

Appeal Decision

Site visit made on 26 May 2022

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9TH June 2022

Appeal Ref. APP/X1545/D/21/3288426

31 Hillside Road, Burnham-on-Crouch CM0 8EY

- 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 and Mrs A Harper against the decision of Maldon District Council.
 - The application ref. HOUSE/MAL/21/01044, dated 5 October 2021, was refused by notice dated 30 November 2021.
 - The development proposed is addition of first floor level to existing bungalow, single storey front extension and single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for addition of first floor level to existing bungalow, single storey front extension and single storey rear extension at 31 Hillside Road, Burnham-on-Crouch CM0 8EY in accordance with the terms of the application ref. HOUSE/MAL/21/01044, dated 5 October 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans numbered 21-071-00LP; 21-071-001; 21-071-002; 21-071-003; 21-071-004; 21-071-005; 21-071-006 Rev A; and 21-071-007 except where the condition below provides otherwise.
 - 3) Notwithstanding the details given on the submitted plans and at section 5 of the application from, the roofing materials to be used in the construction of all the external pitched roof surfaces of the development hereby permitted shall match those of the existing building or shall be red plain clay tiles.

Preliminary matters

2. The description of the proposed works provided on the application form has been updated by subsequent documents. In the heading and decision above, I have adopted the version found on the Council's decision notice and the appeal form as it more precisely describes the proposal before me.
 3. In assessing the plans which were before the local planning authority when it made its decision, I have noted that the existing and proposed side elevations
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are incorrectly labelled. What is shown as an east-facing elevation is in fact a west-facing elevation and vice versa. This does not invalidate the application as the plans are still capable of being reasonably interpreted.

Main issues

4. The main issues are the effects of the proposed development upon the character and appearance of the dwelling and its surroundings and upon the amenities of the neighbouring occupiers at 33 Hillside Road with regard to the potential for any overbearing effects and loss of outlook.

Reasons

5. I have not been referred to any development plan policies or local guidance aimed at resisting in principle proposals which would result in the loss of a bungalow for any reason or proposals which would specifically seek to extend and transform a bungalow into a house as put forward here. I see that the Council did not oppose such a transformation in principle but is concerned that the extensions, due to their height, size, design and location, would be visually incongruous additions to the host dwelling, negatively impacting upon the character and appearance of the dwelling and the wider area.
6. The appeal concerns a detached bungalow. It stands next to the crossroads between Hillside Road and Fernlea Road. Even though there are semi-detached bungalows on 2 other corner plots at the same crossroads, there is a wide variety of dwelling types and sizes hereabouts. This includes 2 large 2-storey houses (33 and 35 Hillside Road) immediately to the west of the appeal property, a chalet bungalow with front dormers and a large rear dormer (25 Hillside Road, not no. 29 as indicated by the appellants) on the fourth corner of the crossroads directly to the east, a 2-storey house diagonally opposite the front of the appeal property (30 Hillside Road) and a 2-storey house at 15 Fernlea Road, a short distance to the north just beyond the intervening bungalow at 13 Fernlea Road.
7. The appeal property's closest visual relationship is undoubtedly with 33 Hillside Road. Noting the very sizeable and taller nature of that neighbouring dwelling, the carefully and attractively designed roof style proposed, consisting of a main pitched roof with steep roof slopes and low eaves lines to the front and rear, with much of the first floor accommodation in the roof space and the advanced bay at the front being simply taken upwards, I consider that the resulting building would be a fitting addition to this street scene and integrate well with it. The street scene elevation confirms that it would present a roof ridge consistent with the neighbouring properties along Hillside Road and an appropriate dwelling type that would be something of a hybrid between the adjacent house and dormer bungalow at 33 and 25 Hillside Road respectively.
8. The front advanced bay would have a higher eaves line than the main part of the building but its roof ridge would be lower than the main roof ridge. It would be well under half the width of the front elevation. To all intents and purposes, it would present itself as a conventional and proportionate front-facing gable end and being set well back from both road frontages, it would not appear unduly dominant. Other full-height gable ends projecting towards the road are found close by at 30 and 35 Hillside Road.

