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## Appeal Decision

Site visit made on 21 August 2023

**by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI**

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

**Decision date: 6<sup>th</sup> September 2023**

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**Appeal Ref: APP/X1545/D/23/3323240**

**30 Fish Street, Goldhanger, Essex CM9 8AT**

- 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 Paul Turnham against the decision of Maldon District Council.
  - The application Ref HOUSE/MAL/23/00003 dated 04 January 2023, was refused by notice dated 08 March 2023.
  - The development proposed is first floor rear extension, new boiler flue, the removal of one chimney, internal alterations and an infill wall to the front.
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### Decision

1. The appeal is dismissed insofar as it relates to the first floor rear extension, new boiler flue, and the removal of one chimney.
2. The appeal is allowed insofar as it relates to the single storey infill extension to the front and planning permission is therefore granted for the internal alterations and an infill wall to the front at 30 Fish Street, Goldhanger, Essex CM9 8AT in accordance with the terms of the application, Ref HOUSE/MAL/23/00003 dated 04 January 2023, and the plans submitted with it, so far as relevant to that part of the development hereby permitted and 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: FS001 – Site Location Plan, FS002 Rev A – Existing and Proposed Site Plans, and FS004 Rev B – Proposed Plan.
  - 3) The materials to be used in the construction of the external surfaces of the internal alterations and an infill wall to the front hereby permitted shall match those used in the existing building.

### Procedural Matters

3. The Council changed the description of development from that stated on the application form in the interests of clarity. I consider that the amended description accurately describes the appeal scheme and accordingly I have adopted the amended description in the heading above.

### Main Issues

4. The main issues in this appeal are the effect of the development on (i) the character and appearance of existing property and the Goldhanger Conservation Area; and (ii) the living conditions of the occupiers of No. 26 Fish Street.

## **Reasons**

### *Character and Appearance*

5. The surrounding area comprises a mixture of property designs. The appeal site is a modest detached property with varying roof forms to the side and rear.
6. The appeal site is within the Goldhanger Conservation Area. In accordance with the statutory duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990; I am required to have special regard to the effect of the proposed development on the character or appearance of the area.
7. The Conservation Area in the vicinity of the appeal site is characterised by predominantly detached and semi-detached properties of varying forms. Although the appeal site has been extended at the rear, it maintains an attractive design and well-proportioned property. Its compact shape complements the streetscape and preserves the quality of the Goldhanger Conservation Area. While additions have been added to the property, these are relatively unobtrusive and subservient in design and scale.
8. The proposed development would add bulk to the rear and side elevations which would be visible from public vantage points along Fish Street.
9. The first floor extension would link into the existing main roof ridge and would extend the mass of the property. The massing of the proposed work, along with the design would be discordant rather than subordinate to the existing property. As such, they would compromise the property's current positive contribution to the streetscene of the Conservation Area.
10. The proposed infill flat roof single storey extension would be a modest addition to the property set back from the front elevation and incorporating materials to match the existing property.
11. Paragraph 199 of the National Planning Policy Framework (2021) (the Framework) states that great weight should be given to the conservation of a designated heritage asset when considering the impact of a proposal on such an asset. This is irrespective of the level of harm. Any harm to the significance of a designated heritage asset should require clear and convincing justification based on Framework paragraph 200.
12. I find that the proposed first floor extension and associated works would lead to less than substantial harm of the significance of the Conservation Area. Paragraph 202 of the Framework states that where a development leads to less than substantial harm to the significance of a heritage asset this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. I find that there are no public benefits which would outweigh the harm caused by the proposed development.
13. I conclude that the proposed first floor rear extension, new boiler flue, the removal of one chimney, would harm the character and appearance of the

existing property and the Goldhanger Conservation Area. There is conflict with Policies D1, D3 and H4 of the Maldon District Approved Local Development Plan 2014-2029 (2017) (the Local Plan) which amongst other things seeks to ensure developments are subordinate to the existing property and preserves the character and appearance of Conservation Areas. I find conflict with the Framework, which seeks to ensure good design of developments and protects the historic environment.

14. Notwithstanding this I find that the proposed internal alterations and an infill wall to the front would preserve the existing property and Goldhanger Conservation Area. There is no conflict with Policies D1, D3 and H4 of the Local Plan, nor the Framework.

#### *Living Conditions*

15. The Council do not raise concern regarding the proposed internal alterations and infill wall to the front in terms of the effect on the living conditions of neighbouring properties, I do not disagree.
16. The proposed first floor extension and works would result in a decrease in daylight to No. 26 Fish Street, however overshadowing already occurs and I am not persuaded that the proposed development would create such a decrease in daylight which would warrant a refusal.
17. The increase in height and mass of the built form which is close to the shared boundary with No. 26 and extends substantially beyond the rear elevation of the neighbouring property would be dominant to the adjacent occupiers.
18. Windows proposed in the elevation facing No. 26 do not serve habitable rooms and could be controlled through the imposition of a condition requiring them to be obscurely glazed. On this basis the proposed development would not result in any loss of privacy due to overlooking
19. Notwithstanding this I find that the proposed extension would be overbearing and oppressive to the occupiers of the adjacent property No. 26 Fish Street.
20. There is conflict with Policy D1 of the Local Plan which amongst other things seek to protect the amenities of existing occupiers of neighbouring properties. There is also conflict with the Framework which seeks to ensure developments have high standards of amenity for existing and future users.

#### **Other Matters**

21. It has been brought to my attention by the Appellant that views from the rear bedroom window are limited due to the existing roof configuration. Whilst I observed that the window is constrained, I have not been provided with demonstrable evidence to convince me that the proposed development is the only way of achieving an improvement in relation to this window.
22. The Appellant has drawn my attention to another development in the area, which has been approved. Whilst the Appellant has provided a site plan of the approved development at No. 13 Fish Street I have not been provided with substantive details to demonstrate that this is comparable to the appeal proposal before me, for instance in terms of form, design, relationship to neighbouring properties. Notwithstanding this each development must be

considered on its individual merits, and I have reached my conclusion based on the individual merit of the appeal proposal.

### **Conclusion and Conditions**

23. For the reasons given above, I find the proposed single storey front infill extension is clearly severable both physically and functionally from the proposed first floor rear extension, new boiler flue, the removal of one chimney. I conclude that the appeal should succeed in relation to the internal alterations and an infill wall to the front. However, in relation to the first floor rear extension, new boiler flue, the removal of one chimney, the appeal should be dismissed.
24. In respect of the internal alterations and an infill wall to the front I have attached the standard time limit condition and a plans condition as this provides certainty. I have also added conditions concerning materials to ensure a satisfactory appearance.

*C Pipe*

INSPECTOR