



Appeal Decision

Site visit made on 20 December 2022

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th January 2023

Appeal Ref: APP/X1545/D/22/3305521

19 Byron Drive, Wickham Bishops, Essex CM8 3ND

- 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 Rose against the decision of Maldon District Council.
 - The application Ref HOUSE/MAL/22/00488, dated 30 March 2022, was refused by notice dated 27 May 2022.
 - The development proposed was described as "*extension and internal alterations. Material change to elevations*".
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Decision

1. The appeal is allowed and planning permission is granted for the erection of part single, part two-storey side and rear extensions, a single-storey front and side extension, a porch and changes to fenestration and external materials at 19 Byron Drive, Wickham Bishops, Essex CM8 3ND in accordance with the terms of the application, Ref HOUSE/MAL/22/00488, dated 30 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) The development hereby permitted shall be carried out in accordance with the following approved plans: Drg No 200 Rev P3.

Procedural Matter

2. My formal decision uses a description that closely resembles the description used by the Council on their decision notice and which was repeated by the appellant on the appeal form. This is a more accurate description of the works compared with that which was given on the application form and which I have repeated in the banner heading above.

Main Issue

3. The proposal contains a number of separate parts. The officer's report confirms that the Council is satisfied that the following elements would not cause harm to the character or appearance of the existing dwelling or the wider street scene:
 - A single-storey side extension to the west elevation;
 - A part two-storey, part first-floor, part single-storey side extension to the east elevation;
 - A part single, part two-storey rear extension.

4. I have no reason to disagree with the Council's findings on these matters and I note that prior to the appeal being lodged the Council granted planning permission for an alternative scheme with a similar description (given as Ref 22/00704/HOUSE by the appellant). The main issue therefore is the effect of the proposal upon the character and appearance of the host dwelling and wider area, having specific regard to the porch and external materials.

Reasons

5. The appeal property is set within a residential cul-de-sac development which comprises a mix of detached dwelling types, shapes and sizes. Although there are repeat house designs peppered throughout Byron Drive, I could detect no sense of formal regimentation or uniformity to the development pattern that was significant due to the irregular road layouts and siting of dwellings, their random mix, and openly visible changes and alterations to many properties. The appeal property is tucked into a corner location and is one of three similar but not identical chalet-style dwellings (Nos 19-21 inclusive), located at the terminal end of a short limb.
6. In common with Nos 20 and 21, the appeal property has a dominant gabled projection to the front elevation. Its entrance door is currently to the side, in front of a deeply recessed attached garage. The dwelling is finished with a mix of white horizontal cladding at first-floor level, facing brickwork, brown concrete roof tiles and white window casements. The proposal would include a new projecting entrance porch to the front elevation which would be set to one side of the front gable, and changes to the external materials comprising light grey cladding and render to the front, rear and west side elevations, and to the first-floor of the east side elevation; brickwork on the east side ground floor elevation; grey slate tiles to the roof; and dark grey UPVC windows and doors.
7. The porch would be an obvious change to the front of the dwelling. However, it would have a pitched roof that would mimic the slope of the existing gable and would integrate with it as a complementary, and appropriately subservient, adjunct. Furthermore, as recognised within the officer's report, it would be a small addition and one that I saw would remain deeply recessed behind the property's front boundary such that it would have very little wider visual presence beyond the appeal site. Given also the informal and mixed pattern of development within Byron Drive, I cannot agree with the Council's view that its position and design would appear incongruous within the street scene.
8. I saw during my visit a variety of materials choices and mixes throughout Byron Drive, including full height cladding in parts to some properties. Others had mixes of full height render panels, not all the same colour, or else dark hanging tiles, all contrasting with adjacent facing brickwork. The extent of cladding to the front elevation at No 19 would be greater than others, but its use at full height would not be alien in the locality. The grey colour would merely add to an existing mix of colour choices, as would the replacement dark coloured window frames, which are already prominent on some properties in the area. Slate grey roof tiles would be a change from the dominant brown tiles in Byron Drive, but my impression is that the materials changes to No 19 overall would simply introduce a contemporary finish for the property in an area that is capable of accommodating change without inherently harming its established character or appearance.

9. Overall, I am satisfied that the proposed porch and external materials, when combined also with the other elements of the appeal proposal, would result in a remodelled appearance to No 19 that would sit comfortably in its setting without harm to the character or appearance of the wider street scene. As such, there would be no conflict with Policies D1 or H4 of the Maldon District Approved Local Development Plan 2014 – 2029 (2017) 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.

Conditions

10. A condition specifying the relevant plans is necessary as this provides certainty. The Council has suggested a condition that would require the development to be finished with materials to match the existing building. However, the proposal explicitly includes a palette of alternative materials to the existing. These are specified on either the plans or the original planning application form and for reasons amplified above, I am satisfied that they would be appropriate. Such a planning condition would therefore be unreasonable and unnecessary.

Conclusion

11. For the reasons given, 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