
Appeal Decision

Site visit made on 15 December 2020

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2020

Appeal Ref: APP/X1545/D/20/3262452

5 Towers Road, Heybridge CM9 4AP

- 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 M Ager against the decision of Maldon District Council.
 - The application Ref HOUSE/MAL/20/00728, dated 20 July 2020, was refused by notice dated 28 October 2020.
 - The development proposed is described as 'Revision to previous application Ref 19/00266/HOUSE - Change of outbuilding to playroom, rear extension to provide home office/study. Forward extension to provide downstairs cloakroom. Demolish and rebuild existing larger porch. Pitched Roof changed to flat roof.'
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Decision

1. The appeal is allowed and planning permission is granted for change of outbuilding to playroom, rear extension to provide home office/study. Forward extension to provide downstairs cloakroom. Demolish and rebuild existing larger porch. Pitched Roof changed to flat roof at 5 Towers Road, Heybridge CM9 4AP in accordance with the terms of the application ref, HOUSE/MAL/20/ 00728, dated 20 July 2020, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with approved plan references AGER18-0106 Rev D, AGER18-0110 Rev C and AGER18-0111 Rev D.

Background and Main Issue

2. The description of development used on the application form includes a reference to the resubmission of an earlier application. Since that is not an act of development, I have omitted it from the description given in paragraph 1 above.
 3. The conversion of the outbuilding and the construction of the side and rear extensions and the porch have been completed. The Council's officer report finds that the rear extension is acceptable and does not object to the position, size or form of the other works or the replacement windows. I agree and have framed the main issue accordingly.
 4. The main issue is the effect on the character and appearance of the existing building and the surrounding area of the external materials used in the side extension, cladding to the converted outbuilding and front porch.
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Reasons

5. The appeal property is a two storey semi-detached dwelling which is typical of the area. Whilst the general form of the buildings is fairly consistent, there is variety in the external wall materials used which include brickwork and render in various colours. Furthermore, there are a couple of examples of 'Hardie Plank' or similar cladding. This material has been applied to the upper floors of 4 Avocet and 1 Glebe Road, both of which are clearly visible in views adjacent to the appeal property. I also noted on the site visit the variety in the size and appearance of front porches in the area.
6. The front porch, side extension and converted outbuilding are clad in pale green 'Hardie Plank'. Whilst this material contrasts with the red brickwork of the existing building, its consistent use gives the alterations a certain coherence and allows the form of the original building to be appreciated. Moreover, views to the alterations are partially screened by boundary vegetation which reduces their prominence in the street scene. Together with the use of similar material on nearby properties, therefore, I consider that the use of 'Hardie Plank' is not harmful to the character and appearance of the existing building or the surrounding area.
7. I recognise that the use of slate on the roof of the front porch is an exception to the roofing materials found elsewhere in the area. However, the porch is fairly modest in scale and partially screened by boundary vegetation. Consequently, even with the use of this material, the front porch is not out of accord with the range in the form and appearance of porches found along Towers Road.
8. Overall therefore, I conclude that the external materials used in the side extension, cladding to the converted outbuilding and front porch is not harmful to the character and appearance of the existing building or the surrounding area. As such, the appeal proposal does not conflict with Policies D1 or H4 of the Maldon District Local Development Plan insofar as they require development to respect and enhance local character, context and the original building in terms of the use of materials. Nor does it conflict with National Planning Policy Framework paragraph 127 or 130 to the extent that they have similar aims.

Other Matters

9. The Parish Council has expressed concern regarding the need for a Party Wall agreement with, and structural damage to, the neighbouring property at 2 Glebe Road. However, these are not planning matters which I can take into account.

Condition

10. The Council has suggested a single condition requiring the development to be carried out in accordance with the approved plan. This is necessary in the interests of certainty.

Conclusion

11. For the reasons set out above, the appeal should be allowed.

Simon Warder

INSPECTOR