



Appeal Decision

Site visit made on 18 September 2017

by Graham Chamberlain BA (Hons) MSc MRTPI

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

Decision date: 25th September 2017

Appeal Ref: APP/X1545/D/17/3179597

35 Victoria Road, Maldon, Essex CM9 5HE

- 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 Lloyd against the decision of Maldon District Council.
 - The application Ref HOUSE/MAL/17/00422, dated 17 April 2017, was refused by notice dated 13 June 2017.
 - The development proposed is described as 'loft conversion with rear dormer and internal alterations (amended scheme)'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council issued its decision in June 2017 it has adopted the Maldon District Approved Local Development Plan 2014 – 2029 (adopted July 2017) (LDP). The LDP has replaced the Maldon District Replacement Local Plan, including Policies BE1 and BE6.

Main Issue

3. The main issue in this appeal is whether the appeal scheme would preserve or enhance the character or appearance of the Maldon Conservation Area (CA).

Reasons

4. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the Maldon Conservation Area (the 'CA').
5. In considering the significance of the CA, I have not been directed to a Conservation Area Appraisal or Management Plan. Nevertheless, I have been presented with a plan of the CA and this suggests it is focussed on the historic hill top centre of the town and the High Street as it drops down towards The Hythe. This part of the town appears to include numerous layers of historic development including a notable one from the late 19th Century and early 20th Century.
6. The properties in Victoria Road are largely characterised by late 19th Century and early 20th Century architecture with the houses set in a visible building line behind modest front gardens. The layout and architecture of the buildings

- in the street affords it a pleasant and discernible character. Dormer windows are not a commonplace architectural feature in the street scene. The Council has imposed an Article 4 Direction on properties in Victoria Road to prevent incremental change to a reasonably well preserved and historic street scene.
7. The appeal property is located in Victoria Road and encompasses an end of terrace two storey dwelling. Although altered, the original design and form is still evident as are some attractive architectural details. As such, the property adds positively to the character and appearance of the street and is a reasonable example of the layer of Victorian and Edwardian development in the CA. Consequently, the appeal property is a heritage asset that adds positively to the CA when it is considered as a whole.
 8. The appeal scheme is for the construction of a box dormer window in the rear roof plane of the appeal property. The drawings demonstrate that the dormer window would span much of the width and height of the rear of the roof. Consequently it would be a tall and deep addition which would appear overly large, bulky and out of scale with the roof plane. The dormer would lack appropriate proportions or a sense that it integrates with the design and position of windows elsewhere on the building. Therefore, it would appear as a strident interloper that would fail to harmonise with the style and form of the host property or the roof scape of the terrace more generally.
 9. The dormer window would scarcely be visible from Victoria Road. Nevertheless, it would be visible from the alleyway to the side and rear of the property, neighbouring gardens and the mews development in Edward Bright Close. Consequently, the harmful impacts I have identified in the preceding paragraph would be evident from views within the CA. This would harm the CA.
 10. Although serious, the harmful impact would be localised. As such, the harm would be less than substantial within the meaning of the National Planning Policy Framework (the 'Framework'). The appellant has not advanced any particular public benefits that may outweigh the harm to the CA as a designated heritage asset. I note that the development would provide an additional bedroom to the property but there is nothing before me to suggest this is a notable public benefit.
 11. I therefore find that the serious harm of the proposal is not outweighed by public benefits and this would result in a conflict with Paragraph 132 of the Framework. This is because the harm to the CA would not have a clear and convincing justification and the Framework requires great weight to be given to the conservation of designated heritage assets.
 12. As such, my overall conclusion is that the proposal would result in serious harm to the significance of the conservation area. The character or appearance of the conservation area would not be preserved. The proposal is therefore contrary to Policies D1 and D3 of the LDP which seeks to ensure new development respects and enhances the local context, would have an appropriate size, form and proportions and would preserve or enhance the special interest of heritage assets.

Other Matters

13. My attention has been drawn to two other dormer extensions added to properties nearby. The details behind these structures are not before me, such

as their age and the circumstances behind any planning permissions.

Nonetheless, they are not typical features in the street scene and do not seem to me to be a template upon which future development should be based given their excessive scale and awkward proportions. As such, they do not justify the appeal scheme.

14. Drawings have also been submitted of a recently approved rear dormer at 17 Victoria Road. This dormer would be smaller than the appeal scheme and better detailed through the use of a lead cap, slate hanging and a timber sash window. I do not consider this approval to be sufficiently comparable to the appeal scheme before me to suggest it would be inconsistent decision making to dismiss the appeal.

Conclusion

15. The appeal scheme would be contrary to the development plan taken as a whole and material considerations do not indicate planning permission should be forthcoming in spite of this. Accordingly, for the reasons given above, and having regard to all other matters raised, I conclude the appeal should be dismissed.

Graham Chamberlain

INSPECTOR