
Appeal Decision

Site visit made on 22 December 2020

by David Spencer BA(Hons) DipTP MRTPI

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

Decision date: 23 December 2020

Appeal Ref: APP/X1545/W/20/3258430

62 Lawling Avenue, Heybridge, Maldon, Essex CM9 4YD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mrs C Stokes against Maldon District Council.
 - The application Ref HOUSE/MAL/19/01337, is dated 23 December 2019.
 - The development proposed is construction of one dormer roof alteration and insertion of 2 velux windows. Construction of single storey porch.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of one dormer roof alteration and insertion of 2 velux windows and the construction of single storey porch at No.62 Lawling Avenue, Heybridge, Maldon, Essex CM9 4YD, in accordance with the terms of the application, Ref HOUSE/MAL/19/01337, dated 23 December 2019, and subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Dwg 1286/1.A
 - 3) 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 unless otherwise approved in writing by the Local Planning Authority.

Preliminary Matters and Main Issue

2. The decision banner above has taken the description from the proposed development from the appellant's appeal form rather than the original planning application form on the basis it more accurately describes the development proposed.
3. At the time the appeal was submitted on 27 August 2020 the Local Planning Authority (LPA) had not made a decision within the prescribed period and so this is an appeal against a non-determination. The LPA subsequently issued a decision on 11 September 2020 setting out a single reason for refusal. This is set out in the LPAs statement of case to which the appellant has provided final

comments. Taking into account the evidence before me and the LPAs subsequent reason for refusal, the single main issue in this appeal is as follows:

- the effect of the proposed roof alteration and openings on the character and appearance of the surrounding area.

Reasons

4. Lawling Avenue is a suburban housing development generally comprising of two-storey detached and semi-detached dwellings. There is variety to the layout, design and materials of the dwellings, including occasional single storey dwellings. Whilst unaltered simple pitched roofs prevail, there are occasional hipped roofs, variety to the type and colour of tile used, various roofs adorned with large photovoltaic panels and a number of dwellings containing first floor projecting windows which have shallow pitched roofs above the eaves height. I also observed the velux window in the front elevation of No.32 Lawling Avenue, a short distance from the appeal site. Accordingly, there is notable variation to the appearance of this relatively modern housing, including the roofscapes.
5. No.62 Lawling Avenue is part of a cluster of three conjoined dwellings. Incorporated within this single block of development is the two-storey dwelling at No.66 Lawling Avenue and the back-to-back arrangement of the lower, generally single storey appearance of No.62 and the continuously rising roofscape with the adjoining and higher No.64 Lawling Avenue. Overall, it is a somewhat disorderly arrangement with the bland expanse of the roofscape at Nos. 62 and 64 an atypical and somewhat discordant feature. In this context, I find the position and scale of the appeal proposal would relate well to the appearance and position of the first-floor projecting box window of No.66. The conspicuous introduction of first floor accommodation at No.62 would also provide a more cohesive appearance across the frontage of this group of dwellings. Accordingly, the proposed dormer and velux windows would not unbalance the appearance of this group of dwellings.
6. No.62 is set back from the principal highway on Lawling Avenue, such that notwithstanding the curve of the estate road at this point, the appeal proposal would not be prominent. The position and scale of the two-storey dwelling at No.60 Lawling Avenue and trees within the front garden of this property further conceal No.62 in most street scene views to the south.
7. Dormers are not an architectural feature of this estate but the modest scale of what is proposed together with the pitched roof of the proposed dormer relating to the prevailing roof style and the regular use of pitched roof projecting box windows means it would not be an incongruous feature. The same applies with regards to the very modest and simple velux windows proposed. I also find the combination of the expansive scale and generous angle of the pitch of the host roof means the appeal proposal would appropriately utilise a set of particular circumstances that are not generally found elsewhere on the estate.
8. I therefore conclude that the proposed roof alteration and openings would not significantly harm the character and appearance of the surrounding area. The appeal proposal would therefore accord with Policies D1 and H4 of the Maldon District Local Development Plan 2014-2029. These policies require that development must, amongst other things, be well-designed, positively

contribute to a high-quality built development and avoid a significantly detrimental impact to the original character of the host dwelling and the street scene more generally. The proposal would also accord with the general design expectations at paragraphs 124 and 127 of the National Planning Policy Framework (NPPF). Accordingly, and taking all other matters into consideration, I find that the appeal should be allowed.

9. The LPA has set out a number of proposed conditions which would be necessary were the proposal to be allowed. I have considered these in light of the content of the Planning Practice Guidance and paragraph 55 of the NPPF and where necessary amended the wording slightly for comprehension.
10. In addition to the standard time limit condition, a condition setting out the approved plans is necessary for the avoidance of doubt and to ensure proper planning. A further condition, requiring the materials to match those of the host dwelling is necessary to ensure a satisfactory appearance. Whilst I note the application form states that materials would match existing, I consider the wording of the condition I have set out is no more onerous than that proposed by the LPA and would achieve the outcome sought.

David Spencer

Inspector.