9. It would be a stretch of the imagination to suggest that the front and rear dormers would be oversized or poorly designed for any reason. The L-shaped, ground floor, flat-roofed addition at the rear would in part replace an existing conservatory. It would not be an unexpected development at the rear of a residential property. Its 2 elements would not be viewed in the same plane. This and the flat-roofed design and the roadside boundary fencing would limit its visual impact in the public realm. The ground floor, flat-roofed addition at the front would be set back marginally from the front of the advanced gable and fit neatly into the available space. It would be a sufficiently sympathetic addition to the property. In any event, on the approach along Hillside Road from the east it would be largely hidden by the projecting gable end, whilst from the west it would be substantially screened by mature vegetation at the front of no. 33. The appellants point to other flat-roofed front-facing garages along Hillside Road which I saw on my site visit.
10. The Council was critical about the proposed use of "Eternit" slate roof tiles. I find some justification for that stance. On reflection, the appellants say they are willing to use a clay tile to match neighbouring houses. This could be the subject of a planning condition.
11. Viewed as a whole and taking into account the slightly elevated location at a road junction, I consider that the proposed changes would be visually attractive and sufficiently respectful of the original building's character and appearance, the local character more generally and the setting of the site. The scheme would deliver good design, satisfactorily respond to the distinctive local building forms and patterns of development, respect the scale, massing and height of the surrounding physical context and at least maintain and complement the character and appearance of the local area.
12. I find on the **first main issue** that the proposed development would not materially harm the character and appearance of the dwelling and its surroundings. As it would be an example of high-quality design and would safeguard and enhance the qualities and character of this built environment and involve the acceptable extension and alteration of a building, there would be no conflict with the aims of Policies D1 and H4 of the Maldon District Approved Local Development Plan 2014-2029 (LDP). The scheme would also respect the key design themes in the National Planning Policy Framework (the Framework) insofar as they relate to achieving well-designed places.
13. The experience of 33 Hillside Road as being set within a wide and spacious back garden which faces north would endure. The western flank wall of the appeal property is separated from the boundary with no. 33 by about 0.9 m. It is actually set well away from the closest rear habitable room window there which is to be found beyond the side garage. This layout, even though the rear elevation of no. 31 already projects further back than the rear of no. 33, would help to avoid any significant overbearing impact on the outlook from any neighbouring rear-facing windows. In terms of the enjoyment of the rear garden at no. 33, I am not convinced that the change to a gabled roof from the current hipped roof would make any material difference to the outlook from that garden. The ground floor, flat-roofed addition at the rear would add to the bulk of building close to that garden boundary but given its single-storey form and the presence of a mature and dense band of vegetation growing along and inside the boundary of no. 33, I consider that it would not give rise to such a

serious overbearing impact or sense of enclosure as to justify withholding planning permission. The absence of objections from the occupiers of 33 Hillside Road adds weight to my findings.

14. I find on the **second main issue** that the proposed development would avoid any unacceptably harmful impacts on the amenities of the neighbouring occupiers at 33 Hillside Road, taking into account the potential for overbearing effects and an increased sense of enclosure. As such, there would be no conflict with the aims of LDP Policies D1 and H4 to protect the amenity of surrounding areas and neighbouring properties. Similarly, there would also be compliance with the Framework which seeks to ensure developments create places with a high standard of amenity for existing and future occupiers.
15. In addition to a condition setting a time limit for the commencement of development, a condition requiring that the development is carried out in accordance with the relevant approved drawings is necessary as this provides certainty. I have not imposed a condition requiring matching materials as such. This would stifle the use of white render as proposed for the walls, a treatment commonly found within this locality. Instead, following my comments about roofing materials in paragraph 10 above and to ensure that the development would safeguard the character and appearance of the area, I have modified the condition so that it refers to roofing materials only which should match those of the existing building or be red plain clay tiles.
16. The Council found the impact of the proposal on the amenities of 13 Fernlea Road to be within acceptable limits. I see no reason to disagree. Whilst the officer's report pointed to the possibility of a planning condition controlling the glazing treatment to the rear dormer window, this was not followed through into the relevant part of the Council's questionnaire on suggested planning conditions. The dormer window would serve a small bathroom which is not classed as a habitable room. This added to the reasonable separation distance from the property at 13 Fernlea Road indicates to me that such a condition would not be necessary to allow the development to go ahead.
17. For the reasons given above and having regard to all other matters raised and the absence of objections from neighbouring residents, I conclude that this appeal should be allowed.

Andrew Dale

INSPECTOR