



Appeal Decision

Site visit made on 9 October 2024

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 18th October 2024

Appeal Ref: APP/X1545/W/24/3337592

2 Springwood Close, Latchingdon CM3 6YJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Mr and Mrs D Jebson against the decision of Maldon District Council.
 - The application Ref FUL/MAL/23/00426 was approved on 26 July 2023 and planning permission was granted subject to conditions.
 - The development permitted is erection of detached garage.
 - The condition in dispute is No 3 which states that: *'Prior to the construction of the development hereby approved, details and/or samples of the materials to be used in the construction of the external surfaces shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.'*
 - The reason given for the condition is: *'In the interest of the character and appearance of the area in accordance with Policies D1 and H4 of the Maldon District Local Development Plan (2017) and the policies and guidance contained within the National Planning Policy Framework (2021).'*
-

Decision

1. The appeal is allowed and the planning permission Ref FUL/MAL/23/00426 for erection of detached garage at 2 Springwood Close, Latchingdon, CM3 6YJ granted on 26 July 2023 by Maldon District Council, is varied by deleting condition 3.

Applications for costs

2. An application for costs was made by Mr and Mrs D Jebson against Maldon District Council. This application is subject to a separate decision.

Preliminary Matters

3. During my site visit, I noted that the garage had already been built. I have dealt with the appeal on this basis.
4. I have dealt with two other appeals¹ that relate to adjacent sites to this appeal site. However, given the issues related to each are different, I have dealt with them individually, rather than combining decisions.
5. Since the Council determined the planning application, a new version of the National Planning Policy Framework (the Framework) came into effect. However, as the Framework's policy content, in so far as it relates to the main issues has not been significantly altered there is no requirement for me to

¹ APP/X1545/W/24/3341657 and APP/X1545/W/24/3339416

seek further submissions on this latest version. I am satisfied that no party would be prejudiced by the appeal being determined accordingly.

Background and Main Issue

6. In January 2021, permission² was granted by the Council on a larger site, including the appeal site, for the erection of five bungalows with revised access position (as previously approved under application 18/00014 FUL). Condition 3 of that permission required samples of facing materials to be submitted and approved in writing before any works above ground level were commenced. A schedule of external finishes was submitted and approved under a condition discharge application³ dated 31 August 2021.
7. In January 2022, permission⁴ was granted by the Council on the same larger site, including the appeal site, for an amended layout and mix of bungalows. Given the materials had already been approved under the previous condition discharge application the Council imposed condition 9 which amongst other things, required the materials to be carried out in accordance with the details approved within application ref 21/05058/DET.
8. Planning permission was granted in July 2023 for the erection of a detached garage to the side of 2 Springwood Close which is a bungalow situated on part of the wider scheme discussed above. This was subject to the imposition of a planning condition which requires that the materials to be used in the construction of the external surfaces shall be submitted to and approved in writing by the Local Planning Authority, prior to construction. The appellant asserts that this condition is not reasonable or necessary because the materials had already been agreed through the approved previous schemes.
9. The main issue is therefore whether condition 3 is reasonable and necessary in the interests of the character and appearance of the area.

Reasons

10. Through this appeal it is open to me to reconsider the matter afresh as though the application had been made to me in the first instance. The issue I am therefore required to consider is whether it would have been necessary to refuse permission without the disputed condition being imposed, in terms of the impact on the character and appearance of the area.
11. The Council state that given it was a separate full planning application, the material details already discharged previously under a different planning permission, could not be linked to the new planning permission through a planning condition. It also states that the information provided about materials on the application form lacked certainty.
12. The application form did refer to woodfloat render or boarding, and therefore the description could have been more precise. Nevertheless, it also states 'to match dwelling'. The red line boundary identified on the site location plan includes the bungalow that the garage would serve. Therefore, to my mind the reference, 'to match dwelling' would be reasonably understood as referring to the dwelling within the site, the material details of which had been approved

² FUL/MAL/20/01145

³ 21/05058/DET

⁴ FUL/MAL/21/00932

by the Council. The appellant asserts that the dwelling had already been built when the application for the garage was being considered by the Council and therefore the materials could be viewed on site.

13. The Council has confirmed that it was not necessary to require the material details prior to construction and has suggested wording for a revised condition requiring details prior to any works above ground level instead.
14. However, as identified in the appellant's statement and as I witnessed during my site visit, the garage has been built and therefore the suggested condition would not be reasonable or necessary. The materials used in the construction of the garage did match the palette of materials present in the rest of the wider scheme including the host bungalow, 2 Springwood Close. The garage integrated with the scheme visually in an appropriate way and was acceptable in terms of the effect on the character and appearance of the area.
15. For the reasons given above, I conclude that the removal of the disputed condition would not harm the character and appearance of the area. The development, without the condition, would not conflict with Policies D1 and H4 of the Maldon District Approved Local Development Plan 2014-2029 July 2017. These policies seek, amongst other things, that developments respect and enhance the character and local context of the surrounding area. I therefore find that condition 3 is not necessary or reasonable.

Conclusion

16. For the reasons given above I conclude that the appeal should succeed. I will vary the planning permission by deleting the disputed condition.

G Dring

INSPECTOR