



Appeal Decision

Site visit made on 15 November 2023

By Terrence Kemmann-Lane JP DipTP FRTPI MCMi

an Inspector appointed by the Secretary of State

Decision date: 12th December 2023

Appeal Ref: APP/X1545/D/23/3327855

1 Riverside Cottages, Ferry Road, North Fambridge, CM3 6LR

- 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 Michael Russum against the decision of Maldon District Council.
 - The application Ref HOUSE/MAL/23/00356, dated 30 March 2023, was refused by notice dated 25 May 2023.
 - The development proposed is a two storey rear extension, first floor side extension, external stairs leading to first floor extension, addition of first floor balcony and internal alterations.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey rear extension, first floor side extension, external stairs leading to first floor extension, addition of first floor balcony and internal alterations at 1 Riverside Cottages, Ferry Road, North Fambridge, CM3 6LR in accordance with the terms of the application, Ref HOUSE/MAL/23/00356, dated 30 March 2023, 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 approved plans: 001 – Location Plan; 002 – Existing Site Plan; 003 – Proposed Site Plan; 004 – Existing Ground Floor Plan; 005 – Proposed Ground Floor Plan; 006 – Existing First Floor Plan; 007 – Proposed First Floor Plan; 008 – Existing Roof Plan; 009 – Proposed Roof Plan; 010 – Existing Saltmarsh Elevation; 011 – Proposed Saltmarsh Elevation; 012 – Existing East Elevation; 013 – Proposed East Elevation; 014 – Existing South Elevation; 015 – Proposed South Elevation; 016 – Existing West Elevation; 017 – Proposed West Elevation; 018 – Existing Detailed South Elevation; and 019 – Proposed Detailed South Elevation.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be those shown on the plans and described in the Design & Access Statement.
 - 4) Details of the design, appearance and type of photovoltaic panels to be installed shall be submitted to and approved in writing by the Local Planning Authority prior to installation and carried out in accordance with the approved details.

Preliminary matters

2. The application form described the proposed development as extensions and alterations to existing dwelling. The council changed this to the description used in the heading above. I have adopted it as it more clearly identifies the development proposed.

Main Issues

3. The main issues in this case are: i) the effect of the proposed side extension and balcony on the subject cottage and the row of similar cottages, including the setting of the Grade II listed cottages, and the general locality; ii) whether the rear garden of the appeal property would meet the requirements of the current and future occupiers for external amenity space.

Reasons

The effect of the proposed side extension and balcony on the appeal cottage and the terrace of similar cottages, including the setting of the Grade II listed cottages, and the general locality

4. I am required by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Similarly, policy D3 of the Maldon District Local Development Plan (LDP), adopted in July 2017, states that development proposals that affect a heritage assets, whether designated or non-designated, must preserve or enhance its special character, appearance, setting and any features and fabric of architectural or historic interest. Where a proposed development would cause less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use. This policy closely follows the contents of paragraphs 199 and 202 of the National Planning Policy Framework (the Framework).
5. The appeal cottage is one of 5 similar dwellings situated on the north side of the River Crouch, at the end of Ferry Road that becomes covered at high water immediately beyond the appeal site. The group is saved from a similar fate on their south and west sides by a raised flood defence grassed bund, beyond which is saltmarsh and the River. The appeal cottage is an end of terrace, two-storey dwelling situated within a terrace of three houses (1 - 3 Riverside Cottages) that are on the *List of Local Heritage Assets in North Fambridge*, which was adopted by the council in June 2019. The terrace lies adjacent to a pair of (grade II listed) semi-detached houses (4 - 5 Riverside Cottages) originating from the 18th or 19th Century. The riverside location, surrounded on two sides by salt marsh and grass bund, is an important part of their setting, contributing considerably to their significance.
6. According to the council's Conservation and Heritage Specialist, the significance of Riverside Cottages relates primarily to their architectural interest, although I consider that they also have an historical interest, including the extant fish smokeries situated at the rear of the cottages, immediately beneath the bund to the west of Nos.1-3. Nos.4 and 5 are a good example of late-Georgian vernacular cottages and are listed grade II, while Nos 1-3 are good examples of early-Victorian cottages. Although each of the cottages has been extended,

