



Appeal Decision

Site visit made on 8 February 2022

by H Lock BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23RD February 2022

Appeal Ref: APP/X1545/D/21/3288728
67 South Street, Tillingham, CM0 7TH

- 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 Terence Judd against the decision of Maldon District Council.
 - The application Ref. HOUSE/MAL/21/00990, dated 8 September 2021, was refused by notice dated 2 December 2021.
 - The development proposed is described on the planning application form as 'construction of single storey rear extension to existing detached single storey residential dwelling to create enlarged kitchen and access into existing rear garden room with associated removal of existing veranda and shallow pitched roof with associated alterations to existing double pitched roof to existing cottage by replacement of existing concrete pantiles with reclaimed natural slate and reclaimed red clay ridge and hip tiles and construction of new pitched and hipped roofs over existing flat roof to existing bathroom and new kitchen extension incorporating reclaimed natural slate and reclaimed red clay ridge and hip tiles to entirely match other roofs. The existing painted cement render on the west elevation of the original cottage to be removed and replaced with stained softwood featheredged weatherboarding to match the existing on the south and north elevations and the 2no. existing painted softwood casement windows and panelled front door to be replaced with new painted softwood sliding sash windows and reclaimed hardwood vertically boarded front door. The existing rear garden room to be fitted with new painted softwood framed glazed double French doors. The existing painted blockwork boundary wall on the west elevation frontage onto South Street shall be removed and replaced with white painted preservative treated 900mm high traditional picket fence – as already approved under planning permission ref. HOUSE/MAL/20/00547 of 18th August 2020'.
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Decision

1. The appeal is allowed and planning permission is granted for construction of single storey rear extension, removal of existing veranda and shallow pitched roof with alterations to existing double pitched roof, replacement of existing concrete pantiles and construction of new pitched and hipped roofs over existing flat roof. Removal of painted cement render on western elevation and replace with featheredged weatherboarding and replacement of the 2 no. existing painted softwood casement windows and panelled front door. New painted softwood framed double glazed French doors to existing rear garden room. Replacement of boundary wall to front with white painted picket fence, at 67 South Street, Tillingham, CM0 7TH, in accordance with the terms of the application, Ref. HOUSE/MAL/21/00990, dated 8 September 2021, 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 development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 scale site location plan; 2113/01; and 2113/03.
- 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, in accordance with the schedule of new and replacement materials listed on plan no. 2113/03 and at Question 6 of the planning application form, dated 8 September 2021.

Procedural Matter

2. The description of development in the banner heading has been taken from the planning application form. However, the description on the Council's decision notice and the appeal form is more concise, and I have therefore used that in the formal decision.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the appeal property and the Tillingham Conservation Area.

Reasons

4. The appeal property is a low-profile single-storey dwelling located in Tillingham Conservation Area. South Street is very mixed in terms of its character and appearance, with no prevailing building size or style. There is considerable diversity in the siting, design, materials and detailing of buildings, reflective of their construction periods. In this context, the appeal property sits between a prominent, partly 2½-storey house and an access track leading to a field to the rear. This track forms part of the conservation area boundary, and therefore the appeal site is sensitively located at its edge.
5. The existing property is modest in scale, with a traditionally designed garden room to its rear. The dwelling has a shallow double-pitched roof and a flat-roofed rear element that projects to the side, in front of the garden room. The flat-roofed section is visible in the street scene as a result of the open aspect of the front garden and the low fencing to the access track. The gap between the flat-roofed area and the garden room is limited, and the perception is that the building projects back into the site, with a mix of roof forms, materials and heights being clearly visible.
6. The proposed rear extension would remove the flat roof and an unremarkable veranda, neither of which make a positive contribution to the dwelling or its setting. Whilst the proposed rear extension would be higher than the original dwelling, it would not appear overly dominant as a result of its set back position. I acknowledge that the resultant roof would be complex, with a mix of interlinked pitches. However, I consider this would be a more attractive arrangement than the existing flat roof, and would better respect the form of the dwelling. The existing gap between the dwelling and garden room is little perceived in the street scene, and as such the extended dwelling would appear no more 'sprawling' than the existing building. Moreover, I note that other

dwelling in the vicinity have extensions of similar depth overall, with equally complex plan forms as the buildings have evolved.

7. The Council's Conservation and Heritage Specialist has advised that the Victorian appeal property has suffered a series of unsympathetic alterations and as a result, currently detracts from the special character and appearance of the conservation area. In the context of paragraph 202 of the National Planning Policy Framework, the Council considers that the proposal would result in harm to the significance of the conservation area, and that, although the harm would fall below the high threshold of 'substantial harm', it would be notable.
8. However, the proposal also includes elements of restoration, some of which have already been undertaken as part of an existing planning permission 20/00547/HOUSE. I consider that the existing dwelling has a muddled roof form, and the flat roofed element is one of its detracting features. I do not consider that the proposed extension and subsequent roof form would result in the harm anticipated by the Council, and it would preserve the character or appearance of the conservation area as required by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, with the associated alterations being enhancements. These requirements are reflected in Policy D3 of the Maldon Local Development Plan¹ (LP).
9. I therefore conclude that the proposal would be acceptable in its impact on the character and appearance of the appeal property and the Tillingham Conservation Area. This would comply with Section 72(1) referred to above, and the aims of the Framework, LP Policy D3, and LP Policy D1, which amongst other criteria requires development to respect and enhance the character and local context, including the historic environment, and to make a positive contribution in matters including architectural style, use of materials, detailed design features, height, size, scale, form, massing and proportion.

Conditions

10. In addition to the standard time limit, I have attached a condition specifying the approved drawings as this provides certainty. I have attached the Council's suggested condition for the development to be constructed from materials to match the existing building. However, I have modified its wording to ensure that the 'match' is to the replacement materials scheduled in the application. This is to avoid the extension being constructed from different materials to the main dwelling, in order to safeguard the character and appearance of the development and the conservation area.

Conclusion

11. For the above reasons, I conclude that the appeal should be allowed.

H Lock

INSPECTOR

¹ Maldon District Approved Local Development Plan 2014 – 2029, July 2017