

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: 10th June 2022

Appeal Ref: APP/X1545/D/22/3291100

Kerris Vean, Burnham Road, Althorne, Essex CM3 6DP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Ms Lucy Arnold-Courtney against the decision of Maldon District Council.
 - The application ref. VAR/MAL/21/00878, dated 11 August 2021, was refused by notice dated 19 October 2021.
 - The application sought planning permission for "Rear second floor extension over existing flat roof addition and side and rear single storey extension" without complying with conditions attached to planning permission ref. HOUSE/MAL/20/01011, dated 30 November 2020.
 - The conditions in dispute are no. 2 which states that: **"The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 582/01, 582/02, 582/03, 582/04, 582/05 B, 582/06 B"** and no. 3 which states that: **"The materials used in the construction of the development hereby approved shall be as set out within the application form/plans hereby approved."**
 - The reason given for condition 2 is: **"To ensure that the development is carried out in accordance with the details as approved."** The reason given for condition 3 is: **"In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework."**
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Decision

1. The appeal is allowed and planning permission is granted for rear second floor extension over existing flat roof addition and side and rear single storey extension at Kerris Vean, Burnham Road, Althorne, Essex CM3 6DP in accordance with the application ref. VAR/MAL/21/00878, dated 11 August 2021, without compliance with condition nos 2 and 3 previously imposed on planning permission ref. HOUSE/MAL/20/01011, dated 30 November 2020 and 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 drawings: nos 582/01; 582/02; 582/05 D; and 582/06 D.
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Background and main issue

2. Planning permission has been granted for various extensions and alterations to the rear and side of the appeal property. That original planning permission will continue to exist whatever the outcome of this appeal. This appeal seeks permission to carry out the development without complying with 2 conditions as set out in the heading above. The appellant would like to change the facing material for the walls across most of the permitted extensions from matching red brickwork to horizontal black weatherboarding. The intention is for the submitted plans to be followed instead of those previously approved. The Council's objection is on the grounds that the weatherboarding would significantly contrast with the existing finish of the host dwelling and have a detrimental impact upon its character and appearance and the street scene.
3. The main issue is therefore the impact of the proposed weatherboarding upon the character and appearance of the host dwelling and the street scene.

Reasons

4. Kerris Vean is a 2-storey detached house set back from the southern side of Burnham Road in Althorne. The building is of red brick and slate construction. It is believed to date back to the Edwardian period. The front elevation of the property has a notable presence on account of the 2 full-height advanced bays with ornate white stone dressings. One of those bays is positioned in the eastern corner of the frontage adding further individuality to the original design.
5. As the rear and side elevations are far plainer, they are more suited to style changes. Indeed, it seems to me that the approved scheme, which would see larger sections of glazing on both floors, a glass Juliet balcony, aluminium frames to the windows and bifold doors and a full-width, flat-roof ground floor extension with a large lantern light, will create a far more contemporary feel to the building at the rear. The use of horizontal black weatherboarding would simply complement this modern aesthetic rather than be out of keeping with the character of the building at the rear.
6. Black-painted or white-painted horizontal weatherboarding is a high-quality traditional facing material found throughout the district. It is common to find and entirely reasonable for there to be different walling materials on different parts of a dwelling. The appellant considers that finishing the rear extensions in weatherboarding would confirm the division between the original and new parts of the building. I find some degree of logic in this approach. The characterful original period building would be emphasized at the rear by the use of weatherboarding on the later additions. In this way, the change in material would make a positive contribution as it would help to explain the evolution of the building. I note also that the only front-facing section of the side extension would continue to be finished in matching brickwork.
7. I saw a diverse palette of walling materials near Kerris Vean, including yellow stock brickwork with tile-hanging at Treetops, white render at Taiping, cream-coloured weatherboarding at Austral Lodge and brick and pebble-dash at Meadowview. There would only be short-lived, glimpsed and oblique views from Burnham Road of some of the weatherboarding on the side of the extensions at Kerris Vean. Those views would take in the aforementioned mix of walling materials, the proposed weatherboarding simply adding to that mix. The most

visible side-facing section would be at first floor level on the east elevation but it would be viewed behind the cream weatherboarding at Austral Lodge.

8. For those reasons, when viewing from Burnham Road, the use of the proposed weatherboarding would not have such a significant impact as to disrupt the character and appearance of the street scene or to erode the character, visual amenity and local distinctiveness of the locality more generally.
9. I conclude on the main issue that the proposed weatherboarding would not result in harm to the character and appearance of the host property or the street scene. As the development 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. The scheme would also respect the intent of the Maldon District Design Guide Supplementary Planning Document and the key design themes in the National Planning Policy Framework insofar as they relate to achieving well-designed places.
10. I can understand why the appellant might be perplexed about how weatherboarding was found to be acceptable by the Council at The Homestead, Grange Avenue, Mayland. However, the full planning circumstances of that case are not before me so I am reluctant to attach any great weight to it. I have assessed this appeal looking at the planning merits of the particular case before me. It has been put to me that there are also structural reasons for using timber framing and weatherboarding but without sight of a structural report, I have not been able to assess that matter further. The structural issue has played no part in the decision I have reached.
11. 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 the Council's other suggested condition requiring matching materials as it would negate the benefit of this permission. Moreover, the materials to be used are clearly set out on drawing no. 582/06 D; this includes materials (for example, facing brickwork and natural slates) which would still match those of the existing building.
12. 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