the overall historic character of the houses has been maintained. The buildings' special architectural qualities include their humble scale, simple forms, and traditional vernacular materials and detailing. The properties have value as a group of similar style weatherboarded cottages. There are picturesque views of the cottages from the footpath atop the flood defences to the south-east, in which the cottages peep over the bund, framed by salt marsh and big skies.

7. The appeal proposal includes a two storey rear extension, first floor side extension with an external staircase and first floor balcony, and internal alterations. The 2-storey rear extension would be of the same size and have the same features as the other 2 cottages in the terrace. Unsurprisingly, this element of the proposal is not objected to by the council. It is only the side extension and the balcony that the refusal reasons relate to.
8. The appeal cottage has a recent 2-storey side extension which is marginally set in from the rear elevation and has a ridge a little lower than the original ridge line of the cottage and its neighbours. To that extent it can be perceived as a subservient addition. The gable of this extension, looking towards the river, has windows which do not relate well to each other. They are inserted in the gable in an unfortunate random arrangement, very much at odds with the simple consistency of the front elevations of the terrace and contrary to the advice in the Essex Design Guide at paragraphs 1.18 – 1.20. Apparently, this side extension replaced a bay window that projected centrally in the gable, almost certainly in a more satisfactory way.
9. It is perhaps not surprising that a bay window had been added to this elevation, since the outlook from the room which it lit provided a view directly towards the River Crouch, with all its boating activity, across the saltmarsh before the flood defence embankment was put in place.
10. Another unfortunate feature of the current side extension is that its construction resulted in the front door being removed from its original position next to the front elevation bay window, similar to that of its neighbours, so that it was located within the narrow front elevation of the extension. Furthermore, this extension has uPVC windows, which inevitably means more bulky frames that even from some distance can be seen to be inconsistent with the historic simple elegance.
11. With the construction of the flood barrier, a marked change in the settling of the appeal cottage took place. This cottage is the only one of the 5 that has an outlook to the south directly towards the river over the saltmarshes. The living room windows on the southern elevation now only look at the bund, which is almost in touching distance. The appeal proposal seeks to return to the cottage the ability to appreciate views from the living accommodation across the saltmarsh.
12. Dealing with the criticism of the proposed side extension and balcony, from an external point of view, public perception would be from Ferry Road, some 35m away at the end of the long front garden, and then, at increasing distances on Ferry Road as it runs down to the river, tide permitting, and the footpath on the south running bund. From these views, almost immediately after leaving the south-east corner of the front garden, the bund would increasingly reduce the degree to which these elements of the development would be apparent. They would then be seen as minor elements of the cottage that peer over the bund. I therefore consider that from the public domain, the side extension and

balcony would be minor elements in the appreciation of the cottages and the wide sweep of saltmarsh.

