and safe movement of vehicles and pedestrians in the vicinity of the appeal site with particular regard to the provision of on-site parking.

Reasons

Character and Appearance

4. The appeal property is a two-storey dwellinghouse located at the end of a short asymmetrical terrace of four properties (Nos 15-18 inclusive). To the side of the property is a concrete driveway that leads to a garage court and parking area that extends to the rear of the terrace. On the opposite side of the driveway entrance are two pairs of semi-detached dwellings (Nos 14-11). The exposed side elevation of the appeal property is set away from the plot's side boundary. The proposal would almost fill this gap with a slightly subservient two-storey side extension that would project the gabled form of the existing dwelling sideways.
5. Due to the proximity of the extension to the side boundary, the Council is concerned that the proposal would appear cramped and incongruous within the street scene. However, although No 14 on the opposing side of the driveway is equally set away from its side boundary, there is no particular significance to the size of the gap between both properties. The extension would undeniably narrow the gap with No 14 but a reasonable separation distance would remain. Moreover, there is no conventional street scene to Rectory Road. The driveway is utilitarian in form and function. It is not a thoroughfare. Nos 14 and 15 are built on significantly different forward building lines. The style of dwellings to each side of the access are notably different and each has an unorthodox relationship with their main road frontages due to the skewed road junction in front where Blue Mill Lane joins Hoe Mill Road. When combined also with expansive greenswards, an informally hard-surfaced area to the front of Nos 14-11, and open countryside on the opposite side of Hoe Mill Road, there is no rhythm or uniformity to the pattern of development around the appeal site that could reasonably be disrupted by the appeal proposal.
6. Overall, I am satisfied that the proposed side extension would appear neither cramped nor incongruous but instead would be seen as a logical addition to the appeal property that would be comfortable in its setting. As such, there would be no conflict with Policies D1 or H4 of the Maldon District Approved Local Development Plan 2014 – 2029 (2017) (LDP) as far as they seek to achieve high quality design that respects the local character and context of the area. For the same reasons there would be no conflict with the National Planning Policy Framework's objectives for achieving well-designed places. Despite being referenced within the decision notice, I have not been directed to any specific conflict with the Maldon District Design Guide Supplementary Planning Document (2017).

Parking

7. The Council's Vehicle Parking Standards Supplementary Planning Document (2018) requires a minimum number of two parking spaces for a three-bedroom dwelling and three spaces for a four+ bedroom dwelling. Criterion 5) of LDP Policy D1 requires development to provide safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards.
8. The existing dwelling has three bedrooms. The application drawings show that the extension would create a new utility area at ground floor with an office and extended bathroom at first floor. The additional space that would be created would have the obvious potential to add a fourth bedroom. Given the

requirements of Policy D1, it is reasonable for the Council to consider the potential for increased parking demand as a result of the proposed extension.

9. The location plan which accompanied the application shows three areas within the open garage court immediately adjacent to the rear garden of the appeal property which are shown to provide three individual parking spaces. These are included within the red-line application site boundary and certified to be within the appellant's ownership. The Council has questioned the appellant's ability to use these as the spaces are not demarcated and access along the driveway leading to this area is not shown to be within the appellant's ownership or control. On the other hand, I have been given no reason to doubt the land ownership status that has been declared and there is no evidence before me to show that access along the driveway is in any way prohibited.
10. Based upon the information I have, it would appear that the property has the ability to park three cars clear of the highway. This would satisfy the Council's parking standards for a four-bedroom dwelling and as such there would be no conflict with Policy D1. Even if that is not the case, I have been provided with no evidence, neither substantive nor anecdotal, of any on-street parking stress in the locality. The garage forecourt to the rear is expansive and there is an obvious area to the front of Nos 14-11 Rectory Road where vehicle parking would be freely available and unrestricted. Consequently, I am not persuaded that, if additional on-street parking were to be generated by the proposal, it would result in any harm to the free and safe movement of vehicles and pedestrians.

Conditions

11. A condition specifying the relevant plans is necessary as this provides certainty. In the interests of maintaining the character and appearance of the area a condition is required to ensure that the proposal is finished with materials to match the existing building.

Conclusion

12. For the reasons given, I find that there would be no harm to the character or appearance of the area. I also find that there would be no impact upon the free and safe movement of vehicles and pedestrians in the vicinity of the appeal site. Accordingly, in the absence of any other conflict with the development plan, and having regard to all other matters raised, the appeal is allowed.

John D Allan

INSPECTOR