
Appeal Decision

Site visit made on 23 May 2017

by Paul Jackson B Arch (Hons) RIBA

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

Decision date: 12 June 2017

Appeal Ref: APP/X1545/D/17/3173096

26 Walden House Road, Great Totham, Maldon, Essex CM9 8PN

- 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 Tom Holmes against the decision of Maldon District Council.
 - The application Ref HOUSE/MAL/16/01449, dated 28 August 2015, was refused by notice dated 16 February 2017.
 - The development proposed is front dormer and first floor rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for front dormer and first floor rear extension at 26 Walden House Road, Great Totham, Maldon, Essex CM9 8PN in accordance with the terms of the application Ref. HOUSE/MAL/16/01449, dated 28 August 2015, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) No development shall commence until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 3) The extension hereby permitted shall not be occupied until the second (most easterly) window on the north/north west elevation at first floor level in bedroom 3 has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened in such a way as to allow a view out. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
 - 4) The roof of the first floor rear dormer shall be no higher than 300 millimetres below the ridge of the existing dwelling and the ridge tile of the new rear pitched roof shall be no higher than the uppermost course of tiles on the existing roof as shown on drawing 1014-EL-01B.
 - 5) Otherwise than in complying with other conditions, the development hereby permitted shall be carried out in accordance with the following approved plans: 1014-GA-00B, 1014-GA-01B, 1014-EL-00B, 1014-EL-01B, 1014-EL-02B, 1014-EL-03B.
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Reasons

2. The main issues in this case are firstly, the effect of the proposed development on the character and appearance of the host dwelling and surrounding area and secondly, the effect on the living conditions of neighbouring occupiers in terms of outlook and privacy.

Character and appearance

3. The appeal property is a semi-detached cottage, one of a pair of similar dwellings, both of which have already been substantially extended at the rear. It and neighbouring dwellings lie in a staggered arrangement at an acute angle to the north side of Walden House Road, which is slightly curved at this point. As a result the flank wall and gable of No. 26 are conspicuous in the street scene, together with its existing rear extensions. However the area is very varied in character with a mixture of single storey and 2 storey dwellings and some backland development, all from different dates. The side elevations of No. 24 and No. 30 are also prominent and the roof of the first floor rear extension of the adjoining cottage at No. 28 is visible from the road. The lack of any real sense of conformity in dwelling types, facing materials and design is a defining characteristic of this part of Great Totham.
4. In this context, the proposed side and rear extension, combined with a significant reduction in the height of the roof over the rearmost lounge, would not be incompatible with the character of surrounding development. The introduction of a modest front dormer mirroring that at No. 28 would be subordinate to the original appearance of the cottages and would not appear out of keeping in the street scene. Whilst the ridge of the new rear and side extension would be higher than that existing, it would be lower than the existing main ridge. The removal of the existing high roof at the rear over the lounge is important in restoring some visual logic to the massing of the extended house. The proposed lantern light over this area would help to express the lounge as subordinate to the main building.
5. Although the side wall would be closer to the boundary, it would set back slightly from the original gable wall. It would not be so high, bulky or so prominent as to appear unacceptably out of scale seen as part of the dwelling or in the street scene.
6. The appeal followed a refusal and subsequent dismissal at appeal of a proposal for similar extensions with a different building envelope. The scheme before me seeks to address the issues identified by the Inspector that conducted that appeal. For the reasons given above, he proposal would meet the design and character and appearance aims of saved policies BE1 and BE6 of the Maldon District Replacement Plan of 2005 (LP). It would also conform to the design quality objectives of policy D1 of the emerging Maldon District Council Local Development Plan 2014-2029, though this has been called in by the Secretary of State and may change: accordingly this policy attracts only limited weight. Neither would the scheme conflict with the design quality aims of the National Planning Policy Framework (NPPF).

Living conditions

7. The main window in the north/north western elevation of the neighbouring bungalow at No. 24 faces the rear lounge extension which would have a

significantly lower roof. In consequence the overall outlook from this window for the occupants would improve. There would remain a reasonable gap between the side extension and the boundary for there to be no unacceptable sense of overbearing seen from the neighbouring property to the south.

8. The proposed new 'L' shaped dormer at first floor level would contain 4 windows. That closest to the neighbouring property at No. 28 would illuminate a bathroom and that next to it would serve to light the upstairs landing. It would not be unusual for first floor upstairs windows to face several rear gardens in the same direction and in these circumstances a degree of mutual overlooking would be expected: the cottage at No. 28 has a large rear dormer facing the rear garden of the appeal property. However, the remaining 2 windows would be at right angles to the main ridge and would directly face No. 28. The drawings indicate that these windows, which illuminate the largest bedroom (No. 3) would have opaque glazing. The appellant advises that this is in order to conform to the Permitted Development Technical Guidance. I consider that were this not a 'fall-back' position adopted by the appellant, it would not be desirable, in principle, to obscure glaze a habitable room.
9. In fact, the bedroom windows would directly face the roof of the existing rear extension of the adjacent house at No.28 and would only have an oblique view of the garden, which is about 15 metres long with plenty of room to avoid any sense of overt overlooking. Moreover, it would be difficult to see the closest most private part of the adjacent garden next to the house from the westernmost bedroom window (that closest to the landing window). Providing that the remaining window is obscure glazed, I do not consider that an unacceptable degree of overlooking would occur. This can be assured by imposing a suitable condition. To be effective, any window that needs obscure glazing would also have to have restricted opening.
10. In this way, the proposed scheme would not conflict with the amenity protection objectives of the aforementioned development plan policies, nor would the relevant guidance on amenity in the NPPF be infringed. I conclude that the development overall would not be contrary to the aims of the development plan or national advice.

Conditions

11. Conditions are imposed to ensure that the appearance of the extension is sympathetic to the character of the host dwelling and the area; to ensure that no unacceptable overlooking occurs; and to ensure that the roof of the proposed dormer and the ridge of the rear extension is subordinate to the existing roof as shown on the application drawings. Finally, the development should be constructed in accordance with the approved drawings, for the avoidance of doubt and in the interests of good planning.

Conclusion

12. For all the above reasons, the appeal should succeed.

Paul Jackson

INSPECTOR