

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/22/3313097

Lea Lane Cottage, Lea Lane, Great Braxted, Essex CM8 3EP

- 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 Mrs Sarah Burns against the decision of Maldon District Council.
 - The application Ref HOUSE/MAL/22/00505, dated 1 April 2022, was refused by notice dated 3 November 2022.
 - The development proposed is single storey side extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development on the application form is a single storey rear extension, but the appeal form refers to a side extension. Due to the orientation of the appeal property facing the road, the proposal clearly involves a side rather than rear extension and, therefore, the above description reflects this.

Main Issue

3. The main issue is the effect of the proposed extension on the character and appearance of the host dwelling and the surrounding area.

Reasons

4. The appeal property is a two-storey detached dwelling within a rural setting, with a frontage on and access to Lea Lane. The surrounding area is open agricultural land with sporadic built development along the rest of Lea Lane.
 5. 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 architectural style and height, size, scale, form, massing and proportion. Policy H4 of the LDP, concerning the effective use of land, requires that extensions should maintain or enhance the character of the original building and the surrounding area.
 6. The appeal property is a late Victorian building, with its original built form particularly apparent from the two storey frontage closest to Lea Lane, including
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a half-gable feature to the upper floor and uniform fenestration. The single storey front porch and development behind this is set well back from the original frontage and, as such, is subordinate to it. The two storey element is prominent in surrounding views due to its proximity to the road frontage and the limited height of the front boundary fence.

7. The side extension would be of proportionate width and height to the two storey host dwelling, would include a matching window and the external materials would match those of the host dwelling. However, the parapet wall enclosing the roof lantern would give the appearance of a flat roof, which would contrast unfavourably with the existing hipped roof. Moreover, the front elevation would not be set back from the main frontage of the original dwelling. Consequently, in contrast to the single storey element on the opposite side, it would not be subordinate to the principal built form. Instead, it would appear as an incongruous later addition to the original building, which for the reasons given, would not integrate visually with the host dwelling.
8. The height of the extension means that the upper part including the roof would be seen in relation to the original dwelling from the road frontage. While there is no footpath along Lea Lane and therefore potentially few pedestrians, the extension would nonetheless be seen in passing views. The extent of the residential curtilage of the appeal property does not have a direct bearing on these findings.
9. Therefore, for these reasons, I conclude that the proposed extension would have an unacceptably harmful effect on the character and appearance of the host dwelling and the surrounding area. Consequently, it is contrary to Policies D1 and H4 of the LDP, as described above.

Other Matters

10. The appellant contends that the Council could have sought an alteration to the roof of the proposed extension before determining the application. However, this matter is outside the scope of this appeal, which I must determine on the basis of the submitted proposal.

Conclusion

11. For the reasons given it is concluded that the appeal should be dismissed.

J Bell-Williamson
INSPECTOR