

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: 11th April 2023

Appeal Ref: APP/X1545/D/23/3314754

Old Court House, Maldon Road, Latchingdon CM3 6LF

- 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 A Wheildon against the decision of Maldon District Council.
 - The application Ref HOUSE/MAL/22/00867, dated 27 July 2022, was refused by notice dated 26 October 2022.
 - The development proposed is double garage with store room over.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal property is referred to on the application form as 'Courtlands', but reference is also made to it being renamed as 'Old Court House', which is the name used on the appeal form. I have, therefore, used the current name in the above heading.

Main Issue

3. The main issue is the effect of the proposed garage building on the character and appearance of the appeal site and the surrounding area.

Reasons

4. The Old Court House is a two storey detached Victorian building close to the junction of Maldon Road with Cold Norton Road. There are dwellings either side of the appeal property on the same side of the road with open countryside opposite.
 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 D3 requires development to preserve or enhance the character, appearance and setting of designated and non-designated heritage assets. Policy H4, concerning the effective use of land, requires that additions should maintain or enhance the character of the original building and the surrounding area. The
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appeal site is outside the settlement boundaries of Purleigh and Latchingdon and, therefore, is in the countryside. Policy S8 of the LDP states that permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon.

6. The Old Court House and the adjoining dwelling, the Old Police Station, are locally listed. The Council indicates that the heritage significance of the buildings principally relates to their historic interest; as such, they are considered to be non-designated heritage assets. However, their significance in this regard is considered low due to various alterations and extensions. Nonetheless, despite changes to the original windows and roof tiles, as well as a recent side extension, the appeal property retains much of its original built form. This is apparent from the rectangular plan form, centrally-positioned front door, regular window pattern and shallow-pitch tiled roof. Due to its overall size, appearance and position it is a prominent and attractive building within the street scene.
7. The proposed garage would be positioned in the north-eastern corner of the appeal site close to the front and side boundaries. It would, therefore, be prominent in the street scene due to its proximity to the road frontage, forward of the host dwelling. A garage in this location would not, however, be an uncharacteristic feature as there is an existing detached garage at the neighbouring property, Ashdown House, directly adjacent to the site of the proposed garage.
8. The new garage would, however, be materially larger than the neighbouring building due to its more sharply-pitched roof together with the additional bulk resulting from the dormer windows, although I accept that the footprint size is largely a result of the need to accommodate relevant parking standards. More significantly, however, the appearance of the garage in terms of design and materials would not take any cues from the host dwelling to which it would most directly relate visually. This would be apparent from the contrast in the roof profiles, the prominence of the dormer windows and the use of timber as the external facing material. The extent of the red brick exterior of the host dwelling is particularly prominent and, therefore, the garage would contrast unfavourably with this, detracting from the appearance of the Old Court House.
9. I acknowledge that dormer windows are a feature of neighbouring properties, but the garage's strongest visual relationship would be with the Old Court House, which does not include dormers in its simple roof profile. The proposed garage is not directly comparable to the existing building at Ashwood House as this is brick-built like the host dwelling and, therefore there is good degree of visual integration between the two buildings. I acknowledge that the materials for the proposed building would reflect those of a traditional cartlodge. However, the use of brick as the predominant external material in the street scene means that in its particular context the proposed garage would be an incongruous and uncharacteristic addition with regard to its effects on both the appeal site and the wider area.
10. Therefore, for these reasons, the proposed garage building would have an unacceptably harmful effect on the character and appearance of the appeal site and the surrounding area. Consequently, it is contrary to Policies D1, D3 and H4 of the LDP, as described above. The proposal is also contrary to the

National Planning Policy Framework with regard to the effects of development on a non-designated heritage asset¹. There is no such conflict, however, with Policy S8 of the LDP as the proposed building would not harm the intrinsic character and beauty of the countryside in this location.

Conclusion

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

J Bell-Williamson

INSPECTOR

¹ Paragraph 203.