

Appeal Decision

Site visit made on 13 April 2017

by Timothy C King BA(Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2nd May 2017

Appeal Ref: APP/X1545/D/17/3169620

52 Victoria Road, Maldon, CM9 5HF

- 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 J Milne against the decision of Maldon District Council.
 - The application Ref HOUSE/MAL/16/01090, dated 15 September 2016, was refused by notice dated 29 November 2016.
 - The development proposed is '*Rooms in Roof*'
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the proposal's effect on the character and appearance of both the host dwelling and the surrounding area, with particular regard to its conservation area location. The Council has raised no other objection to the proposal and I agree with this approach.

Reasons

3. Although the appellant, on the original application form, termed the development as 'rooms in roof', the proposal would involve building up from the eaves with steep sided roof planes, then pitching across and into the heightened central ridge so as to create an additional floor to this two-storey dwelling. The development would affect the front of the dwelling and the majority of its depth, whilst its two-storey rear tunnel-back would remain as existing.
 4. The site lies within a residential street, comprising mainly of close knit dwellings built in the late nineteenth/early twentieth centuries. It also falls within the Maldon Conservation Area. Due to its gabled frontage the property differs in style from the traditional dwelling designs running eastwards along the street, although it is clearly of similar age. The other immediate neighbour, No 52A, appearing as a piece of post-war infill, bears little relationship to any of the original designs, but a common factor along this stretch of the street is that the various dwellings' eaves heights all roughly line up. On the opposite side of the street a very recent development has been built to mimic the traditional dwellings' designs beyond which shows adherence to eaves and ridgelines. It is in this general context that the intended
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- development would take place, which would increase the ridge height by some 0.9m.
5. One of the main objectives in the general design-based policies cited by the Council; Policy BE1 of the adopted Maldon Replacement Local Plan (LP) and Policy D1 of the emerging Local Development Plan (LDP) is that new development should have regard to, and be compatible with, existing buildings in its surrounding location. In this particular instance I consider that due to the design and bulkiness of the proposed alterations to the existing roof profile the resultant form would distort the dwelling's characteristics and cause it to appear incongruous in its contextual setting. LP Policy BE13 reinforces this in its indication that new development in conservation areas should respect the characteristics of the surrounding buildings.
 6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in the exercise of planning powers in conservation areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Given my findings that the proposal would be incompatible in its streetscene context it follows logically that, as the proposal would neither preserve nor enhance the character or appearance of the Maldon Conservation Area, it would be harmful thereto. I find that the harm would be less than substantial for the purposes of the NPPF but, in the circumstances of the application there would not be any public benefits arising from the development which would outweigh the acknowledged harm. The proposal therefore fails to accord with paragraphs 129 and 131 of the National Planning Policy Framework (the Framework).
 7. I have had regard to the appellants' representations that the proposal would provide their family with much needed floorspace. However, I am not convinced that the proposal put forward is the only solution available for providing habitable accommodation in the roofspace. Other potential designs which might be more sympathetic to the original dwellinghouse and have less of a visual impact on the streetscene may be explored. The appellants have also drawn my attention to other developments in Victoria Road which they feel are out of keeping. I observed these properties but, their respective planning status aside, each development is assessed on its own merits and individual circumstances. Besides, the existence of any 'parallel' developments within the immediate area would not be so sufficient as to outweigh the harm I have identified would result from the proposal.
 8. I thereby conclude that the proposal would be harmful to the character and appearance of both the host dwelling and its surrounding area, and there would be material conflict with LP Policies BE1 and BE13, LDP Policies D1 and D3, and also relevant advice within the Framework.
 9. For the above reasons, and having had regard to all matters raised, the appeal does not succeed.

Timothy C King

INSPECTOR