

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/23/3320902

35 Tennyson Road, Maldon, Essex CM9 6BE

- 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 Ben Claxton against the decision of Maldon District Council.
 - The application Ref HOUSE/MAL/23/00149, dated 11 February 2023, was refused by notice dated 17 April 2023.
 - The development proposed is 2 storey side extension consisting of a ground floor garage to provide parking with the second floor adding a playroom to the property. Second storey extension above existing ground floor porch to increase bedroom 3.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed side extension on the character and appearance of the host dwelling and the surrounding area; and the effect on parking and highway safety.

Reasons

Character and Appearance

3. The appeal property is a two-storey semi-detached dwelling in a residential setting, which comprises similar properties and terraced dwellings.
4. Reference is made to a previous unsuccessful application for a similar form of development to the current proposal¹. While I note this earlier proposal and decision, this appeal involves a separate proposal which I have considered on its own merits.
5. Policy D1 of the Maldon District Approved Local Development Plan 2014-2029 (2017) (the LDP) concerns design quality and the built environment. It 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

¹ Ref 22/01086/HOUSE.

extensions should maintain or enhance the character of the original building and the surrounding area.

6. The street scene in this part of Tennyson Road is characterised by semi-detached dwellings with adjacent driveways to the side, creating substantive gaps between the paired dwellings. Some properties have single storey garages parallel with the front building line, but the characteristic gap is retained at upper storey level. Where side extensions have been built, these are to one property only so that a gap is retained between the built forms; or the extended properties are on corner plots, such as No 33, where there is a more spacious gap between dwellings.
7. The proposed side extension would be below the roof ridge height of the existing dwelling and its frontage would be set back from the existing front elevation. Together with the proportionate width of the extension to the scale of the host dwelling, this would result in the extension appearing subordinate to it. However, the neighbouring property, No 37, has an existing side extension covering the driveway next to the appeal property. Consequently, the proposed extension would be directly next to this, with a minimal gap separating the two extended dwellings. This would erode the characteristic gap between properties at ground and upper storeys, resulting in a harmful terracing effect. It would also result in the development appearing a cramped form of overdevelopment due to its close proximity to the neighbouring property.
8. The appeal property is located in a part of Tennyson Road that forms a separate cul-de-sac. It does, nonetheless, have an open green area to the front and is visible from surrounding public views and neighbouring dwellings. As such, the incongruous and uncharacteristic effects of the extended dwelling would be readily apparent within the street scene.
9. I acknowledge the appellant's contention that side extensions have already been undertaken to some properties and, therefore, it is not equitable for the appeal proposal to not be considered on the same basis. However, as found above, gaps between properties have been retained where such extensions have taken place and the proposal would result in the harmful effects described.
10. Three examples of similar proposals are drawn to my attention. While these are in nearby streets, they are limited in number and not part of the same street scene as the appeal property. Moreover, they serve to illustrate the harmful effects of neighbouring extensions in close proximity and should not, therefore, be seen as a positive precedent for the current proposal. I acknowledge that the proposed extension is intended to create additional living space. However, these personal circumstances do not overcome the harm that would result from the proposal, as found above.
11. Accordingly, for these reasons, I conclude that the proposed side extension would have an unacceptably harmful effect on the character and appearance of the host dwelling and the surrounding area. Consequently, it is contrary to Policies D1 and H4 of the LDP, as described above. It is also contrary to the National Planning Policy Framework (the Framework), which promotes well-designed places.

Parking and Highway Safety

12. Both Policy D1 of the LDP concerning design and Policy T2 concerning accessibility require that development should include sufficient parking facilities having regard to the Council's adopted parking standards. These are set out in the *Vehicle Parking Standards* Supplementary Planning Document (SPD). I agree with the Council that the playroom proposed as part of the side extension could be used in future as a bedroom and, therefore, three on-site parking spaces are required for what would be, in effect, a four-bed property.
13. The SPD says that for garages to be effective at providing, and being used as, parking spaces, they will need to be of sufficient size to accommodate a modern car and to allow room for storage, particularly for cycles. Therefore, the minimum internal size of a garage, when contributing towards parking provision is 3m x 7m². The proposed integral garage would be 2.4m wide and, therefore, would not meet this minimum requirement and so should be discounted as a viable parking space.
14. Based on the submitted plans and site inspection, the front driveway and garden area could accommodate two parking spaces of the requisite size. Accordingly, there would be a shortfall of one space and the standard required of three spaces would not be met with the consequence that on-street parking is likely to occur nearby within the cul-de-sac, to the detriment of other residents and highway safety.
15. While the Highway Authority may not have objected to the proposal, the Council is responsible for determining compliance with its own parking standards set out in the SPD. With regard to the appellant's contention that other extensions have occurred with less parking provision, it is unclear what standards were in place at the time and I am required to have regard to the most up-to-date policies and guidance.
16. Therefore, for these reasons, I conclude that the proposal would have an unacceptably harmful effect on parking and highway safety and, therefore, is contrary in this regard to Policies D1 and T2 of the LDP, and to the SPD, as described above. It is also contrary to the Framework, with regard to the effects of development on highway safety³.

Other Matters

17. I have had regard to the representation in support of the proposal by Maldon Town Council. However, this does not alter the findings of harm and conflict with the development plan found above.

Conclusion

18. For the reasons given it is concluded that the appeal should be dismissed.

J Bell-Williamson
INSPECTOR

² Paragraph 4.5.1.

³ Paragraph 111.