
Appeal Decision

Site visit made on 26 June 2017

by D J Board BSc (Hons) MA MRTPI

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

Decision date: 24 July 2017

Appeal Ref: APP/X1545/W/17/3171628

The Toll House, Fullbridge Quay/Anchorage Hill, Maldon, CM9 4LE

- 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 Rollings Commercial Ltd against the decision of Maldon District Council.
 - The application Ref FUL/MAL/16/01331, dated 21 November 2016, was refused by notice dated 6 February 2017.
 - The development proposed is single storey extension to side of existing building over part of existing enclosed yard to provide office meeting room.
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Decision

1. The appeal is allowed and planning permission is granted for single storey extension to side of existing building over part of existing enclosed yard to provide office meeting room at The Toll House, Fullbridge Quay/Anchorage Hill, Maldon, CM9 4LE in accordance with the terms of the application, FUL/MAL/16/01331, dated 22 November 2016, subject to the conditions in Annex A.

Procedural Matter

2. The appellant has provided a copy of the Maldon Replacement Local Plan (RLP) detailing the extent of the area to which policy E5 applies. This is not disputed by the Council in its letter in response to the appeal. Therefore, the appeal is considered on this basis.
3. The Council advises that the Maldon District Local Development Plan (LDP) has been examined and found sound with modifications in the Inspector's report. I have taken the information submitted into account and the appeal is considered on this basis.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the building and whether it would preserve or enhance the character or appearance of the Maldon Conservation Area (CA).

Reasons

5. The building is located within the CA which is generally characterised by taller buildings along the river frontage. The Toll House stands alone on the junction of Fullbridge and Anchorage Hill and adjacent to the river. It has a unique design and layout and unlike many of the buildings around it is single storey

with a lantern. It sits amongst the surrounding buildings and is visible from all directions due to its location. It contributes to the riverside character of the CA in this location. Accordingly, in terms of the National Planning Policy Framework (the Framework), the designated heritage asset concerned is the CA. The appeal building is part of that designated heritage asset.

6. The building is described by the Conservation Officer as '*...an idiosyncratic building, loosely classical Victorian in theme, employing yellow brick in reference to Fullbridge Mill on the opposite side of the river. It deploys hipped slate roofs to good effect, and is crowned by an octagonal belvedere clad with weatherboarding. It is an attractive landmark building at a gateway into the town and makes a positive contribution to the special character of the conservation area*'. The extension of the building would be single storey to form a meeting room. I understand that the Council consider that the addition would be a '*simple brick box with a flat roof and lantern*'. It would utilise the current yard area and would in part replace the existing brick wall. The addition would be taller than the existing wall, the Council suggest by about 2.6m.
7. Nevertheless, the simplicity of the form proposed would ensure that it would appear subservient to the existing building. The materials chosen for the walls would blend in with the existing building. The main 'box' part of the design would sit below the eaves of the existing building and set back from the front elevation. In addition the plans show that the window details would replicate those on the main building. I understand that the lantern would sit higher on the new flat roof. However it would be set in substantially from the edges of the addition and the cross section shows it would be set down behind a parapet. For these reasons its impact would be minimised and it would not appear dominant.
8. I appreciate that the building is prominent within the CA. However, the west elevation would remain unchanged. Views of the north elevation are mainly across the river or oblique from the bridge which would lessen the impact of the addition. The main views would be of the front (south) and east elevations. From longer range and close up views the addition would be visible. However, the combination of the set back from the front, use of materials, detail and subservient appearance would ensure that the scheme would not be unduly prominent. Consequently it would not significantly alter the appreciation of the appearance of the building and its contribution to the wider CA.
9. Therefore, in my judgement, the proposed additions would not have an adverse impact on the building and would have a neutral effect on the character, appearance and setting of the CA and so would preserve it. Therefore the proposal would not conflict with policies BE1 and BE13 of the RLP and emerging policies D1 and D3 of the Maldon District Submission Local Development Plan which amongst other things require extensions to buildings in conservation area to be of a high standard of design and respect the characteristics of buildings in the area and to be compatible with their surroundings.

Other matters

10. Whilst not reasons for refusal raised by the Council I have carefully considered matters raised by local residents and the Town Council. In particular that the addition would have an impact on the views of the river. The officer report

concludes that the addition would not have an adverse impact on the outlook of neighbouring occupiers. I have no reason to disagree.

Conditions

11. The Council has suggested four conditions. I have considered these in light of the Planning Practice Guide and the tests of the Framework. In addition to the standard implementation condition it is necessary to define the plans with which the scheme should accord. In the interests of the character and appearance of the area a condition requiring the submission of samples of the materials is necessary and reasonable. I also consider that the suggested condition to secure a flood action plan would also be reasonable and necessary.

Conclusion

12. For the above reasons and having regard to all other matters raised I conclude that the appeal should be allowed.

D J Board

INSPECTOR

Annex A - Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 0914 04.
- 3) No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 4) No development shall take place until a flood action plan has been submitted to and approved in writing by the local planning authority in consultation with the Environment Agency. The development shall be carried out in accordance with the approved details and retained as such thereafter.

END