
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: 24 FEBRUARY 2022

Appeal Ref: APP/X1545/D/21/3289704
7 New Road, Tollesbury, MALDON, CM9 8QG

- 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 Hugh Morrison against the decision of Maldon District Council.
 - The application Ref. HOUSE/MAL/21/00828, dated 30 July 2021, was refused by notice dated 5 October 2021.
 - The development proposed is two storey side extension, attic conversion and dormer windows.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the heading above has been taken from the appeal form. Although the planning application form referred only to 'two storey side extension', it is clear from the plans and accompanying details that the development also included an attic conversion and dormer windows, as described by the appellant on the appeal form, and on the decision notice. The Council dealt with the proposal on this basis and I have done the same.

Main Issue

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

Reasons

4. The appeal property is a semi-detached Edwardian house within a street scene of dwellings dating from the late-19th and early-20th centuries. Although this property and others in the vicinity have been extended, dormer windows are not a feature of the houses in this part of New Road, although they appear elsewhere in the Tollesbury Conservation Area, within which the property is located. I share the Council's assessment that the special character of this part of the conservation area relates partly to the coherent and repetitive use of traditional architectural forms, materials and detailing, and that Nos. 3, 5, 7 and 11 form an attractive group of brick houses of similar scale, form and materials. In particular, the simple and unaltered front roofscape is a notable feature.

5. The proposed two-storey side extension with ground floor access void would facilitate a stairwell to the proposed loft conversion. Whilst its need is appreciated, I consider that it would be incongruous and out of keeping with the architectural style and form of the existing dwelling. It would appear disproportionately narrow compared to the existing building, and despite being set back from the front of the property it would look cramped in the shared gap. I note that this gap is larger than between some other properties in the vicinity, but this would not make the proposal appear any less constricted.
6. Whilst I note the Council's view that the side extension would not be highly visible in the surrounding area, the asymmetric roof would nevertheless be apparent in views across the shared gap, and the high eaves and poorly aligned front window would appear awkward on this traditionally-designed building. The adverse visual impact would be exacerbated by the contrasting materials and the atypical ground floor void. I appreciate that a rear extension to the property is clad in manmade boarding, but this is not seen alongside the brick façade. Although the appellant advises that alternative materials and means of supporting the staircase could be considered, these are too significant to be addressed as planning conditions, and would not overcome the other design concerns identified. The use of stained glass, finials and the date of construction may add interest, but would not be sufficient mitigation.
7. Dormer windows are found throughout the Tollesbury Conservation Area, and they vary in terms of their design, size and siting. However, as noted above, dormer windows are not prevalent in this part of the conservation area, and the proposal would have the effect of unbalancing the symmetrical composition of the semi-detached pair of which the building forms part. I note that a front dormer window of similar size and roof position has been added to a semi-detached property at nearby 15 New Road but that property is located beyond the conservation area boundary.
8. The appellant has supplied numerous photographs of extensions and dormer windows found throughout the conservation area. However, when viewed on the ground, none appeared to be directly comparable to the proposal in terms of design, form and/or context. Most appear to be historic, but no planning permissions have been identified for more modern additions, nor detail of the reasoning behind those approvals and the planning policies against which they were assessed. As such, whilst these demonstrate the diversity within the conservation area, they offer limited support to the specific details of this proposal.
9. The appellant advises that rooflights could be added to the property as Permitted Development, but that such alterations might be considered incongruous. However, as a 'fallback' position, the visual impact of one or more rooflights on the dwelling and the street scene would be materially different from a dormer window and would not justify acceptance of the appeal proposal.
10. There is a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area in exercising planning functions. In this context, and having regard to paragraph 202 of the National Planning Policy Framework (the Framework), I find that the proposal would lead to less than substantial harm to the significance of the conservation area, but that this harm would not be outweighed by public benefits. Whilst the proposal could improve the flexibility of the accommodation

for future generations occupying the dwelling, this would be a limited benefit when weighed against the impact on the heritage asset. Energy efficient construction and materials would be beneficial, but again must be balanced against the wider public interest.

11. I note that the Parish Council supported the proposal, and that a neighbouring resident objected. Whilst comments received are taken into account, public consultation is only one aspect of the decision-making process, to inform a wider assessment.
12. I do not share the appellant's view that the rear elevation of the property would be seen by more people than the front elevation. Instead, I consider the rear garden environment to be more altered and a less sensitive part of the conservation area than the public domain to the front. The proposed rear dormer window would be viewed across neighbouring rear gardens, and I reach the same conclusion as the Council, that this element would be an acceptable addition which would not harm the character or appearance of the Conservation Area.
13. I therefore conclude that the proposed side extension and front dormer window would detract from the character and appearance of the appeal property, and would not preserve or enhance the character and appearance of the Tollesbury Conservation Area. This would conflict with the Framework, as reflected in Policy DC3 of the Maldon Local Development Plan¹ (LP), and with the aims of LP Policy H4, which amongst other criteria requires extensions to be of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area; and with the overarching design aims of LP Policy D1, for development to respect and enhance the character and local context, including the historic environment, and to make a positive contribution in terms such as architectural style, use of materials, and detailed design features.

Conclusion

14. For the above reasons, I conclude that this appeal should be dismissed.

H Lock

INSPECTOR

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