



Appeal Decision

Site visit made on 23 June 2020

by L Gilbert BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th July 2020

Appeal Ref: APP/X1545/D/20/3247171

47 East Street, Tollesbury, Essex CM9 8QD

- 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 Mrs I Adcock against the decision of Maldon District Council.
 - The application Ref HOUSE/MAL/19/01098, dated 9 October 2019, was refused by notice dated 11 December 2019.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the proposed single storey rear extension at 47 East Street, Tollesbury, Essex CM9 8QD in accordance with the terms of the application, Ref HOUSE/MAL/19/01098, dated 9 October 2019, 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, with the exception of the render shown on drawing number MD19008.03.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: MD19008.06, MD19008.07, MD19008.04, MD19008.03 and MD19008.02.

Main Issue

2. The main issue is the effect of the proposal upon the living conditions of the occupiers of No 45 East Street, with particular reference to outlook.

Reasons

3. The proposed rear extension at No 47 East Street would infill a narrow gap between the side of the outrigger and the boundary with No 45 East Street (No 45). A solid wooden boundary fence with a trellis above, presently separates the rear of the appeal site with No 45. The design features of the proposed extension include a sloped roof which lowers to a height of 2.25m by the shared boundary with No 45.
4. No 45 has a ground floor window on the inset rear wall of the main house that appears to serve a habitable room. It also has two side windows which would face the proposed development, the larger of these serves a kitchen. The

outlook from these ground floor windows would have views of the proposed extension.

5. Although not solid, the trellis above the existing boundary fence adds additional height and partially obscures views of the appeal site from No 45, therefore the outlook from windows in both elevations is already limited. I note there is a modest gap between the proposal and No 45's ground floor windows. However, due to the proposed boundary height of the extension, it would not greatly differ to the existing situation and therefore would not significantly harm outlook from the ground floor windows of No 45, nor be oppressive.
6. Accordingly, I find that the proposal would not significantly harm the living conditions of the occupiers of No 45, with particular reference to loss of outlook. It would therefore accord with Policies D1 and H4 of the Maldon District Approved Local Development Plan 2014-2029 (2017), which seeks amongst other things that all development will be design-led and will seek to optimise the use of land having regard to the impact upon the amenities of neighbouring properties. The proposal would also be consistent with Paragraph 127 of the National Planning Policy Framework in relation to providing development that promotes health and well-being.

Other Matters

7. Although not a matter of dispute between the main parties, as the site lies within the Tollesbury Conservation Area (CA) I am required to pay special attention to the desirability of preserving or enhancing the CA's character and appearance. The CA derives a great deal of its significance from the historic townscape of the centre of the village, where buildings from a variety of ages, and in places mature trees, create a harmonious streetscape. The proposed extension's modest scale and height, and discreet position at the rear of the house, would not intrude in views within this streetscape nor would it harmfully alter the CA's historic character. Consequently, the proposal would preserve the character and appearance of the CA. I note the Council reached a similar view in this respect.

Conditions

8. The purpose of the approved plans condition is to create certainty for all parties; and the materials condition seeks to safeguard the character and appearance of the area.

Conclusion

9. For the reasons set out above, I conclude that the proposed development would be acceptable and thus the appeal should be allowed.

L Gilbert

Inspector