

Appeal Decision

Site visit made on 24 January 2023

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th February 2023

Appeal Ref: APP/X1545/D/22/3311384

Colonsay, Seaview Parade, St Lawrence, Essex CM0 7PB

- 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 Joao Silva and David Morgan against the decision of Maldon District Council.
 - The application Ref HOUSE/MAL/22/00847, dated 21 July 2022, was refused by notice dated 15 September 2022.
 - The development proposed is single storey front extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed extension on the character and appearance of the host dwelling and the surrounding area.

Reasons

3. The appeal property is a detached chalet bungalow in a short residential cul-de-sac of mixed property types of individual design and appearance. The surrounding area is predominantly residential in character.
4. The appellants indicate that the current proposal seeks to respond to the refusal of a previous application for similar development¹. While I note this earlier application and decision, this appeal involves a separate proposal which I have considered on its own merits.
5. Policy D1 of the Maldon District Approved Local Development Plan 2014-2029 (2017) (the LDP) concerns design quality and the built environment. It requires development to respect and enhance the character and local context, and make a positive contribution against a number of criteria, including architectural style and height, size, scale, form, massing and proportion. Policy H4 of the LDP, concerning the effective use of land, requires that extensions should maintain or enhance the character of the original building and the surrounding area.
6. Colonsay comprises the principal built form with gable ends, with box dormers of equal size to the front and rear roof slopes, and a single storey rear element.

¹ Ref 21/01235/HOUSE.

A conservatory spans the majority of the ground floor frontage, which would be replaced by the proposed extension.

7. The conservatory has limited architectural merit and its position to the front of the dwelling adds some visual complexity to the frontage due to the extent and mix of fenestration. Nonetheless, it is of relatively limited height with the flat roof positioned below the eaves of the main body of the dwelling. Consequently, there is a good degree of separation between the component parts of the frontage. Moreover, the conservatory is of limited depth and its predominant use of glass means that it adds limited bulk and mass to the frontage and, therefore, does not detract from the principal part of the host dwelling.
8. By contrast, the proposed extension would be materially larger, both in terms of height and depth. The greater height would result in the roof impinging on the bottom of the box dormer, which would not respect the existing separation of the component parts of the frontage. Furthermore, the half-hipped flat roof and setback of part of the front elevation would add visual complexity to the frontage where there are already varied roof forms. Taking these findings as a whole, therefore, the size of the extension would add substantive bulk and mass to the front of the original dwelling, while its design would not integrate effectively with the existing built form. As such, the proposed extension would be a disproportionate and incongruous change that would harmfully effect the dwelling's character and appearance.
9. The appeal property has a good degree of set back from the road frontage, but this is open with limited planting. While Seaview Parade is a cul-de-sac, there appears to be pedestrian access from the end of the road to buildings to the west. Therefore, the extension would be readily seen from passing views. Moreover, it would be visible from the rear of neighbouring properties directly opposite. Consequently, the harmful effects found above would be apparent from views from the surrounding area.
10. I acknowledge that a number of other dwellings in the road have been extended or have permission for extensions, including to the front. However, all the neighbouring dwellings are of highly individual design and appearance, and there are no built forms that are directly comparable to the appeal property and the proposed extension. I have, therefore, considered the proposal on its individual merits and other extensions that have occurred over time cannot reasonably be considered as direct precedents for the appeal proposal. The appellants contend that there were no objections to the proposal, but given the above findings this is insufficient basis to overcome the harm that would result from the proposal.
11. Accordingly, for the above reasons, I conclude that the proposed extension would have an unacceptably harmful effect on the character and appearance of the host dwelling and the surrounding area. Consequently, it is contrary to Policies D1 and H4 of the LDP, as described above.
12. I agree with the Council that other elements of the overall proposal, the Juliet balconies and replacement fenestration and doors, would result in limited changes that would not be harmful. Therefore, there is no conflict with the same development plan policies with regard to these elements of the proposal.

Other Matters

13. The appellants contend in support of the appeal that the proposal should be considered in the context of the presumption in favour of sustainable development included in the National Planning Policy Framework (the Framework). While I have had regard to this contention, the presumption applies where development accords with the development plan or where there are no relevant policies or relevant policies are out-of-date, none of which applies in this case for the reasons given above. Accordingly, I give this matter limited weight and it does not alter my overall conclusion.

Conclusion

14. For the reasons given it is concluded that the appeal should not succeed.

J Bell-Williamson
INSPECTOR