



Appeal Decision

Site visit made on 29 October 2025

by Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2025

Appeal Ref: APP/X1545/D/25/3371751

16 Spital Road, Maldon, Essex CM9 6EB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms E Hunt against the decision of Maldon District Council.
 - The application Ref is 25/00392/HOUSE.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the living conditions of neighbouring residential occupiers.

Reasons

3. The appeal dwelling is a two storey semi-detached house. The house is L shaped to its rear, which creates a side space that adjoins with the side space of its semi-detached pair at 14 Spital Road (No.14). The boundary between the pair is defined by a wall approximately 1.5 metres in height nearest to the house and a wattle fence approximately 1.8 metres in height beyond that, which diminishes in height towards the bottom of the garden.
4. The proposal is for a single storey brick extension with a flat roof with central lantern, which would increase the ground floor living space of the house and provide direct access to the rear garden. This would infill the space between the appeal dwelling and the boundary with No.14. This would be constructed to the boundary and its rear would align with the rearmost wall of the appeal dwelling's rear projection.
5. The walls of the proposed extension would be approximately 3 metres in height from the ground level of the area proposed to accommodate the proposed extension. This would appear to be greater from the adjacent garden area at No.14 due to the approximate 0.375 metre build-up of that part of the garden that would accommodate the proposed extension, although the interior ground floor level of the two properties would appear to be the same.
6. The height, extent, and location of the proposed extension on the boundary between the two properties, would, however, result in it having an enclosing effect

when viewed from the rear rooms of No.14 and its side space. The height and extent of the flank wall of the proposal would result in it appearing as domineering and overbearing when viewed from No.14. The effect of this would result in the proposal being experienced as oppressive by occupiers of this neighbouring property, thereby causing unacceptable loss of outlook for the existing and any future residential occupiers of No.14.

7. Due to the height of the proposed extension, it would be considerably higher than the existing boundary wall and fence, which, in combination with its extent along the boundary and its proximity to a ground floor window to a habitable room in No.14, would result in a loss of indirect light entering this room and adjacent garden space. Whilst this would not appear to be so significant in itself to cause harm to neighbouring occupiers to the extent to justify the refusal of planning permission, when combined with the effect on outlook detailed above, it would only exacerbate the enclosing, overbearing and oppressive effect on occupiers of No.14 that I have identified above. As such, the proposal does not accord with the design advice set out in the Building Design Section of the Maldon District Design Guide (2017), which seeks development that does not result in overshadowing
8. The appellant has brought to my attention rear extensions that have been approved at 18, 20 and 22 Spital Road. However, these vary considerably in design and extent from the appeal proposal, in that they are set in approximately 0.75 metres from the boundary with their semidetached pair, with a mono-pitch roof and have a height to the eaves on the boundary of just over 2 metres.
9. As a result of their respective recessive massing and scale, limited height to flank and distance to the boundary these nearby extensions do not result in an overbearing or overshadowing effect on their neighbours and do not, therefore, result in any significant detrimental effect on the living conditions of neighbouring residential occupiers such as those that would result from the proposal, as identified above. These other extensions would have been considered on their own individual merits, and I have done likewise in my consideration of the appeal proposal, which is a main tenet of the planning system. I have therefore afforded these other extensions as exemplars for the proposal only limited weight in my considerations.

Other Matters

10. The appeal dwelling is located in the Maldon Conservation Area. The CA is a heritage asset to which I have a statutory duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. I must pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area. As the single storey proposal is in complementary materials to the appeal dwelling and is located in an enclosed and discreet location, I see no reason to demur from the Council's finding that the proposal would preserve the character and appearance of the CA.
11. For these reasons, I find that the proposal would result in substantial harm to the living conditions of residential occupiers at No.14. This would not accord with Policy D1 of the Maldon District Approved Local Development Plan 2014-2029 (2017). This seeks developments that protect the amenity of the surrounding area, taking into account outlook and daylight.

Planning Balance and Conclusion

12. The benefits of the proposed extension, through the increased area and quality of living space, would be primarily private in nature and no significant public benefits have been brought to my attention. As these benefits do not outweigh the harm that I have identified, the appeal is dismissed.

Victor Callister

INSPECTOR