



Appeal Decision

Site visit made on 27 February 2024

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th March 2024

Appeal Ref: APP/X1545/D/23/3335684

7 Cripplegate, Southminster, Essex, CM0 7DW

- 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 Josh Slate against the decision of Maldon District Council.
 - The application Ref HOUSE/MAL/23/00777 dated 4 August 2023, was refused by notice dated 3 October 2023.
 - The development proposed is proposed single storey infill and first floor rear extension with crown roof over.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the determination of this application, and on the day of the submission of this appeal, the National Planning Policy Framework 2023 (the Framework) was revised in response to the Levelling-Up and Regeneration Bill: reforms to national planning policy consultation on 19 December 2023. The refusal reason generically references the Framework however, it is not considered that this revision impacts upon the determination of this appeal given the main changes to the Framework and the main issues before me.

Main Issue

3. The main issue is the impact of the proposal upon the character and appearance of the host dwelling, the surrounding area and setting of the neighbouring non-designated heritage asset.

Reasons

4. The appeal site is a detached cottage located on the eastern side of Cripplegate, which stands just past a bend at the junction of North Road within the settlement boundary. The surrounding area is residential in nature with both detached and semi-detached two storey and chalet style dwellings. The property to the north (9 Cripplegate) is noted to be included on the list of local heritage assets in Southminster and is therefore a non-designated heritage asset as of September 2019.
5. In accordance with paragraph 209 of the Framework, the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non designated heritage assets a balanced judgment will be required having regard to the scale of any harm or loss and a significance of the heritage asset.

6. The proposal seeks permission for enlargement of the footprint of the ground floor as a single storey infill extension with a first-floor rear extension with a crown roof over. External materials would be to match existing. Whilst not included within the appellant's development description, on the application form, there would also be changes to fenestration including the addition of a pair of double doors on the rear elevation of the ground floor bedroom. The Council's delegated report confirms that the proposed works to the ground floor and the changes to the fenestration would have no adverse impact and indeed the reason for refusal is specific to the first-floor rear extension. Based upon my site visit, and the evidence before me, I have no reason to conclude differently in relation to the ground floor extension and changes to fenestration so, for the avoidance of doubt, this decision letter will focus upon the first-floor rear extension in the context of the main issue as outlined above.
7. I note that application reference 20/00629/FUL was allowed, at appeal, for a new two bed dwelling with off street parking. A copy of the Inspector's decision letter is not included within the submissions, however, a copy of the proposed block plan, and proposed front (road) elevation are provided as appendix 1 and 2, respectively. Appendix 1 does also show a second, new, dwelling approved as 18/00999/FUL, however, no further details are submitted. Notwithstanding this I note that 18/00999/FUL has lapsed which means at the point of determination of this appeal it carries limited weight as it is unable to be implemented. 20/00629/FUL is, however, still able to be implemented and is a relevant material consideration within this appeal.
8. At time of my site visit I found that there is overall limited intervisibility between 9 Cripplegate and the appeal site from within the street scene itself on the B1021 due to the separation distances, and angles available from which views could be taken. I note, however, that there is a public right of way (PROW) which runs to the rear of the appeal site. The PROW may offer views of the proposal within views of the locally listed building, however, from the evidence before me and the Council's assessment I do not find that this would be so significant so as to result in refusal in its own right. 9 Cripplegate is, ultimately, a non-designated heritage asset and overall, I find that the scale of any harm would be limited and that when balancing this against the significance of the non-designated heritage asset, this would not be sufficient to warrant refusal. In addition, I find that intervening development which has been allowed (since 9 Cripplegate was placed upon the list of local heritage assets), would likely have greater impact upon the significance of the locally listed building than the appeal proposal when taking into account scale and overall separation. The thatched cottage at 9 Cripplegate is a picturesque feature within the street scene, and I find that the proposal would not unacceptably impact upon this asset within day-to-day views.
9. The proposed first floor extension, to the rear of the dwelling, would be visible within the street scene of Cripplegate as well as from the PROW to the rear. I note the appellant's submission of computer-generated imagery which demonstrates views of the proposal within the context of the car port, not yet constructed, but for which permission has been granted under application 23/00828/HOUSE. A full copy of the approved plans, and decision notice, for the car port have not been submitted to verify the imagery which has been provided, but notwithstanding this, even if I had found that views of the proposal would have been limited within the street scene, it should be kept in mind that character, and appearance, are separate matters. Appearance is the

outward, visible, qualities, whereas character is the sum of all the qualities which distinguish an area.

10. The proposed first floor rear extension would be of notable size with the flat roof being in the region of 5.4 metres wide and 7.4 metres deep. I acknowledge that the appellant has attempted to bring the extension in from the sides of the host dwelling and acknowledge the overarching objective of consolidating the existing built form as a result of previous extensions. Despite this, I find that the proposal would appear as an inappropriately proportioned, block like, extension which would not be a subservient addition as a result of size and scale to what is an existing, modest one and a half storey dwelling.
11. The existing built form to the rear is subservient and does not detract from the character or appearance of the original dwelling house. Even if the proposal were limited in impact upon the appearance of the locality, notwithstanding the footpath to the rear of the appeal site, this would not overcome impact to the character of the host property particularly as a result of overall depth of the proposed first floor extension. The proposed first floor extension, as a result of size, height and design would be a visually incongruous addition which would cause harm to the character and appearance of the host dwelling itself as well as the surrounding area taking into account the PROW.
12. The proposal would be contrary to Maldon District Local Development Plan 2017 (LP) Policy D1 which requires proposals to respect and enhance the character and local context and make a positive contribution in terms of height, size, scale, form, massing and proportion and LP Policy H4 which requires that all development will be design led having regards to consideration such as the location and setting of the site and existing character of the surrounding area. In relation to extensions, alterations or additions, developments must be of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area.
13. The proposal would also be contrary to paragraph 135 of the Framework which outlines that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area as well as being sympathetic to local character including the surrounding built environment with the overarching objective, in paragraph 131, being the creation of high quality, beautiful and sustainable buildings and places.

Conclusion

14. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR