
Appeal Decision

Site visit made on 13 February 2024

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th February 2024

Appeal Ref: APP/X1545/D/23/3333177

19 Church Green, Wickham Bishops, Essex CM8 3JX

- 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 & Mrs King against the decision of Maldon District Council.
 - The application Ref HOUSE/MAL/23/00638, dated 26 June 2023, was refused by notice dated 23 August 2023.
 - The development proposed is two-storey side extension, part single and part two-storey rear extension, and a loft conversion.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - parking and highway safety;
 - the living conditions of the occupiers of No 20 Church Green, with regard to outlook; and
 - the character and appearance of the host dwelling and the surrounding area.

Reasons

3. No 19 is a semi-detached two storey dwelling located within a residential cul-de-sac comprising similar dwellings. 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.
5. The appellants have submitted an application for a Lawful Development Certificate (LDC) for a scheme including similar extensions to the appeal proposal. This separate application involving a specific proposal is properly for the Council to determine. For this reason and because I am unaware that the LDC application has been decided, it would not be appropriate for me to consider this separate scheme as a 'fallback' to the appeal proposal.

¹ Ref 22/01152/HOUSE.

Parking and highway safety

6. Both Policy D1 concerning design and Policy T2 concerning accessibility of the Maldon District Approved Local Development Plan 2014-2029 (2017) (the LDP) 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).
7. The SPD indicates that for a four bedroom dwelling, as proposed here, three off-street parking spaces, each measuring 2.9 metres x 5.5 metres, are required. The submitted plans show the retention of the existing two spaces to the front of the property, but no additional space. Consequently, there would be a shortfall of one space from the requisite standard.
8. Notwithstanding the LDC application, I accept in principle that it might be possible to add a further bedroom as permitted development and this would not require a change to the existing parking arrangements. However, the existing space to the front left of the property is already impinged upon by the corner of the house. The proposed side extension would further reduce its length to the extent that it would not meet the SPD's size requirements for a useable parking space. Moreover, the other space is shown as half a metre short of the necessary 5.5 metres length. As such, neither space would meet the current size requirements.
9. The road to the front of the property is narrow with limited road space at the end of the cul-de-sac. Consequently, vehicles park on the footpath and could otherwise obstruct the free flow of traffic. Due to the increased living space and parking provision as found above, the proposal would be likely to result in additional on-street parking, which would be detrimental to pedestrian safety and the free flow of traffic.
10. 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, described above.

Living conditions

11. The proposed single storey rear extension would be sited close to the side boundary shared with No 20, which has a rear patio door close to the boundary and a patio area in front of this. The roof pitch, angled away from the boundary, would help to mitigate some of the effects of the development seen above the fence, as would the relative ground levels. However, No 20 has a single storey projection of similar depth as the proposed extension, which is positioned on the other side of the patio door.
12. The two built forms to either side would create a 'tunnelling' effect with regard to use of the rear doors and the garden area in front of this. This would result in an enclosed and overbearing outlook for the neighbouring occupiers from the patio doors and the nearest part of the garden.
13. Without prejudice to the specific LDC proposal, a single storey extension of a metre less than the appeal proposal could be built as permitted development in a similar position as the appellants' contend. However, the additional depth of

the proposed extension would in my view make a material difference to the harmful effect on the neighbouring occupiers' outlook, with development of similar depth to both sides. The fact that the neighbouring occupiers did not object to the proposal is not sufficient reason to set aside the harmful effects, particularly given the permanent nature of the proposal and the long-term effects on current and future occupiers of No 20. Reference is made by way of comparison to the effects of the existing single storey projection to the rear of the appeal property. However, this is set away from the shared boundary in a similar position to the existing projection to No 20. As such, it does not have the same effects as the proposed development much closer to the boundary.

14. Accordingly, for the above reasons, I conclude that the proposal would have a materially harmful effect on the living conditions of the occupiers of No 20 Church Green, with regard to outlook. Consequently, it is contrary to Policy D1 of the LDP, which includes the requirement that development should protect the amenity of the surrounding area. It is also contrary to the National Planning Policy Framework (the Framework), which requires that developments should have a high standard of amenity².

Character and appearance

15. 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. Policy H4 of the LDP, concerning the effective use of land, requires that extensions should be of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area.
16. Seen from the road frontage the side extension would add limited width to the principal elevation, with some articulation due to the inset of the upper floor and its set-down from the main roof ridge, albeit to a limited extent. Nonetheless, the extension would appear subordinate to the scale and proportions of the original dwelling. While it would be close to the boundary with No 18 there is a good degree of separation between the two dwellings. Consequently, the side extension would not give a cramped or overdeveloped appearance to the built form.
17. The dwellings in this part of the cul-de-sac are of uniform layout, design and appearance, with single storey side projections. However, the side extension seen from the front would not be of sufficient width that it would materially harm the street scene or unbalance the pair of similar semi-detached dwellings.
18. The most extensive changes would be to the rear with the addition of single storey, two storey and roof extensions. The existing dwelling and those neighbouring it have simple pitched roof forms and single storey projections. The extensions at three different levels would each have roof forms of a different scale and appearance, with the hipped roof of the two storey element set directly in front of the flat-roofed dormer, which would be off-set to one side of the extended main roof slope. Consequently, the extent of the changes proposed and their lack of visual coherence would result in an awkward and

² Paragraph 135f).

contrived design that would not respect the form and proportions of the existing dwelling and the character of the surrounding area.

19. These incongruous and uncharacteristic changes as a whole would be readily apparent from neighbouring properties to the side and rear of No 19. Moreover, due to the set back of No 18 from the front building line of the appeal property and the substantive gap between the dwellings, the extent and appearance of the extensions to the rear would be visible from the cul-de-sac.
20. The limited examples of extensions to other properties in Church Green do not provide a sufficient basis to overcome the above findings of harm, particularly as I am unaware of the background that led to these being implemented.
21. Accordingly, for these reasons, I conclude that the proposal 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, described above. It is also contrary to the Framework, which promotes good design.
22. I have had regard to the representation made by Wickham Bishops Parish Council, although this does not raise any matters in addition to the main issues in this case. The fact that the Parish Council made comments but has not objected to the proposal is not sufficient reason to set aside the findings on the main issues.

Other Matters

23. I acknowledge that the appellants may be frustrated by the process leading to the Council's decision in this case and I note the factual error in the officer's report regarding the reference to solar panels. However, this matter is not within the scope of this appeal, which concerns the planning merits of the proposal.

Conclusion

24. For the reasons given it is concluded that the appeal should not succeed.

J Bell-Williamson
INSPECTOR