



Appeal Decision

Site visit made on 5 December 2022

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 5 January 2023

Appeal Ref: APP/X1545/W/22/3294778

Apartment 2, Temperance House, 22 High Street, Burnham-on-Crouch, CM0 8AA

- 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 Jerry Thornton against the decision of Maldon District Council.
 - The application Ref. FUL/MAL/21/00902 dated 31 August 2021, was refused by notice dated 5 November 2021.
 - The development proposed is the addition of rooftop belvedere serving existing 2nd floor apartment.
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Decision

1. The appeal is allowed and planning permission is granted for the addition of rooftop belvedere serving existing 2nd floor apartment at Apartment 2, Temperance House, 22 High Street, Burnham-on-Crouch, CM0 8AA in accordance with the terms of the application, Ref FUL/MAL/21/00902, dated 31 August 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: 2191 01, 2191 02, 2191 03, 2191 04, and 2191 05 Rev B.
 - 3) The materials used in the construction of the development hereby approved shall be as set out within the application form/plans hereby approved.

Main Issue

2. The main issue in this case is the effect of the proposed development on the character and appearance of the conservation area.

Reasons

3. The appeal site is located on the northern side of the High Street within the Burnham-on-Crouch Conservation Area. It is occupied by a non-listed three storey mixed used building comprising a café/restaurant to the ground floor and residential apartments on the first and second floors. The surrounding area consists of a mixture of commercial and residential properties of a variety of designs. The appeal building is the tallest in the immediate vicinity. The Star Hotel, on the opposite side of the High Street, is a listed building.

4. I am told that Temperance House, No 22 High Street, was originally built in the 19th century as the Royal Hotel. Stylistically, the building would fit a date of the 1870s or 80s. From 1910 it became the Royal Temperance Hotel. It is a three storey brick building, having an original painted timber shopfront with a carriage arch to one side. The upper two storeys of the front elevation are faced with red brick, embellished with pilasters, decorative terracotta panels, stone window surrounds and a cornice, all in a loosely Italianate style. The original belvedere was reportedly built around 1900. The building makes a very positive contribution to the special character of the Burnham-on-Crouch Conservation Area.
5. Old photographs and drawings show that there was once a belvedere on the roof, glazed on all sides, each 'light' having an arched head. The appellant's appeal statement includes one such old photograph, with the original belvedere in place. The scheme proposes to reinstate a belvedere, effectively in the same position as the original belvedere. The proposed belvedere would be approximately 1.5 metres wider, 3.3 metres deeper, have an increased eaves height of 0.13 metres and have a ridge height 0.4 metres higher than the original belvedere. I am uncertain about the source of the original dimensions that enable this comparison, but for the purpose of the appeal I will accept these measurements.
6. What is clear from the historic photograph is that more of the depth of the original would have been apparent from the ground that would be the case now since a parapet wall was constructed in 2001 that, had it been in place originally, would have hidden a considerable portion of the lower part of the turn of the century original. An impression of the proposed belvedere, superimposed on the old photograph, appears to demonstrate that from the same viewpoint, the increase in footprint and height of the proposal would be largely hidden by the parapet and the existing substantial chimney stack.
7. I am further aided in appraising the proposal by a set of sections provided as part of the appellant's appeal statement. These illustrate that from 3 viewpoints the proposed belvedere would either be hidden or (in 1 case) largely hidden behind the parapet wall. These viewpoints are taken from 'Kings' on the opposite side of High Street, from the sea wall at 'Quayside', and from outside No.27 High Street at the entrance to 'Buckingham Square'. I am satisfied from my site inspection that these sections are reasonable illustrations of the extent of the impact of the belvedere viewed from the south.
8. The belvedere would still have the same visibility from along the High Street to the east, as shown in the historic photograph. But as I have already remarked, its appearance would be very little more apparent in the street scene than the original. At my site visit I also looked from what I believe is the only other point from which the proposed Belvedere would be visible, from just behind the bank, inside the junction of Chapel Road with the High Street. In my judgement there would be little impact from this viewpoint.

Conclusions

9. In light of the above assessment I consider that the proposed belvedere, whilst not being an exact copy of the original as built at the beginning of the 20th century, would be an interesting addition to this well preserved building, evocative of the original. As such I consider that it would add interest to the

streetscene and would preserve or enhance the character or appearance of the conservation area. Therefore, I will allow the appeal.

Conditions

10. The Council has suggested conditions in the event that the appeal is upheld. I have considered these in the light of Planning Practice Guidance. I consider that the conditions should be imposed for the following reasons: condition 2 is required for certainty and avoidance of doubt as to the development permitted; condition 3 is to ensure that the appearance of the development permitted is carried out as intended so as to achieve a satisfactory appearance.

Terrence Kemmann-Lane

INSPECTOR