



Appeal Decision

Site visit made on 22 February 2023

by **P. D. Biggers** BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 April 2023

Appeal Ref: APP/X1545/W/22/3304680

Lawndale, Church Lane, Stow Maries, Essex CM3 6SL.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr Ben Riglin against the decision of Maldon District Council.
 - The application Ref 22/05037/DET, dated 6 June 2022, sought approval of details pursuant to conditions No 3 and 4 of a planning permission Ref 21/00409/FUL, granted on 24 March 2022.
 - The development proposed is the erection of a 2-bay wide cart lodge with log store to the north end and a single storey pitched roof building attached to the south side to be used as a home office and storage building for outdoor furniture and play equipment.
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Decision

1. The appeal is allowed and the external materials details submitted pursuant to Condition No 3 attached to planning permission Ref 21/00409/FUL (granted on 24 March 2022) in accordance with the application dated 6 June 2022 and the documents submitted with it are approved.

Procedural Matters

2. The original application to discharge conditions was submitted in respect of Conditions No 3 (materials) and No 4 (tree protection). The decision letter issued by the Council on 1 August 2022 discharged details in respect of Condition No 4 but not for Condition No 3. My decision below therefore relates only to the matter of Condition No 3.

Main Issue

3. The main issue in this case is the effect of the proposed external materials on the character and appearance of the main dwelling and the surrounding area.

Reasons

4. The appeal property is one of a group of large, detached, two storey dwellings on the south side of The Street in Stow Maries. The first four properties east of the junction of The Street with Church Lane, including the appeal property Lawndale, although having an elevation onto The Street, take their access from a short private drive off Church Lane.
5. Lawndale sits at the far end of this private drive with its forecourt and garden across the end of the private drive. The proposed outbuilding would be sited to the south side of the plot separated from the house by the forecourt and would be screened at least in part by trees and hedging.

6. Condition No 3 was imposed by the Inspector determining the appeal in respect of the outbuilding (Ref APP/X1545/D/21/3286092) and was imposed in order to ensure the outbuilding would respect the surrounding context. For the most part the existing dwellings are finished in brick, render and tile with some detailing in cladding. Lawndale itself, unlike the others, has been the subject of substantial extension and has been designed in a way that gives the house a more contemporary styling compared to its neighbours.
7. The materials proposed for the exterior of the outbuilding and submitted to discharge Condition No 3 were Marley Plain Roofing Tile in Old English dark red for the roof, anthracite grey UPVC frames on the doors and windows and Hardies plank cladding in black for the walls. Hardies plank cladding is not a timber product but a fibre cement product finished in black with a timber grained finish. The Council agreed that the frames and roofing material proposed were acceptable but that the cladding material was not.
8. I have been referred to other nearby sites in Stow Maries where weatherboarding has been used and which the appellant considers justifies the use of this cladding material. I accept that each case will be considered on its own merits. However, there is a general point that, particularly used on ancillary outbuildings, which is the case on the appeal site and in two of the sites I have been referred to, the use of the weatherboarding emphasises the ancillary nature of the structures.
9. I acknowledge that some of the alternative cases were conditioned to be feather-edged timber cladding and what is proposed to be used on the appeal site is neither timber nor feather-edged. However, for a number of reasons I am not persuaded that fibre cement weatherboarding would be unacceptable in this appeal case.
10. First, in terms of the context of Stow Maries, the appeal site sits in an area characterised by differing styles of detached dwellings and outbuildings in a mix of materials. The use of weatherboarding is not an atypical finish in Stow Maries and the specific type proposed would not be out-of-keeping with this mixed character.
11. Secondly, the proposed outbuilding would not be in a prominent location. It would be sited at the end of a private drive where the use of the external cladding proposed would not have a visually detrimental effect on the street scene.
12. Thirdly, the black weatherboarding viewed from Church Lane or indeed from neighbouring properties on the private drive, both of which would be at some distance, would be largely indistinguishable from timber. Indeed, I note that on one of the sites referred to by the appellant, west of Stow Hall on Woodham Road, fibre cement weatherboarding has been installed on new houses under construction in a much more prominent location. As installed, the fibre cement weatherboarding resembles a timber clad building and the same would be the case on the Lawndale site.
13. In terms of the impact on the main dwelling, the modern contemporary design with its plain white render finish establishes a simple 'crisp' appearance to the main house. The use of black fibre cement weatherboarding would be a sharp contrast to the materials of the house but would reflect the same simple 'crisp' design concept. Moreover, as stated above, this contrast would establish the ancillary nature of the outbuilding as a separate entity to the main house. Accordingly, I am satisfied that the use of the cladding would not appear detrimental to the character and appearance of the main dwelling.

14. Regarding the roofing material, whilst there are some roofs in the vicinity in muted brown tiling, the choice of Old English Red tiles over grey, which is the more dominant roofing colour, appears an odd choice. However, as the colour will weather down over time I am satisfied that it would not be so harmful to the character and appearance of the surroundings as to warrant dismissing the appeal.
15. Accordingly, the proposed materials would not be detrimental to the character and appearance of the main dwelling and the surrounding area of Stow Maries and as such would not be contrary to Policy D1 of the *Maldon Local Plan*.

Conclusion

16. For the reasons above the appeal should be allowed and the external materials details submitted pursuant to condition No 3 are approved.

P. D. Biggers

INSPECTOR