

Appeal Decision

Site visit made on 8 March 2023

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 3rd April 2023

Appeal Reference: APP/X1545/D/22/3313238

2 Thurstable Close, Tollesbury, Essex CM9 8SH

- 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 T. Green against the decision of Maldon District Council.
 - The application (reference HOUSE/MAL/22/00850, dated 21 July 2022) was refused by notice dated 22 September 2022.
 - The development proposed is described in the application form as “New single storey rear extension in the rear garden, internal alterations which affect the elevations, and a new dormer element to the existing roof to accommodate two new en-suite facilities”.
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Decision

1. The appeal is allowed and planning permission is granted for “single storey rear extension, a dormer on the north roof slope, single storey front extension, relocation of the front door and internal alterations”, at 2 Thurstable Close, Tollesbury, Essex CM9 8SH, in accordance with the terms of the application (reference HOUSE/MAL/22/00850, dated 21 July 2022), subject to the conditions set out in the attached Schedule of Conditions.

Preliminary points

2. Notwithstanding the description of the application that was given in the application form, the nature of the proposal can more clearly be expressed as set out in the Council’s decision notice and in the appeal form, as follows: “single storey rear extension, a dormer on the north roof slope, single storey front extension, relocation of the front door and internal alterations”.

Main issue

3. The main issue to be determined in this appeal is the effect of the proposed development on the character and appearance of the host building and its surroundings.

Reasons

4. Tollesbury is a substantial village in the Essex countryside near to the River Blackwater and the coast. It has grown over the years and it now includes extensive residential areas laid out in modern developments that are characterised by two-storey conventional house types, for the most part.

5. Thurstable Close forms part of a relatively modern residential area in the northern part of the village, dating apparently from the 1960s. It is a short cul-de-sac, like others that branch off Thurstable Road, which provides a main spine road to the development. The frontages are typically made up of two-storey houses that are closely built up along the road, sometimes as semi-detached pairs or as linked buildings separated by single storey elements. Some of the buildings have been altered and adapted over the years, however.
6. On the west side of Thurstable Close, there is a row of detached two-storey houses, with traditionally pitched roof forms and the houses in Thurstable Road that lie opposite the entrance to the Close are similarly designed. On the east side of the Close, by contrast, the houses have been designed in a more modernistic style, with monopitch roofs. These houses are set back behind a wide verge that is set with mature trees, providing a foil to the architecture, and the overall effect is to create an interesting townscape.
7. Number 2 Thurstable Close stands at the corner of Thurstable Close and Thurstable Road and occupies a prominent location in the streetscene. It is constructed predominantly of brickwork, with some architectural panels in different materials, and it has a monopitch roof over the two-storey section complemented by sloping roofs on the lower sections that rise up to the larger element. The house has a modest front garden, behind the wide verge in Thurstable Close, and a back garden that has its long side boundary to Thurstable Road with a thoughtfully designed boundary wall treatment, of brickwork with timber panels. Access to the garage at the end of the back garden is obtained from a rear service road that also serves a number of other properties.
8. It is now proposed to carry out extensive additions to the existing house. The principal new external elements would comprise a single storey rear extension, a dormer on the north (side) roof slope and a single storey front extension. The front door would be relocated (with a new canopy) and various internal alterations would also be undertaken.
9. The 'National Planning Policy Framework' emphasises the aim of "achieving well designed places" in the broadest sense (notably at Section 12), while making effective use of land and encouraging economic activity. It is aimed at achieving good design standards generally, by adding to the overall quality of the area and being visually attractive and sympathetic to local character and history. Change is not ruled out in principle, however, and it is also recognised that appropriate change may include increased densities.
10. Policies in the Development Plan also share these basic principles and particular attention is drawn to Policies in the 'Maldon District Approved Local Development Plan 2014-2029' (dated July 2017). Policy D1 is concerned with "Design Quality and Built Environment" in general terms, while Policy H4 recognises the importance of making "Effective Use of Land" and includes specific provisions relating to residential extensions.
11. Reference has also been made to the 'Maldon District Design Guide' although this does not carry the same weight as Policies in the Development Plan.
12. The proposed rear extension would have a visual impact on the streetscene in Thurstable Road where it would extend significantly into the garden space.

Even so, there is a substantial open gap along the road frontage and the new extension would not be unduly bulky. The design of the new element would be striking, with a metal roof, but it would be in harmony with the existing architectural concept and I consider that it would make a positive contribution to the townscape.

13. Currently, the lower section between number 2 and its neighbour at number 4 is set well back from the line of the main part of the front elevations, generating a clear break in the building frontages and creating interest in the view along the cul-de-sac. The proposed new scheme would bring the line of the ground floor section forward but it would still provide a clear break in the building line, being set back behind the two-storey element of the house.
14. The new side dormer would again be set back from the line of the front of the building and would be inset from the side wall of number 4. The break in the elevation would be reinforced by a change of materials, as in the original design concept. The new front entrance has, likewise, been designed to accord with the host building. In consequence, I am also persuaded that these aspects of the scheme would not be harmful to the streetscene.
15. In short, I have formed the opinion that the proposals would not be incongruous or unduly intrusive in their context and that the scheme would not harm the character or appearance of the existing building or its surroundings.
16. It has been argued that certain works could be undertaken without the need for planning permission (the "fallback position") but there is a lack of specific and detailed alternative design proposals in support of this appeal, for example for an outbuilding or a dormer that could be the subject of a Lawful Development Certificate. This argument has not been persuasive in the appeal, therefore, and these proposals have been considered on their own merits.
17. Evidently, the appeal site lies within an established urban area, which is "sustainable" in planning terms, and the proposed extensions would be a useful addition to the accommodation at number 2 Thurstable Close. The contribution that the appeal scheme would make to the provision of residential accommodation in the locality, even though it would be limited, weighs in favour of the appeal. I have concluded that the project would not be in conflict with the Development Plan and that the scheme before me can properly be permitted, subject to conditions. Although I have considered all the matters that have been raised in the representations I have found nothing to cause me to alter my decision.
18. I have, however, also considered the need for conditions and, in imposing conditions, I have taken account of the conditions suggested by the Council in the usual way (without prejudice to their main arguments in the appeal). I accept, of course, that conditions are necessary, to define the planning permission and to ensure that quality is maintained.

Roger C. Shrimplin

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings:
 - drawing number 2203|loc01 (location plan);
 - drawing number 2203|02 (Existing and Proposed Block / Roof Plans);
 - drawing number 2203|03 (Existing Floor Plans and Elevations);
 - drawing number 2203|04 revision A (Proposed Floor Plans and Elevations);
 - drawing number 2203|05 (Proposed Street Elevations);
 - drawing number 2022_52 001 (Tree Protection Plan).
3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as shown on the approved drawings, matching those used in the existing building unless shown otherwise.