
Appeal Decision

Site visit made on 26 October 2017

by J A B Gresty MA MRICS

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

Decision date: 09 November 2017

Appeal Ref: APP/X1545/D/17/3179755

33 Battle Rise, Heybridge CM9 4PF

- 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 Dean Curtis against the decision of Maldon District Council.
 - The application Ref HOUSE/MAL/17/00153, dated 10 February 2017, was refused by notice dated 19 April 2017.
 - The development proposed is alterations to existing window openings to front elevation and replacement of existing windows with new patio doors.
-

Decision

1. The appeal is allowed and planning permission is granted for alterations to existing window openings to front elevation and replacement of existing windows with new patio doors at 33 Battle Rise, Heybridge CM9 4PF in accordance with the terms of the application, Ref HOUSE/MAL/17/00153, dated 10 February 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 531/01, 531/02, 531/03, 531/04, 531/05, 531/06, 531/07 & 531/08.

Main Issue

2. The main issue in this case is the effect of the proposed development on the character and appearance of the local area.

Reasons

3. The appeal property is a detached house which forms part of a residential estate built following planning permission for 124 dwellings, Ref 06/00482/FUL, granted in January 2007. The house is situated on the edge of the estate and overlooks a large area of open water opposite the house on the other side of the access road. Whilst the estate has a clearly planned appearance, the properties on Battle Rise are of varied design with the front elevations of all of the houses on this part of Battle Rise appearing to be distinctly different from each other. This varied appearance of the properties is characteristic of the local

area and this part of the Chelmer and Blackwater Navigation Conservation Area of which Battle Rise forms part.

4. The appeal proposal includes alteration of the two ground floor windows and two of the first floor windows of the front elevation of the house. The ground floor windows would be replaced by two sets of French windows which would be slightly wider than the existing windows and would rise from ground level to about the height of top of the existing windows. The two first floor windows would also be replaced by French windows which would be the same width as the existing windows and would have Juliet balconies.
5. Whilst the new windows would change the appearance of the appeal property, the front elevation's symmetry would be retained and the new windows would be timber framed with glazing bars, reflecting the style of the existing front windows. Further, whilst there would be more area of window, the proposed fenestration would remain subordinate in scale to the front of the house. Overall, whilst the windows would be full length, the overall style and materials of the proposed new windows would be in keeping with the character and appearance of the host building and the other properties on this part of Battle Rise. Accordingly, the proposed development would preserve the varied character and appearance of this part of the Chelmer and Blackwater Navigation Conservation Area. In this respect the appeal proposal would meet with the design requirements of Policies D1 and D3 of the Maldon District Approved Local Development Plan 2014 - 2029, July 2017.

Conclusion

6. On balance and for the above reasons, I conclude that the proposed development should be allowed.

Conditions

7. For the sake of clarity, I impose a condition requiring the development to be carried out in accordance with the approved plans and, in order to ensure the satisfactory appearance of the proposed new windows, I impose a condition requiring the materials used in the external surfaces of the development to match those of the existing dwelling.

J A B Gresty

INSPECTOR