



Appeal Decision

Site visit made on 21 November 2022

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th December 2022

Appeal Ref: APP/X1545/D/22/3307193

Topsails, Harfred Avenue, Heybridge Basin, Essex, CM9 4RH

- 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 Lyons against the decision of Maldon District Council.
 - The application Ref HOUSE/MAL/22/00463, dated 23 March 2022, was refused by notice dated 28 June 2022.
 - The development proposed is described as '*side and rear extension with modernisation upgrades to bedroom and living spaces for wheelchair accessibility*'.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single-storey rear extension, a 1.5-storey side extension and a porch at Topsails, Harfred Avenue, Heybridge Basin, Essex, CM9 4RH in accordance with the terms of the application, Ref HOUSE/MAL/22/00463, dated 23 March 2022, 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: Drg Nos 010-LOCATION Rev A , 011-Block Rev A, 100-SITE, 110-PLANS Rev A, 111-PLANS Rev A, 120-ELEVS Rev A, 121-ELEVS Rev A, 122-ELEVS Rev A, 123-ELEVS Rev A, 200-SITE, 210-PLANS, 211-PLANS, 212-PLANS, 220-ELEVS Rev A, 221-ELEVS Rev A, 222-ELEVS Rev A, 223-ELEVS Rev A and 224-ELEVS Rev A.
 - 3) The development hereby permitted shall be carried out in accordance with the details set out in the Flood Risk Assessment provided as part of the application and shall be fully implemented and in place prior to the occupation of any part of the development hereby permitted and shall be retained in perpetuity.

Procedural Matter

2. My formal decision uses the description of development that was given by the Council on their decision notice and which was repeated by the appellant on the appeal form. This gives a more accurate description of the proposed works compared with that on the original application form and which I have quoted in the banner heading above.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal property is a detached bungalow located at the northern end of Harfred Avenue, a private road comprising a mix of property types, sizes and ages, including a range of two-storey dwellings. The proposal includes a number of elements that together would significantly remodel the appearance of the building, including the addition of a 1.5 storey wing that would project to the north side of the dwelling extending forward of the front elevation and significantly beyond the rear to effectively create a new 'L-shaped' footprint. A single-storey addition would also be added to the opposing rear corner of the dwelling that would wrap partially around and project from the south side elevation. The renovated building would be finished with a mix of brick, render and timber cladding, with roof tiles that would match the existing.
5. The new side wing would be an undeniably large addition when compared with the size of the existing dwelling. It would be noticeably taller and would become the more dominant part of the dwelling. I agree with the Council's assessment that it would not be visually subservient. However, I also share the appellant's view that the remodelled form of the dwelling would be seen as a new whole, comparable in many ways to a rebuild. Moreover, Policy H4 of the housing chapter of the Maldon District Approved Local Development Plan 2014 – 2029 (2017) (LDP) has no specific requirement for extensions or alterations to a dwelling to be subservient but rather that they be of an appropriate scale and design to the character of the original building and the surrounding area. In addition, when dealing with replacement dwellings the same policy does not seek to control the size of any replacement compared with the original but simply that its scale and design is appropriate to the size of the plot and its setting.
6. The composition of the resulting building would be unique but I find nothing about the introduction of a taller eaves to part, or the combination of a side hipped roof with projecting gables to the front and rear, which would result in a convoluted or architecturally unusual appearance. Retention of the existing small Dutch gable roof to one side would merely reflect the asymmetrical form of the building that is proposed. The mixed palette of materials would display a contemporary approach that draws from the use of similar materials that are openly seen elsewhere along Harfred Avenue.
7. The Council is opposed to the loss of a prominent stone-built chimney to the side elevation and stone feature walls to the front elevation of the existing building. Whilst these add to the current unique appearance of Topsails, I can find nothing about these elements that is architecturally or aesthetically significant. Their removal would simply aide the proposal to create a building of alternative form that would be neither exceptionally tall nor bulky, but appropriately residential in scale and comfortable on its plot and wider setting, contributing in its own way to the already mixed character of the area. Based on these findings I share the Council's view that the proposal would not give rise to any unneighbourly form of development, despite a suggestion from a nearby occupier that their outlook would be less attractive.

8. The flat roof form of the rear extension would merely further reflect the contemporary design approach that is proposed. Whilst it would project from the side of the building, it would be deeply recessed behind the dwelling's front elevation, set well back from the front boundary of the plot, and behind a proposed replacement car port. It would be barely seen from Harfred Avenue and not at all conspicuous or visually harmful.
9. My impression overall is that whilst there would be a significant change to the appearance of Topsails, the proposal would create a more functional remodelled house that would contribute positively towards local character. As such it would make effective use of the land in accordance with Policy H4. For these reasons I am also satisfied that the proposal would display the quality of design that is required by LDP Policy D1 and that it would satisfy the National Planning Policy Framework's objectives for achieving well-designed places.

Conditions

10. A condition specifying the relevant plans is necessary as this provides certainty.
11. The application proposals include a variety of finishing materials. For reasons that have been amplified above, I am satisfied that these would be appropriate in their setting and reflective of the mixed palette already seen along Harfred Avenue. The condition suggested by the Council that would require materials for the extensions to match the existing building is therefore unnecessary.
12. Due to the site's location within a flood zone, in order to minimise any impacts from flooding, a condition requiring the development to be carried out in accordance with the Flood Risk Assessment that was submitted with the application is necessary.

Conclusion

13. For the reasons given, I find that the proposal would not harm the character or appearance of the area. Accordingly, in the absence of any other conflict with the development plan, and having regard to all other matters raised, the appeal is allowed.

John D Allan

INSPECTOR