



Appeal Decision

Site visit made on 21 August 2023

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th September 2023

Appeal Ref: APP/X1545/D/23/3319284

93 Imperial Avenue, Mayland, Essex CM3 6AJ

- 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 Luke Maynard against the decision of Maldon District Council.
 - The application Ref HOUSE/MAL/23/00061 dated 24 January 2023, was refused by notice dated 21 March 2023.
 - The development proposed is described as new detached garage to the front of the property.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the development on the character and appearance of the area.

Reasons

3. The site is located within a predominantly residential area where property designs vary. The properties are predominantly set back from the road and have relatively open frontages.
4. I observed during my site visit that there were a few garages located to the front of plots, however these do not reflect the prevailing character and appearance of the area, which has is spacious and open frontages.
5. The appeal site property is set back on the plot in comparison to the adjacent property No. 95 Imperial Avenue as such the proposed development would be screened to a degree by the adjacent property.
6. Notwithstanding this the proposal would introduce a form of development in the area which despite the use of sympathetic materials and flat roof, would be dominant and incongruous in the streetscene. The effect of the scheme would diminish unacceptably the character and appearance of the area.
7. The Appellant contends that the eastern boundary could include a fence or planting which could be controlled through the imposition of a planning condition. Whilst this could soften the appearance of the proposed development this does not persuade me that the proposed development would not cause harm.

8. I conclude that the proposed development would harm the character and appearance of area. There is conflict with Policies D1 and H4 of the Maldon District Approved Local Development Plan 2014-2029 (2017) which amongst other things seeks to ensure developments are subordinate to the existing property. I also find conflict with the Framework, which seeks to ensure good design of developments.

Other Matters

9. It has been brought to my attention by the Appellant that the proposed development is required for storage. I have not been provided with demonstrable evidence to convince me that the proposed development is the only way of achieving the required storage.
10. The Appellant has drawn my attention to a previous approval for a garage in a similar location¹. I understand this was approved at a time when different planning policies would apply. Notwithstanding this each development must be considered on its individual merits, and I have reached my conclusion based on the individual merit of the appeal proposal.

Conclusion

11. For the reasons given above, I conclude that the appeal should be dismissed.

C Pipe

INSPECTOR

¹ 04/00381/FUL