



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: 14 September 2023

Appeal Ref: APP/X1545/W/22/3312727

Paynes Cottage, Walden House Road, Great Totham, Maldon CM9 8PN

- 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 Marven against the decision of Maldon District Council.
 - The application Ref FUL/MAL/22/00926 dated 10 August 2022, was refused by notice dated 08 November 2022.
 - The development proposed is described as conversion and extension of an existing building to use as an annex in association with the existing dwelling at Paynes Cottage
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the submission of the appeal the National Planning Policy Framework has been superseded by the National Planning Policy Framework (2023) (the Framework).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.
3. During my site visit I observed that the car port shown on the existing plans is not present on site, notwithstanding this the omission of the car port is not significant and whilst the existing plans are inaccurate this does not impact on my decision. No party would be prejudiced or caused any injustice by me proceeding with the appeal in light of this inaccuracy.

Main Issues

4. The main issues in this appeal are (i) the effect of the development on the character and appearance of the area; and (ii) whether the annex would be ancillary to the main dwelling.

Reasons

Character and Appearance

5. The site is an existing two storey brick outbuilding adjacent residential properties with industrial/commercial to the south of the site and fields beyond. The outbuilding is attached to part of the neighbouring property, Walden House, and forms the boundary wall between the neighbouring plots.
 6. The proposed development would be screened by the existing properties to a degree from public vantage points.
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7. The proposed extension to the existing outbuilding is lower in terms of ground level. Whilst this has lowered the roofline the proposed development is a large and imposing built form. The proposed extension is substantial, creating the perception of two residential properties.
8. The proposed dormer windows whilst not an alien feature in the area, appear dominant and incongruous to the scale of the building. The proposed extension would be a bulky addition to the existing modest outbuilding appearing disproportionate and visually dominant.
9. I conclude that the proposed development would harm the character and appearance of the area. 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 conflict with the Framework, which seeks to ensure good design of developments.

Annex

10. The proposed annex would comprise a two bedroom property with an internal layout capable of providing for the day-to-day needs of any occupants without reliance on the main dwelling.
11. The Specialist Needs Housing Supplementary Planning Document (2018) (the SPD) sets criteria for what would, in general, comprise an annex. It has been confirmed that the proposed annex would be in the same ownership as the main dwelling, that the occupants would be a relative of the occupiers of the main dwelling, although little information has been provided to confirm that this would be a dependant relative.
12. The annex could be used at a later date by occupiers of the main dwelling, however due to the scale of the annex it is difficult to understand what the use could be which would be integral to the main dwelling. Adequate parking and amenity facilities would be provided.
13. The Appellant has drawn my attention to an allowed appeal¹ for an annex I have not been provided with substantive details to compare that development to the one before me. 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.
14. The proposed development does not meet the criteria listed in the SPD, due to its design and scale would not appear to be subservient to the main dwelling. Despite the proposed use as an annex, the proposed development would be substantial in size and would appear visually as a separate dwelling.
15. Access would be taken from an existing shared drive/access from Walden House Road, which serves Paynes Cottage and the industrial use to the rear. Access does not appear to be reliant on the host property, it would be relatively easy to create a separate curtilage, especially as the proposed development also include a separate garden area.

¹ APP/X1545/W/20/3257542

16. I find that the proposed annex would be functionally and physically separated from the main dwelling and would be in essence a separate dwelling therefore would not be ancillary to the main dwelling.
17. There is conflict with Policies D1, S8 and H4 of the Local Plan which amongst other things, require development proposals to be appropriate in scale and design.
18. There is conflict with the SPD which requires an annex to be ancillary to the main dwelling in terms of its size and facilities. In addition, there is conflict with the Framework which requires that development should seek to create places that promote health and well-being, with a high standard of amenity for existing and future users.

Other Matters

19. It has been brought to my attention by the Appellant that the proposed development is required due to personal circumstances of the Appellant. I have not been provided with demonstrable evidence to convince me that there is no alternative in terms of development which could meet the needs of the Appellant. I therefore give this limited weight.
20. The Appellant has drawn my attention to the lack of a five year housing land supply, whilst this maybe the case the proposal before me is for an annex not an independent residential property, I therefore give this limited weight.
21. The Council have not raised issue with regard to the effect of the development on Walden House. The proposed development forms part of the boundary with the neighbouring property. During my site visit I viewed the appeal site from Walden House, which has a small patio adjacent the appeal site and glazed double doors overlooking the area. The proposed increase in size and proximity of the building, along with the use, would be dominant and overbearing to the living conditions of the occupiers of Walden House. A sense of overlooking would be created which would diminish the enjoyment of private amenity space.
22. Notwithstanding my concerns relating to the effect of the proposed development on the living conditions of the occupiers of Walden House, given my findings in relation to character and appearance and the use as an annex I have not raised this as a main issue as it would not alter my reasoning and ultimately my decision.

Conclusion

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

C Pipe

INSPECTOR