



Appeal Decision

Site visit made on 21 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/22/3304672

The Old Coach House, Royal Court, Maldon, CM9 5DA

- 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 M Palmer against the decision of Maldon District Council.
 - The application Ref HOUSE/MAL/22/00098, dated 27 January 2022, was refused by notice dated 2 August 2022.
 - The development proposed is the erection of a two-storey rear extension to dwelling including installation of rooflight, larger window at ground floor, partial infilling of first floor window, ground floor openings, and construction of a single storey home office / storeroom.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a two-storey rear extension to dwelling including installation of rooflight, larger window at ground floor, partial infilling of first floor window, ground floor openings, and construction of a single storey home office / storeroom at The Old Coach House, Royal Court, Maldon, CM9 5DA in accordance with the terms of the application, Ref HOUSE/MAL/22/00098, dated 27 January 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 L1 REV B, 01E and 02D.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted, as far as it relates to extension and alteration of the dwelling, shall match those used in the existing building.
 - 4) The outbuilding hereby permitted, as shown on Drg No 02D, shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as The Old Coach House.

Main Issue

2. The main issue is the effect of the proposal upon the character and appearance of the host dwelling and the wider area.

Reasons

3. The appeal property comprises one half of a two-storey former coach house building that now forms a semi-detached pair of dwellings. At the time of my

visit the property was empty and in a poor state of repair. No 10A attached is occupied and has been extended to the rear with a tall and deep, lean-to addition. The site occupies a back-land position set tight to the rear garden boundaries of properties fronting Cross Road. Pedestrian access to the site is via a footpath between Nos 8 and 10 Cross Road, with vehicular access to the rear through a garage forecourt area via a turning head at the terminal end of Royal Court, a residential cul-de-sac. The proposal includes a two-storey extension to the rear of the building, alterations to its door/window openings and fenestration pattern, and the erection of a single-storey outbuilding towards the foot of the garden that would be used ancillary to the residence as a home office, store and WC.

4. The Council is satisfied that the outbuilding would not have a detrimental impact on the character or appearance of the locality. I have no reason to disagree. It would be of modest scale and impact, appropriate to its rear garden setting, and would occupy space adjacent to a similar building on neighbouring land in terms of size and appearance.
5. Whilst acknowledging that the front, south elevation of the dwelling is largely out of sight, the Council questions the suitability of some of the changes to the window and door openings suggesting they lack any cohesive design or symmetry. I disagree. In my view they would merely reflect the original random features associated with the building's former use.
6. The extension to the rear would span the full width of the dwelling and would project with a staggered rear elevation to account for the doglegged alignment of the site's eastern boundary. It would have a dual pitched roof with two rear facing gables that would match the eaves height of the existing with ridge lines set marginally lower than the ridge to the main roof. At its deepest point the extension would project just over 3.5m beyond the rear wall of the existing dwelling. This would approximately align with the extension to No 10A, which would be immediately abutting. It would be finished with brickwork and slate tiles to match the existing.
7. The extension would be undeniably large when compared with the size of the existing dwelling and would dominate the rear elevation, adding significantly in terms of floorspace and accommodation. I agree with the Council's assessment that it would not be visually subservient to the existing dwelling. However, Policy H4 of the housing chapter of the Maldon District Approved Local Development Plan 2014 – 2029 (2017) (LDP) has no specific requirement for extensions or alterations to a dwelling to be subservient but rather that they be of an appropriate scale and design to the character of the original building and the surrounding area.
8. With this in mind, I share the appellant's view that the extension would be an obvious and natural addition that would appropriately respond to the architectural form of the existing building. The pitched, gabled forms of the roof would mimic the existing and the use of matching materials would ensure a seamless addition. Whilst it would obviously remodel the appearance of the property when viewed from the rear, it would do so in a manner that would be comfortable within the context of its setting, where the varied and mixed forms to the rear elevations of surrounding dwellings are all openly seen. I find nothing about the two-storey extension that would appear overly large, bulky or incongruous.

9. My impression overall is that whilst there would be a significant change to the appearance of the building, the proposal would create a more functional remodelled house that would contribute positively towards local character. As such it would make effective use of the land in accordance with Policy H4. For these reasons I am also satisfied that the proposal would display the quality of design that is required by LDP Policy D1 and that it would satisfy the National Planning Policy Framework's objectives for achieving well-designed places.

Other Matters

10. I note that Maldon Town Council objected to the proposal on the grounds that the property would have insufficient rear garden space. However, the local planning authority has confirmed that adequate private amenity space would be retained in accordance with the Maldon District Design Guide SPD.

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 proposed extension and alterations to the dwelling are finished with materials to match the existing building.
12. The officer's report states that if the planning application was to have been approved, it would be reasonable to impose a condition requiring that the proposed outbuilding could not be occupied at any time other than for purposes incidental to the residential use of the dwelling. I agree that this would be necessary in order to safeguard the character and appearance of the area, and the living conditions of neighbouring occupiers. The appellant has not raised any issue with the prospect of such a condition being imposed and I have therefore included an appropriately worded condition accordingly.

Conclusion

13. For the reasons given, I find that the proposal would not harm the character or appearance of the host dwelling or wider area. 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