

Appeal Decision

Site visit made on 29 August 2023

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2023

Appeal Ref: APP/X1545/D/23/3320914

74 Staplers Heath, Great Totham, Essex CM9 8PH

- 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 Baro against the decision of Maldon District Council.
 - The application Ref HOUSE/MAL/23/00144, dated 10 February 2023, was refused by notice dated 5 April 2023.
 - The development proposed is 'demolish current lean to and conservatories attached to the house and erect a rear and side ground floor and part first floor extension'.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal property is a two storey end of terrace dwelling in a residential cul-de-sac of similar properties laid out in short terraces and pairs of semi-detached dwellings.
4. Reference is made to a previous unsuccessful application for a similar form of development to the current proposal¹. 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, and layout. 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.

¹ Ref 22/01085/HOUSE.

6. No 74 is within a group of properties that surround a small green and parking area at the end of Staplers Heath. The terraces and semi-detached dwellings on three sides of this area are largely unaltered and display a good degree of uniformity of character and appearance.
7. The rear ground floor extension would be of proportionate scale and appropriate appearance in relation to the host dwelling. The principal change would be the two storey element to the rear and side of the appeal property. The roof height would be below that of the existing dwelling and, therefore, subordinate to it. However, the width of the two storey extension combined with the lower roof height would result in a substantially shallower pitch to the roof form than that of the existing front and side-facing gables. Consequently, this element of the proposal would be an incongruous addition that would not integrate effectively with the appearance of the host dwelling, despite gables being an existing feature of the dwelling's design.
8. I agree also with the Council that the lack of fenestration to the front and side elevations would present a featureless expanse of development that would not complement or otherwise integrate well with the existing building. The predominant external material of the appeal property and the other dwellings in the street scene is brick. This contributes to the character of the area through the overall uniformity of appearance of the properties seen as a whole. The use of weatherboarding for the upper floor of the side and rear extension would, therefore, be particularly incongruous in the otherwise uniform setting.
9. I acknowledge the appellant's contention that due to its corner location the appeal property is not highly visible within the street scene and some of the changes would be to the rear of the property. The extension would nonetheless be visible from the public realm to the front and the relevant development plan policies do not make a distinction about visibility concerning their requirements for good design and, therefore, the position of the proposed extension is not sufficient reason to set aside the above findings of material harm.
10. A comparison is made between the appeal proposal and extensions that do not require approval as permitted development. However, this appeal relates to an application for planning permission and, therefore, this matter does not change the above findings.
11. Accordingly, for the above reasons, I conclude that the proposed two storey 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. It is also contrary to the National Planning Policy Framework, which promotes well-designed places.

Other Matters

12. I acknowledge that the appellant may be frustrated by the process leading to the Council's decision in this case. However, this matter is not within the scope of this appeal, which concerns the planning merits of the proposal.

Conclusion

13. For the reasons given it is concluded that the appeal should be dismissed.

J Bell-Williamson
INSPECTOR