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## Appeal Decision

Site visit made on 10 August 2021

**by A.Graham BA(hons) MAued IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 9<sup>th</sup> September 2021**

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**Appeal Ref: APP/X1545/W/21/3270548**

**30 Barge End Cottage, The Hythe, Maldon CM9 5HN**

- 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 Miss Michele Williams against the decision of Maldon District Council.
  - The application Ref HOUSE/MAL/20/01217, dated 25 November 2020, was refused by notice dated 24 February 2021.
  - The proposed development is to convert the existing single storey double garage to a bedroom with en suite.
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### Decision

1. The appeal is allowed and planning permission is granted for the conversion of the existing single storey double garage to bedroom with en suite subject to the conditions set out in the schedule below that contain the usual conditions relating to the development being in accordance with the submitted plans and to be begun within three years.
2. There are two other conditions that the Council suggest I include relating to the external appearance of the proposed development and I have added the following conditions with regards external materials of the proposed development to be of weatherboarding with painted timber windows.

### Procedural Matter

3. The description of development in the heading above has been taken from the Council's decision notice and is the same as that described by the Appellant in section E of the Appeal form. Neither of the main parties has provided written confirmation that this description is erroneous and accordingly, I have used the one given on the Council's decision notice.

### Main Issues

4. The main issues are:
  - a) The impact of the proposals upon the character and appearance of the Maldon Conservation Area.
  - b) the impact of the proposal upon highway safety and the free flow of traffic.

## Reasons

### *Impact of the proposals upon the character and appearance of the Maldon Conservation Area*

5. The appeal property is a detached double bay fronted house of two storeys facing onto The Hythe which is a road serving an adjacent quay area directly opposite the appeal site. The main accommodation of the appeal property stands approximately one storey higher than the street level and due to this the property is able to be served by a garage that protrudes forwards at ground floor level giving access and storage directly onto The Hythe itself.
6. The property is located within the Maldon Conservation Area and to the rear of the property stands St Mary's church which is recognised as a positive building within the adopted Maldon Conservation Area Review<sup>1</sup>. The top of the tower and the steeple of this church can be glimpsed past the appeal property from The Hythe itself.
7. The character of The Hythe is recognised in the Maldon Conservation Area Review as one of an historic quayside location and it recognises the historic barges, mudflats and open skies over the river as being typical of an English South East Coast scene and thus defining the character of this part of the conservation area. On my site visit the area was busy with tourists and passers-by and there were several barges and boats anchored that appeared to be one of the main attractions. There were also several pubs and restaurants and the street had a busy atmosphere typical of a tourist destination.
8. I also saw on my site visit that The Hythe was a no through road. Despite this, the road was very busy with pedestrians, vehicles and parked cars both on the street and within the quayside car park opposite the appeal site. Vehicles appeared to be moving very slowly however due to the narrowness of the road and the amount of pedestrians milling around.
9. In considering this appeal I am required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to give 'Special Attention' to the desirability of preserving or enhancing the character or appearance of the conservation area. This is reflected in paragraph 199 of The Framework, which states that 'Great Weight' should be given to the assets' conservation.
10. In this case I consider that this area of The Hythe is an attractive and vibrant part of the conservation area due to its historic relationship to the river and its attractiveness as a good example of an historic, and still functioning, historic harbour location. As such I consider the character and appearance of The Hythe as being very important in maintaining the special architectural and historic qualities of the Maldon Conservation Area as a whole.
11. Although the existing garage door is painted a relatively attractive blue colour, the presence of such an inactive frontage within this important streetscene is somewhat at odds with other, more traditional buildings in the area, most of which present a positive outlook onto the street with windows or gardens facing onto the road. This garage door therefore is noticeable as it contributes to a partial erosion of those architectural and historic qualities as outlined above.

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<sup>1</sup> Maldon Conservation Area Review and Management Plan 2006.

12. Although I agree with the Council's Conservation Officer that the appeal building makes only a Neutral contribution to the conservation area as a whole, I consider that the proposal would result in a positive improvement to this building and would subsequently have a similarly positive effect upon The Hythe itself through it allowing a more active frontage to be presented onto the historic harbour. In light of this I consider that the proposal would enhance the character and appearance of this part of the Maldon Conservation Area.

Impact of the proposals upon highway safety and the free flow of traffic.

13. In assessing highway safety of the proposal I note that there is no objection raised specifically by the Council's Highways Officer and that the main issue is regarding the potential of another car being parked along The Hythe or its associated car parks, thereby causing an increase of vehicles being parked nearby thus potentially affecting the movement of traffic along The Hythe. I also note the aspirations of Policy T2 of the Maldon Local Development Plan (MLDP) as being related to both the accessibility and sustainable modes of transport along with the provision of the private car and these in themselves reflect The Framework in attempting to secure sustainable development.
14. In assessing this I accept that The Hythe is a narrow road and that there may be particular highway safety issues along the street, but I consider that these are perhaps not caused by the parking of vehicles per se. Rather I consider that many of the issues seem to relate to the amount of pedestrians and vehicles that naturally wish to use the space with it being such a local attraction and the resultant potential conflict between the two. Neither of these things I consider could be significantly affected or addressed through the outcome of this appeal, even if this outcome resulted in a single resident's vehicle being parked more often on this street at certain times.
15. I saw however on my site visit that it was possible for a vehicle to use the area of hardstanding to the side of the existing garage and this left enough room for another vehicle to park, should it need to, in front of the existing property. As such I consider this space is useable for a vehicle or for bicycles to use as it currently is. Whilst I consider the suggestion of the Planning Officer that there exists the possibility of the neighbours erecting a boundary wall here that could preclude this parking, there is no information before me of the need or likelihood of this happening and as such I can only give this matter very limited weight.
16. In balancing the requirements therefore of car parking, highway safety and the qualities of the historic environment I consider that the improvement offered by the appeal before me due to the creation of windows and the removal of this inactive garage door, which I consider a negative attribute of the area, would contribute to a positive enhancement of the Maldon Conservation Area and the streetscene of The Hythe as a whole.
17. In giving this resultant improvement great weight as required by the Act I consider that these positive outcomes outweigh the other consideration of highway safety and the free flow of traffic through the potential need for parking another vehicle on the street at certain times.
18. In light of the information before me therefore I consider that the proposal conforms to Policies D1 and T2 of the Maldon Local Development Plan as well

as the aspirations for accessibility as contained in the Supplementary Planning Document (SPD) for Vehicle Parking Standards.

### **Conditions**

19. I have considered the conditions proposed by the Council in the light of the requirements of the Framework and the Planning Practice Guidance. As well as the standard conditions, the Council have suggested other conditions are required. These include a requirement for the external materials to be of weatherboarding material and for windows to be timber. I have also suggested that samples of these materials be submitted for approval by the Council prior to development in order to ensure a satisfactory quality of material is achieved. The other condition relates to the accommodation being used only as ancillary accommodation to the appeal property that I have also included.

### **Conclusion**

20. For the reasons above, taking into account all other matters raised, I allow the appeal subject to the conditions set out in the schedule below.

*A Graham*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby approved shall be carried out in accordance with the following plans that were all dated 14 October 2020: 2048/301, 2048/302, 2048/303 and 2048/304.
- 2) The development hereby permitted shall begin not later than three years from the date of this decision.
- 3) The works hereby approved shall not be commenced until samples of the proposed weatherboarding materials and timber windows have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and permanently maintained as such. All other materials shall be as set out within the application form/plans hereby approved.
- 4) The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 30 Barge End Cottage, The Hythe, Maldon.