

Appeal Decision

Site visit made on 15 March 2023

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6TH April 2023

Appeal Ref: APP/X1545/D/23/3315390

14 Roots Lane, Wickham Bishops, Essex CM8 3LS

- 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 Tony Wickert against the decision of Maldon District Council.
 - The application Ref HOUSE/MAL/22/00987, dated 8 September 2022, was refused by notice dated 24 November 2022.
 - The development proposed is two storey front, side and rear extension to dwelling house including building over existing single storey attached garage. Widening of existing vehicular drop-kerb access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed two storey extension on the character and appearance of the host dwelling and the street scene; and its effect on the living conditions of the occupiers of No 16 Roots Lane, with regard to outlook.

Reasons

Character and Appearance

3. The appeal property is a two storey detached dwelling in a residential road of mixed properties. The surrounding area is predominantly residential in character.
 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 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.
 5. The proposal involves building a two storey extension on the footprint of the existing single storey garage and the room behind this. The extension would
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have a consistent side elevation for its whole depth, set away from the shared boundary. A common characteristic of many of the two storey dwellings in the same part of Roots Lane is that they have single storey elements that project beyond the front building line of the principal two storey built form. This is also the case with the existing garage at No 14.

6. The gable end of the extension would be in keeping with the dwelling's overall design and the roof height would be subordinate to that of the existing two storey house. However, the forward extension of the new upper floor, beyond the principal building line, would be an uncharacteristic feature within the street scene, given that all similar projections are single storey. Furthermore, the extensive two storey side wall would be highly prominent in public views due to the wide gap between Nos 14 and 16, from which views it would appear as a dominant and disproportionate feature. The fact that No 14 is on lower ground than the footpath and road has little direct bearing on the effects of the proposed development in this regard.
7. The extension would also contrast unfavourably with the upper storey element to the opposite side of No 14, which is set back from the main frontage and therefore appears subordinate. The combined effect of the unrelieved extent of side wall together with the forward projection of the upper floor of the extension would unbalance the proportions and appearance of the host dwelling. Despite the gap with the shared boundary and the gap between Nos 14 and 16, the depth and height of the side wall would also appear as a form of overdevelopment. This would be particularly apparent by contrast to the neighbouring two storey dwellings in the road, which predominantly retain a single storey element to the side. For these reasons, the replacement of the flat roofed element to the side is not sufficient justification for the proposed larger extension.
8. I have had regard to the other examples of extensions in Roots Lane referred to by the appellant. However, these are not directly comparable to the appeal proposal as none of them involves a two storey extension that projects forward of the principal building line.
9. Therefore, for the above reasons, I conclude that the proposed two storey extension would have a materially harmful effect on the character and appearance of the host dwelling and the street scene. Consequently, it is contrary to Policies D1 and H4 of the LDP, as described above. It is also contrary to the National Planning Policy Framework (the Framework), which promotes good design.

Living Conditions

10. The substantive gap between Nos 14 and 16 means that the latter property has an area of useable garden to the side between the two dwellings. The existing garage is directly next to the shared boundary, but the single storey height mitigates any harmful effects of built development in close proximity to the neighbouring garden. Moreover, the side wall of the room to the rear is set away from the boundary and so, despite the overall depth of development, it does not harmfully affect the outlook from No 16's garden.
11. In contrast and as found above, the proposed extension would result in an extensive area of side wall of considerable depth and two storey height. While

this would be set away from the boundary and the roof would also angle away from the boundary, it would nonetheless result in a material change to the outlook from No 16's garden. The overall extent and presence of the wall in close proximity would result in a dominant and overbearing effect on the outlook from the garden. As such, I conclude that it would have an unacceptably harmful effect on the neighbouring occupiers' living conditions. The proposal is, therefore, contrary to Policy D1 of the LDP, which includes the requirement that development should protect the amenity of surrounding areas taking into account outlook, amongst other matters. It is also contrary to the Framework, which expects development to ensure a high standard of amenity through good design.

12. I acknowledge that there were no objections to the proposal. However, given the permanent nature of the change proposed, the effects need to be considered in the long term, with regard to both current and future occupiers of the neighbouring property.
13. I acknowledge that the proposed extension is intended to create additional living space. However, these personal circumstances do not overcome the harm and conflict with development plan policies that I have found would result from the proposal.

Conclusion

14. For the reasons given it is concluded that the appeal should not succeed.

J Bell-Williamson
INSPECTOR