
Appeal Decision

Site visit made on 2 May 2024

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 05.06.2024

Appeal Reference: APP/X1545/D/24/3337759

2 Queens Avenue, Maldon, Essex CM9 5DZ

- 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. R. Kendall against the decision of Maldon District Council.
 - The application (reference HOUSE/MAL/23/00833, dated 25 August 2023) was refused by notice dated 6 November 2023.
 - The development proposed is described in the application form as "*demolition of existing single storey & side extensions & construction of single & two storey rear & side extension*".
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Decision

1. The appeal is dismissed.

Main issues

2. The first main issue to be determined in this appeal is the effect of the proposed development on the character and appearance of the host building and its surroundings. The second is the effect of the proposed development on the residential amenities of neighbours (whether unacceptable harm would be caused by overbearing appearance). The third issue is the impact of the scheme on parking pressures in the locality.

Reasons

3. Maldon is an important town in Essex with a range of facilities and services. Queens Avenue is located in a residential area of the town, within walking distance from the High Street and having reasonable access to what the town centre offers. The area is closely built up, and there is a significant level of on-street parking on Queens Avenue and nearby streets.
4. The houses in Queens Avenue vary in design and scale, although they are predominantly two-storey houses constructed of brickwork with slate roofs. Some of the houses are in the form of semi-detached pairs but number 2 is a detached two-storey house with a narrow front elevation and a main entrance on the long side elevation. A single storey element, incorporating a conservatory, wraps around the rear elevation and part of the side elevation. In front of that, there is a parking space between the house and its side boundary with number 4, to the south-west.

5. The house is built up close to the side boundary on the north-east, which defines the rear boundaries of houses in King Street. This boundary is thus dominated by a side elevation of the house, with a garden fence defining the rear part of the site. Shrubbery and trees at the ends of the gardens in King Street provide a good screen on that side of the garden, with shrubbery and a stout fence also along the south-west boundary.
6. It is now proposed to demolish the single-storey element at the side and rear of the existing building and to construct a larger extension at the rear of the house, partly two-storey and partly single-storey.
7. The 'National Planning Policy Framework' emphasises the aim of "achieving well designed places" in the broadest sense (notably at Section 12), while making effective use of land and encouraging economic activity. It is aimed at achieving good design standards generally, by adding to the overall quality of the area and being visually attractive and sympathetic to local character and history (while not preventing or discouraging appropriate innovation or change). It is, however, also recognised that appropriate change may include increased densities, while protecting existing residential amenities and providing good standards of accommodation.
8. Under the broad heading "Promoting sustainable transport", Section 9 of the 'National Planning Policy Framework' deals with a number of transport related issues. It points out the need to address concerns about the transport network (including in terms of "capacity and congestion") and to apply parking standards appropriately.
9. These considerations are also identified in the 'Maldon District Approved Local Development Plan 2014-2029' (dated July 2017).
10. In particular, Policy D1 is concerned with "Design Quality and Built Environment", while Policy H4 deals with the "Effective Use of Land". Both emphasise the importance of good design, although it is recognised that making effective use of land can lead to higher densities. The existing character and density of the surrounding area and the local context generally are recognised as being important factors in a design-led approach.
11. Policies D1 and T2 also include a requirement for proposed development to provide sufficient parking provision, "having regard to the Council's adopted parking standards". The Council's 'Vehicle Parking Standards' were adopted as a Supplementary Planning Document in 2006 and updated in 2011. It is envisaged that the achievement of good on-site parking provision would reduce pressure for parking on the public highway that might cause traffic hazards or congestion.
12. Similarly, the 'Maldon District Design Guide Supplementary Planning Document' (dated December 2017) is also relevant to the appeal, although Supplementary Planning Documents do not have the same force as planning policy in the Development Plan.
13. The proposed new extension would follow the architectural style of the existing house, making use of traditional brickwork and roof tiles to match. The bulk of the extension would be set back from the road frontage and would not have a serious impact on the wider streetscene, in spite of its width. The mass and

scale of the extension would, nevertheless, have a significant impact on the immediate surroundings.

14. The existing east elevation of the house presents a large two-storey blank wall to the rear of the properties in King Street and the new extension would add to this blank expanse of brickwork, notwithstanding the mitigating effect of existing greenery and outbuildings in their gardens. This would have a dominant and intrusive impact on the outlook from the rear of those properties. In the planning context, a distinction is to be drawn between a "view" and an "outlook". Views from the rear of properties in King Street, which are not likely to be especially prepossessing in any case, are not protected by the planning system. By contrast, their outlook would be dominated by an unreasonably large two-storey expanse of brickwork that would be oppressive in respect to the neighbours' houses and gardens and unacceptably detrimental to their residential amenities.
15. The new side extension would take up space between the existing house and its south-western boundary, behind the retained parking bay, creating a new bedroom at first floor level, much closer to the side boundary than the existing two-storey element. This would have some impact on the outlook from a rear window at number 4, which looks towards its own back garden. The effect would not be so serious, however, as to justify a refusal of planning permission in this urban location. Nor would the bulk of the extension be so overbearing towards neighbours at number 4 as to be unacceptable in its urban context.
16. Turning to the parking issue, it is acknowledged that the "undercroft" parking bay that is shown on the proposals drawing for the planning application is smaller than the size required for a useful modern garage or even for a car port. The Council's parking standards would require spaces for three cars for a property of the size that is proposed and it is necessary to have regard to those standards.
17. At the same time, however, it is proper to take account of the appeal site's accessibility to the town centre and other facilities that would not require the use of a motor car. In the circumstances, I accept that the proposed development would make reasonable provision for on-site parking, in this location.
18. Evidently, the appeal site lies within an established urban area, which is "sustainable" in planning terms, and the proposed development would make a useful addition to the existing house. Nevertheless, I am convinced that the harm that would be done to the outlook from properties in King Street outweighs the benefits of the project. Hence, I have concluded that the scheme before me would conflict with both national and local planning policies (including the Development Plan) and that it ought not to be allowed. Although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.

Roger C. Shrimplin

INSPECTOR