



Appeal Decision

Site visit made on 11 June 2024

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 1st July 2024

Appeal Ref: APP/X1545/D/24/3336970

22 Park Road, Burnham-on-Crouch, CM0 8ES

- 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 Miss Alison Abraham against the decision of Maldon District Council.
 - The application Ref HOUSE/MAL/23/00717, dated 19 July 2023, was refused by notice dated 30 October 2023.
 - The development proposed is a two storey rear extension, single storey rear extension with a balcony over and an attached garage with workshop.
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Decision

1. The appeal is dismissed insofar as it relates to an attached garage with workshop.
2. The appeal is allowed insofar as it relates to the two storey rear extension, single storey rear extension with a balcony over.
3. Planning permission is granted for a two storey rear extension and single storey rear extension with a balcony over at 22 Park Road, Burnham-on-Crouch, CM0 8ES in accordance with the terms of the application, Ref HOUSE/MAL/23/00717, and the plans submitted with it, so far as relevant to that part of the development hereby permitted, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The 2 metre glass wall on the northern side of the balcony shall be constructed with obscured glazing with a minimum obscurity level of 3 and the development hereby permitted shall not be occupied until the glazing as described has been installed, which shall thereafter be permanently retained and maintained as such.

Preliminary matters

4. The application form described the proposed development as "2 storey rear extension with a balcony and an attached garage with workshop". The council

changed this to the description used in the heading above. I have adopted it as it more clearly identifies the development proposed.

Main Issues

5. The main issues in this case are: i) the effect of the proposed 2-storey extension on the host dwelling and the surrounding area; ii) the effect of the proposed attached garage with workshop on the rear amenity space of the occupiers of the neighbouring property to the north.

Reasons

6. The site is occupied by a detached, two storey dwelling with its garage attached to that of the neighbouring property to the north at No.24. It is one of 6 houses built around the turning head at the end of the cul-de-sac. There is a public footpath which runs along the southern boundary of the appeal property. The surrounding area is a well-established residential area with dwellings of similar but varying design.
7. The appeal dwelling is on a wide plot, with a front elevation wider than the other houses around the turning head. The northern part of the front façade echoes the front of the other houses, and its appearance suggests that it has been extended to the south. Both elements of the appeal proposal would not be visible from the highway, although the 2-storey rear extension would be apparent from the public footpath.

The effect of the 2-storey extension on the host dwelling and the surrounding area

8. The appeal dwelling has its gabled roof running across the site. The proposed 2-storey rear extension would have the proposed single-storey extension attached to it, both running across the full width of the house. The 2-storey element would have a gabled roof with the ridge running at right angles to the main roof and set down by 400mm from the main ridge.
9. The council's objection to the 2-storey extension is twofold – firstly, it would run across the whole of the rear of the house and, due to its size, height and design, would not be subordinate to the existing building; and secondly this shortcoming would be visible from the public footpath. There is no objection on the basis of an impact on neighbour's residential amenity, the officer finding that due to the separation distance, the proposal would not have an adverse impact on the neighbour in terms of a loss of light or overdominance. It appears, therefore, that the shortcoming in respect of not being subordinate and the design of the roof, is primarily of concern because of views from the public footpath.
10. As to the question of subordination of this extension, it is true that it is large, but it seems to me that since it cannot be seen from the main area of the public domain, it does not take on the importance that attaches to an extension in full public view. The same limiting factor applies to the roof design. The gabled form is preferable to a flat roof, when taking account of the size and relationship to the existing house. The pitch would have a flatter angle than the main roof, but the gables of the main roof and that of the extension would only be seen together at an angle, and so the disparity would be less obvious. Whilst the pitch is somewhat slack, this does not itself appear visually unsatisfactory.

11. Turning to the question of the view of this extension from the public footpath, from my walk along the footpath, I was able to establish that the top part of this extension would only be visible from a short length of the path. In this length, the oblique view, both sideways and upwards, would not be an incongruous or jarring feature, so that I do not consider that the view of the upper part of the extension would be harmful to the experience of walkers along the footpath.

The effect of the proposal on the rear amenity space of the occupiers of the neighbouring property to the north

12. The proposed garage with workshop would sit along the shared boundary with the neighbouring property to the north, No.24, as does the existing garage. The development would result in 8 metres of flank wall along the shared boundary beyond the rear elevation of the neighbour's garage. The garages already appear to project beyond the rear elevations of the 2 houses, as far as I could tell, by about 0.8m. The garage/workshop would be single storey with a maximum height of 2.45m (as shown on the dimensioned drawing Ref.P12223 [SHT 4] Rev D) and would be partially obscured from view by the existing boundary fence.
13. Whilst there is a trellis on top of the 2m high fence, this would not have any material effect in reducing the extent to which the garage and workshop extension would reduce the openness above the fence by having a solid structure extend so far back. This would be intrusive and would diminish the amenity of the private open space at the rear of No.24 to an unacceptable degree. The effect would be far greater than that of the existing shed and greenhouse.

Conclusions

14. For the reasons that I have set out in paragraphs 10 and 11 above, I find that the 2-storey extension would be reasonably subordinate to the existing dwelling, bearing in mind its location at the back of the house, and of satisfactory design; nor would it be an incongruous or jarring feature, harmful to the experience of walking along the footpath. For these reasons the appeal in respect of the proposed two storey rear extension and single storey rear extension with a balcony over will be allowed.
15. However, the proposed attached garage with workshop would diminish the amenity of the private open space at the rear of No.24 to an unacceptable degree, as described in paragraph 13. Therefore, the appeal in respect of the proposed attached garage with workshop will be dismissed.
16. Since the 2 elements of the appeal proposals are separatable from one another, there is no complication in carrying out the permitted part of the development in the absence of the part that is not allowed.

Conditions

17. The statutory condition that provides a time limit on the start of development must be imposed. In addition, the council has suggested a number of conditions in the event that the appeal is upheld. I have considered these in the light of Planning Practice Guidance, and amended some of the text in minor respects for clarity.

18. The suggested conditions are that the materials to be used in the construction of the external surfaces of the development shall match those used in the existing building; that the development shall be carried out in accordance with the approved plans; that the development shall be used solely for the private use of the occupiers of No.22 Park Road and no business or commercial use shall take place at the site; and that the 2 metre glass wall on the northern side of the balcony shall be constructed in obscured glazing. This last condition will also need to specify that the obscure glazing shall be in place before the development approved is first brought into use.
19. I consider that the conditions should be imposed in respect of the two storey rear extension and single storey rear extension with a balcony over for the following reasons: the council's first condition is necessary to ensure that the appearance of the development permitted integrates with the existing in a visually satisfactory manner; the second condition is required for certainty and avoidance of doubt as to the development permitted, but this can be incorporated into the text of the permission itself; the fourth condition is to ensure no loss of privacy to the neighbouring property.
20. The third of the council's suggested conditions relates to any permission for the attached garage with workshop. Since I am not granting planning permission for these elements of the appeal proposals, the condition is not appropriate.

Terrence Kemmann-Lane

INSPECTOR