
Appeal Decision

Site visit made on 24 January 2023

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th February 2023

Appeal Ref: APP/X1545/D/22/3312187

16 Rydal Drive, Maldon, Essex CM9 5LG

- 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 & Mrs Varney against the decision of Maldon District Council.
 - The application Ref HOUSE/MAL/22/00971, dated 7 September 2022, was refused by notice dated 2 November 2022.
 - The development proposed is single storey rear extension with garage/store room link.
-

Decision

1. The appeal is allowed and planning permission is granted for single storey rear extension with garage/store room link at 16 Rydal Drive, Maldon, Essex CM9 5LG. The permission is granted in accordance with the terms of the application Ref HOUSE/MAL/22/00971, dated 7 September 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The extension hereby permitted shall be carried out in accordance with the following approved plans: 000_S1/06 (location plan), 000_S2/01 (floor plans), 000_S2/03 (elevations) and 000_S2/06 (block plan).
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
 - 4) The converted garage hereby approved shall only be used for purposes incidental to the residential use of the dwelling known as 16 Rydal Drive, Maldon and shall not at any time be converted for or otherwise used as living accommodation.

Main Issue

2. The main issue is the effect of the proposed extension on the amount of private amenity space at the appeal property and, therefore, on the living conditions of current and future occupiers.

Reasons

3. The appeal property is a two-storey semi-detached dwelling in a modern residential estate, which includes dwellings of varied size and design.
4. Policy D1 of the Maldon District Approved Local Development Plan 2014-2029 (2017) (the LDP) concerns design quality and the built environment. It requires development to respect and enhance the character and local context, and make a positive contribution against a number of criteria, including to provide sufficient and usable private and public amenity spaces. The Maldon District Design Guide Supplementary Planning Document (SPD) includes detailed guidance and standards to support the policy, including that a three or more bedroom dwelling as in this case should have a minimum of 100m² of private amenity space.
5. The Council indicates that the existing garden is around 100m², which therefore meets the expected standard. The extension would result in the available garden area being around 85m².
6. The proposal involves a modest single storey extension of 3.5 metres depth, which would result in a quantitative reduction from the requisite standard. The existing garden is the same width as the dwelling where it runs adjacent to the garage, but then opens out to the full plot width behind the garage. Consequently, the configuration of the remaining space means that even with the small extension in place it could reasonably be used and enjoyed for both children's play or sitting outside.
7. Therefore, the effect of the proposed extension on the quality of the useable space would be limited. I am mindful that, as a general principle, guidance such as that included in the SPD should be applied judiciously, taking account of the particular circumstances involved. In the circumstances of this case, the effects of the reduction in available space would not be so significant to cause material harm to current or future occupiers' enjoyment and use of the rear garden.
8. Therefore, for these reasons, I conclude that the proposed extension would not have an unacceptably harmful effect on the amount of private amenity space at the appeal property and, therefore, on the living conditions of current and future occupiers. Consequently, it is not contrary to Policy D1 of the Local Plan, referred to above.

Conclusion and Conditions

9. For the reasons given above it is concluded that the appeal should be allowed.
10. Of the Council's suggested conditions I have imposed the standard time condition and, to ensure the proper implementation of development in accordance with the submitted details, one requiring development to be carried out in accordance with the approved plans. I agree also that a condition requiring the external materials used to match those of the existing building is needed in the interests of the appearance of the host dwelling and wider area.
11. The plans show that the linked garage is to be used as a utility and storage space. I agree with the Council that for the avoidance of doubt and in the interests of the character of the area and neighbouring amenity, a condition is

necessary to prevent it from being used for purposes that are not incidental to the principal residential use of the appeal property.

J Bell-Williamson

INSPECTOR