13. However, the fact that these elements of the proposal would not loom large in the public's sight does not mean that the heritage interest of the cottage can be overlooked. The proposed narrow side extension would consist mainly of glazing within slender frames, having a 'light weight' appearance. Furthermore, from the south, it would overcome the adverse arrangement of fenestration in the present gable end, following the Essex Design Guide recommendation for timber framed buildings.
14. The extension would be supported by oak columns, which I regard as being an appropriate material and entirely adequate, both visually and mechanically, to give the necessary support. This extension is 2.85m wide and projects from the present gable by 1.15m, and as I have already described, would largely have a light weight appearance. The proposed slender black aluminium window frames would also assist in making the extension visually relatively insubstantial. Whilst aluminium is not a traditional material, it has the advantage of being resistant to this damp and salty climate, and its colour is appropriate to the situation. They would not be features that would be apparent other than from close by.
15. There are many examples of projecting bay windows on historic buildings that can be cited. To a degree the projecting bay is a departure from the simple architecture of the terrace, but as I have discussed, it is a minor element on the cottage that responds to the relatively recent construction of the flood defence bund. With all heritage buildings it is important that they continue in use and are properly maintained: in the case of this cottage, the improvements that the proposed scheme would bring to the internal layout and facilities, and the improvement by way of securing an attractive outlook to the first-floor living room, all encourage the continued occupation and care of the dwelling.
16. The roof of the extension would have a shallow pitch, almost flat. This would not be out of place since the 3 cottages in the terrace all have flat-roofed bays on their front elevations. As to the decking and stairs, the council's conservation and heritage specialist does not pick these out for criticism, focusing instead on the side extension itself. I consider that this is natural enough, since these elements of the proposal would be relatively minor, without any substantial impact on the cottage.
17. A major factor to consider in this appeal is the effect of the proposals on the setting of the listed cottages just to the north. In my judgement the elements of the scheme that are controversial, whilst having an effect on the character and appearance of the appeal cottage, are minor elements that would have a small impact, which to a degree would be beneficial to the cottage's heritage interest in as much as the side extension would replace the existing fenestration of the gable. As part of the setting of the listed cottages, they will amount to minor changes, but on the whole, as an improvement to the south gable. The extension and balcony would be neutral to beneficial on the setting of the listed buildings.

Whether the rear garden of the appeal property would meet the requirements of the current and future occupiers for external amenity space.

18. The area of rear garden of the appeal cottage would be marginally decreased by the appeal proposals, but as shown on the plan titled 'Site Plan – Proposed Private Amenity' in the document Architectural Appendix, Part 1, would remain at just over 100m², which is the recommended size for a dwelling with 3 bedrooms. Bearing in mind that the balcony would add extra outdoor amenity space at a level that provides expansive views, leaving aside the extensive front garden, I consider that the external amenity space in the scheme is entirely adequate.

Conclusions

19. As set out in my reasoning above, the effect on the character and appearance of the appeal cottage, would amount to a small impact, to a degree beneficial to the cottage's heritage interest in as much as the side extension would replace the existing fenestration of the gable with a more satisfactory arrangement as I have discussed in paragraphs 8 and 10 above. As part of the setting of the listed cottages, they will amount to minor changes, on the whole as an improvement to the south gable. The effect of the extension and balcony would be neutral to beneficial on the setting of the listed cottages.
20. The rear garden of the appeal cottage would remain at just over 100m². In addition, the balcony would add extra outdoor amenity space at a level that provides expansive views, so that the requirements of the current and future occupiers for external amenity space would be met.
21. The proposed development therefore conforms with Policies D1 and D3 of the LDP and the Framework, Therefore the appeal will be allowed.

Conditions

22. The statutory condition that provides a time limit on the start of development must be imposed. In addition, the council has suggested a number of conditions in the event that the appeal is upheld. The first 2 suggested conditions are that the materials to be used in the construction of the external surfaces shall match those used in the existing building, and that the development shall be carried out in accordance with the approved plans.
23. The first of these is not appropriate because the proposal is to use some materials that are different to the existing. The materials proposed are suitable for the proposed extensions and their context. I will therefore include a condition requiring the materials to be those shown on the plans and described in the Design & Access Statement. This condition is necessary to ensure the satisfactory appearance of the development and its relationship with the surroundings, including the setting of the listed buildings. The second suggested condition, compliance with the approved plans, is necessary for certainty as to the development approved and for the avoidance of doubt. The third condition suggested is a requirement to submit details of the design, appearance and type of photovoltaic panels to be installed, since these are not specified adequately in the application. This is necessary to ensure the satisfactory appearance of the development and its relationship with the surroundings, including the setting of the listed buildings.

Terrence Kemmann-Lane

INSPECTOR