

Appeal Decision

Site visit made on 29 August 2023

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2023

Appeal Ref: APP/X1545/D/23/3323598

Inglenook, 52 Maldon Road, Goldhanger, Essex CM9 8BG

- 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 David Farrow MBE against the decision of Maldon District Council.
 - The application Ref HOUSE/MAL/23/00208, dated 24 February 2023, was refused by notice dated 9 May 2023.
 - The development proposed is construction of a detached double bay cart lodge garage with home office.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the living conditions of the occupiers of No 54 Maldon Road, with regard to outlook; and the effect on the character and appearance of the appeal site and the street scene.

Reasons

3. No 52 is a detached two storey dwelling on the south side of Maldon Road. The surrounding area is residential in character with a mix of property types.
4. Reference is made to a previous unsuccessful application for a similar form of development to the current proposal¹. While I note the earlier application and decision, this appeal involves a separate proposal which I have considered on its own merits.

Living Conditions

5. The proposed building would be sited close to the side boundary shared with No 54. Due to the building's overall height and width, this layout would result in views from the area in front of the neighbouring dwelling of a relatively large expanse of brick wall and roof slope. With regard to views from No 54 itself, there is tall planting on the boundary close to the house and this combined with the offset alignment of the proposed building means that there would not be

¹ Ref 22/01126/HOUSE.

direct views of it from the nearest windows in No 54. Consequently, the proposal would not result in harm to the outlook from the house.

6. The area to the front of No 54 appears to be used for parking rather than amenity purposes and the prominence of the building could be reduced by additional boundary planting. For these reasons, I conclude that the effects of the proposed building would not be sufficient to result in material harm to the outlook from the area to the front of No 54. Therefore, there is no conflict with Policy D1 of the Maldon District Approved Local Development Plan 2014-2029 (2017) (the LDP), concerning design quality and the built environment, which requires that development should protect the amenity of the surrounding area. There is also no conflict with the National Planning Policy Framework (the Framework) in this regard.

Character and Appearance

7. Policy D1 of the LDP requires development to respect and enhance the character and local context, and make a positive contribution against a number of criteria, including architectural style and height, size, scale, form, massing and proportion, and layout. Policy H4 of the LDP, concerning the effective use of land, requires that development should maintain or enhance the character of the surrounding area.
8. The properties on the south side of Maldon Road, including No 52, are laid out on a broadly consistent front building line, with a generous setback from the road. This provides a good degree of separation between built development and the road frontage, providing visual relief and a sense of openness, which is a positive characteristic of the street scene.
9. The proposal would introduce an outbuilding in this setting of substantial width and height. The building would largely infill the space between the planted bed next to the front boundary and the corner of the host dwelling. Despite No 52 being a substantial two storey detached dwelling, the overall scale of the proposed ancillary building in such close proximity means that it would not appear proportionate or subordinate to the host dwelling. Moreover, the building's proportions and position close to the host dwelling and the front boundary would result in it appearing as a cramped form of overdevelopment in this location. Its overall bulk and presence would be accentuated by the relatively large dormer windows. These harmful effects would be readily apparent due to the prominence of the site close to the road frontage.
10. The existing frontage area helps to maintain a sense of openness and separation from the property on the opposite side of the road, No 45, which has a front garden of limited depth and which, therefore, is much closer to the road. By locating substantive built development closer to the road directly opposite No 45, the proposal would result in a narrowing of the openness of the street scene at this point. Consequently, there would be a greater sense of enclosure from built development on either side of the road, contrary to the characteristic layout of development. While No 45 has outbuildings close to the road frontage, these are located to the side of the host dwelling and well-separated from it. Moreover, there is no established pattern of development on the opposite side of Maldon Road.

11. I acknowledge that the proposed extension is intended to create space for homeworking and that the existing garage is not of sufficient size to accommodate vehicles. However, these personal circumstances do not overcome the harm that would result from the form of building proposed, as found above. Examples of similar buildings are drawn to my attention. However, they are not part of the same street scene as the appeal property and it is not clear that the characteristics of their location are the same as those in this case.
12. Accordingly, for these reasons, I conclude that the proposal would have an unacceptably harmful effect on the character and appearance of the appeal site and the street scene. Consequently, it is contrary to Policies D1 and H4 of the LDP, as described above. It is also contrary to the Framework, which promotes good design.

Other Matters

13. I have had regard to the representations made by interested parties. With regard to the effect on the outlook from No 45, the windows to the left of the property's front elevation have direct views towards the site of the proposed building. Currently, these views are of the open aspect to the front of No 52. However, due to No 45's proximity to the road and the position of the proposed building, the proposal would result in direct views from No 45's ground floor window of the substantive gable end. As a result of its height, depth and proximity to No 45, the new building would appear as a dominant and overbearing feature compared to the existing view.
14. The various parties have differing views about the effects of the proposal on daylight and sunlight available to the nearest dwellings, Nos 54 and 45. Reliance is placed on a report on this matter, which appears to have been produced to accompany the earlier application for a similar proposal. This report has not been provided to me, but in any case in light of the findings on the main issue concerning character and appearance, this matter does not have a determinative influence on the appeal decision. The dormer windows would not face No 45 and, therefore, there is no basis to find that they would result in a loss of privacy to this property.
15. I acknowledge that the appellant may be frustrated by the process leading to the Council's decision in this case. However, this matter is not within the scope of this appeal, which concerns the planning merits of the proposal. The concerns raised by the appellant about representations by interested parties, including in whose name these were made, cannot have a bearing on my consideration of the planning merits of the proposal.

Conclusion

16. I have found in the appellant's favour with regard to one main issue, concerning the effect of the proposal on living conditions. However, this is not sufficient to outweigh the fact that the proposal is contrary to the development plan as it would have a materially harmful effect with regard to character and appearance. In addition and as found above, such harm would also result to the outlook from No 45 Maldon Road. There are no other material considerations that outweigh the conflict with the development plan. Accordingly, it is concluded that the appeal should be dismissed.

J Bell-Williamson
INSPECTOR