



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: 6th September 2023

Appeal Ref: APP/X1545/D/23/3318900

7 Dryden Close, Maldon, Essex CM9 6LD

- 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 H Banu against the decision of Maldon District Council.
 - The application Ref HOUSE/MAL/22/01178 dated 23 November 2022, was refused by notice dated 09 February 2023.
 - The development proposed is described as single storey rear extension and open covered porch to side.
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Decision

1. The appeal is allowed and planning permission is granted for the single storey rear extension and open covered porch to side at 7 Dryden Close, Maldon, Essex CM9 6LD in accordance with the terms of the application, Ref HOUSE/MAL/22/01178 dated 23 November 2022, and the plans submitted with it, so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: Drawing No: 1329/1.B.
 - 3) The materials to be used in the construction of the external surfaces of the internal alterations and an infill wall to the front hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue in this appeal is whether the development makes adequate provision for external amenity space.

Reasons

3. The appeal site is an end terraced property which has been extended. The appeal site is within a predominately residential area comprising properties of similar form.
4. Policy D1 of the Maldon District Approved Local Development Plan 2014-2029 (2017) (the Local Plan) requires developments to provide sufficient and usable private and public spaces, green infrastructure and public open spaces. The Maldon District Design Guide, Supplementary Planning Document (2017) (the

SPD) confirms that an adequate amount of amenity space is provided for each dwelling. The overall size of the garden should be in proportion with the type of dwelling and the character of the area. The minimum standards set out in the SPD are for houses with 3+ bedroom, amenity space of 100m² per unit should be provided.

5. There is a difference of opinion between parties in terms of the amount of outdoor amenity space which would be retained at the appeal site, however both parties agree that the resulting space would be below the minimum standards set in the SPD. Notwithstanding this, it is important to recognise that such guidance does not constitute a 'black and white' set of rules to be applied rigidly or exclusively when other material considerations indicate that an exception may be appropriate.
6. Outdoor areas should be sufficient for day to day uses such as, for example, a table and chairs to sit out, clothes drying, relaxation, gardening and safe children's play.
7. The appeal site has a paved area to the front of the property which is larger than others adjacent due to the width of the plot. This area faces a footpath and has a low boundary wall and landscaping along the boundaries. I observed during my site visit chairs were located within this area.
8. The rear amenity space whilst wider than others is shallow in length and predominantly covered with hard landscaping.
9. A raised planter is proposed to be retained to the side of the property, the area to the front of the property faces southeast and currently accommodates a place to sit out. The covered porch would be open at the rear which would comprise part of the outdoor amenity space. Space would be retained for clothes drying and childrens play could occur albeit the area of outdoor amenity space to the rear would be constrained. There are pockets of open space within the area, one of which is adjacent the front of the appeal site which could be used as a play area. The Appellant has also drawn my attention to nearby play space.
10. Whilst reduced I do not find that the retained amount of outdoor amenity space would be out of keeping with the amount of space associated with other properties in the area. Due to the useability of the retained open space, I find that the proposed development makes adequate provision for external amenity space.
11. There is no conflict with Policy D1 of the Local Plan which amongst other things seeks to protect the amenities of existing occupiers of neighbouring properties.

Conclusion and Conditions

12. For the above reasons I conclude that this appeal should be allowed.
13. I have attached the standard time limit condition and a plans condition as this provides certainty. I have also added conditions concerning materials to ensure a satisfactory appearance.

C Pipe

INSPECTOR