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# Appeal Decision

Site visit made on 25 April 2023

**by P Eggleton BSc(Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 18 May 2023.**

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**Appeal Ref: APP/X1545/D/23/3315495**

**Hillcroft, The Hythe, Maldon, Essex CM9 5JY**

- 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 P Quy against the decision of Maldon District Council.
  - The application Ref 22/01090/HOUSE, dated 21 October 2022, was refused by notice dated 21 December 2022.
  - The development proposed is to renovate and extend the existing house.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are whether the proposal would preserve or enhance the character or appearance of the conservation area; and the effect on the living conditions of the residents with regard to private amenity space.

## Reasons

3. The council amended the description to read 'Addition of a third storey incorporating two flat roof dormers, demolition of existing 1½ storey side projection and replace with a two storey side extension with front balcony. Changes to external materials, fenestration and addition of solar panels. New shed to the front'. Although this more comprehensively describes the proposal, as I have no evidence that this was agreed, I have retained the original description of development above.
  4. The property lies within the Maldon Conservation Area and close to the grade 1 listed Church of Saint Mary. Within the vicinity of the site the area is characterised by the river frontage, marina and wharf and the mixed developments associated within it; an eclectic mix of properties that are accommodated on the rising land that extends from the river up towards the west; and the large Promenade Park to the south and west. Importantly, this area is dominated by the high prominent position of the church.
  5. This dwelling currently sits comfortably between the adjoining properties in this row of houses which sit in an elevated position above the river. The lower side addition to the house, which accommodates the garage, allows for a distinct upper storey gap between the main part of the house and the terrace of houses
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to the north. The house appears relatively subservient to the residential building to the south which is larger and has a prominent and substantial front facing gable. The existing dwelling is of a relatively squat appearance without significant design interest. The lower side element above the garage is screened in many views, particularly those towards the church from the park. When it is visible, it is at odds with the general character of the property and wider area having a first floor terrace with a lean-to conservatory.

6. The proposal would increase the height and bulk of the garage element, replacing the raised patio and conservatory. This would result in the loss of the perceived spaciousness between the house and its neighbour. It would however replace the rather incongruous first floor conservatory. Given the set back of this element, I am satisfied that the revised design would result in some improvements overall, despite the loss of the perceived gap between these properties.
7. The proposal would increase the height of the main part of the dwelling to create a second floor within the raised roof structure. This would provide the frontage with a more vertical alignment which would offer more pleasing proportions. Although it would become more prominent in views from the riverfront area of the park due to its increased height, it would still sit relatively comfortably alongside the larger building to the south. It would not overly dominate the houses to the north. In the views up towards the church, across the frontages of these houses, the scale of the proposed new frontage and its more modern heavily glazed design would add to the eclectic mix of styles within the area without becoming overly prominent or detracting from the important views of the church.
8. I do however have significant concerns with regard to the two side dormer structures. These would be at odds with the overall form of this property and would detract from its composition, proportions and appearance. Although images of other dormer structures have been provided, these do not suggest that the proposed additions would be in keeping or appropriate in the wider very mixed collection of architectural styles and detailing. I appreciate that they would be set back from the frontage but the southern structure in particular, would be clearly visible and relatively intrusive in the views of the church. The rear of the property is also clearly visible in public views from the park although these views are less sensitive. Given the height and prominence of these elements, particularly in views up towards the house and especially from the riverside entrance to the park where they would be clearly evident and incongruous in the views towards the church, they would be an unacceptable addition to what would otherwise be a high quality and positive design intervention.
9. I have had regard to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. I find that the proposal overall, because of the side facing dormers, would be harmful to both the character and appearance of the conservation area and also the setting of the grade 1 church. The harm would be less than substantial as defined by the *National Planning Policy Framework*. Whilst I appreciate that the works would make better use of this site, offer benefits to the existing residents and provide economic activity in the area, I

am not persuaded that the public benefits would outweigh the harm; nor do I find any other matters to be sufficient to outweigh these concerns.

10. The proposal would be contrary to the design and heritage requirements of policies D1(1a, b, e, 3 & 8), D3(1) and H4(Alterations, Extensions or Additions 1&2) of the Maldon District Approved Local Development Plan 2014–2029 (2017)(LDP); and the design and heritage requirements of the *Framework*.
11. The council has raised concerns about the suitability of the outdoor amenity space. The property would retain the small rear west facing garden and conservatory. It would also have a small second floor balcony with extensive river views. The front garden is substantial and offers significant potential for outdoor recreation with extensive open views. Although somewhat exposed to public view, parts of it could easily be screened should the residents wish. I agree with the appellant that there is no merit to this reason for refusal. There would be no conflict with LDP policy D1(2). A copy of the Supplementary Planning Document referred to has not been provided which I understand includes technical standards but as the residents would continue to have an exceptionally high level of amenity, this would not alter my findings in this regard.
12. In conclusion, although the proposal does represent a high standard of design with regard to both the general architectural form and materials, the inclusion of the side dormer structures would significantly detract from this. Overall, because of these structures, the proposal would be at odds with and would detract from the character and appearance of this property and the conservation area. As I have not found there to be any matters that are sufficient to outweigh this concern, I dismiss the appeal.

*Peter Eggleton*

**INSPECTOR**