



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: 14th September 2023

Appeal Ref: APP/X1545/D/23/3321791

Willow End, Franklin Road, North Fambridge, Essex CM3 6NF

- 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 Caruana against the decision of Maldon District Council.
 - The application Ref HOUSE/MAL/22/01227 dated 07 December 2022, was refused by notice dated 24 February 2023.
 - The development proposed is first floor extension, single storey front extension and internal alterations.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council changed the description of development from that stated on the application form in the interests of clarity. I consider that the amended description accurately describes the appeal scheme and accordingly I have adopted an amended description in the heading above.
3. Since the submission of the appeal the National Planning Policy Framework has been superseded by the National Planning Policy Framework (2023) (the Framework). However, in relation to this appeal the aims of both sets of policies are similar. No party would be prejudiced or caused any injustice by me proceeding with the appeal in light of this change in policy.

Main Issues

4. The main issues in this appeal are the effect of the development on (i) the character and appearance of the existing property or the area in general; and (ii) the living conditions of occupiers of neighbouring properties.

Reasons

Character and Appearance

5. 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. The appeal site which is a detached property has been extended and altered previously.
6. The proposed development would alter the existing form of the property substantially, notwithstanding this given the variety of properties in the area the proposed alteration from the existing bungalow to a two-storey property

would not be out of keeping. Whilst the existing bungalow design would be lost this is not of architectural merit which would justify its retention.

7. I conclude that the proposed development would not harm the character and appearance of existing property or the area in general. There is conflict with Policies D1 and H4 of the Maldon District Approved Local Development Plan 2014-2029 (2017) (the Local Plan) which amongst other things seeks to ensure developments are subordinate to the existing property. I also find there is no conflict with the Framework, which seeks to ensure good design of developments.

Living Conditions

8. The proposed development would extend up to the shared boundary with the adjacent property, Pipers Lodge. The existing property whilst projecting beyond the rear elevation of the neighbouring property is modest in height with a pitched roof sloping up and away from the shared boundary. The proposed development would create a gable facing Pipers Lodge.
9. The increase in height and mass of the built form which would extend substantially beyond the rear elevation of the neighbouring property would be dominant and oppressive to the adjacent occupiers. Due to the orientation the proposed development would overshadow the neighbouring property and private amenity space.
10. The Council raised no concern with regard to the effect of the development on the neighbouring property to the east, Penmarric, from the information I have before me I do not disagree.
11. Notwithstanding this I find that the proposed development would be overbearing and would harm the living conditions of the occupiers of the adjacent property Pipers Lodge.
12. There is conflict with Policies D1 and H4 of the Local Plan which amongst other things seek to protect the amenities of existing occupiers of neighbouring properties. There is also conflict with the Framework which seeks to ensure developments have high standards of amenity for existing and future users.

Other Matters

13. It has been brought to my attention by the Appellant that an application¹ was approved extending the property. The Appellant contends that the planning permission is extant as the position and dimensions of the garage, as built, complies with the approved drawings associated with that planning permission.
14. There is disagreement between parties as to whether the garage was built in accordance with the approved plans. Without demonstrable evidence, such as a lawful development certificate I cannot be sure that the existing garage has been built in accordance with the previously approved plans, as such I give this limited weight.

Conclusion

15. Whilst I have found that the proposed development would not harm the character and appearance of the existing property or the area in general, this

¹ Application Ref: 07/00396/FUL

does not outweigh the harm I have identified in relation to living conditions of occupiers of Pipers Lodge.

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

C Pipe

INSPECTOR