



Appeal Decision

Site visit made on 24 September 2024

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 October 2024

Appeal Ref: APP/X1545/D/24/3342442

7 Cripplegate, Southminster, Essex, CM0 7DW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) 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 is HOUSE/MAL/23/01190.
 - The development proposed is single storey rear extension, first floor rear extension and alterations to fenestration.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. This proposal follows a previous scheme for 'single storey infill and first floor rear extension with crown roof over', which was refused by the Council in 2023, under ref. HOUSE/MAL/23/00777. An appeal was lodged against that refusal (ref. APP/X1545/D/23/3335684).
3. This current appeal scheme was refused by the Council before the above appeal was dismissed on 7 March 2024. However, as that appeal decision was published before the current appeal was lodged, it has not been necessary to seek further comments on its content from the parties.

Main Issue

4. The main issue is the effect of the proposal on (1) the character and appearance of the host dwelling and the surrounding area; and (2) the setting of 9 Cripplegate as a non-designated heritage asset.

Reasons

Character and Appearance

5. The appeal property is a detached dwelling located in a prominent position in the street scene due to its location near a bend in the road. The design of dwellings on the eastern side of Cripplegate, of which the appeal property forms part, is less uniform than the housing on the western side of the road, and this contributes to the variety of building styles found within the settlement as a whole.
6. Within this context, the appeal property has the appearance of a modest 1½-storey building as a result of its limited first-floor accommodation. Although its

footprint is more generous, the array of single-storey elements to the rear appear subordinate to the main house and have limited visual impact in the street scene. The rear elevation of the appeal property is visible in views from a public right of way to the rear of the site, but it is the first-floor of the building which is the most apparent.

7. The Council does not consider that the proposed single storey rear extension and fenestration alterations would result in harm to the character and appearance of the site. Given the existing mix of rear additions to the dwelling, I also find the proposed single-storey rear extension to be acceptable in its impact on the host dwelling and the surrounding area; as would be the fenestration changes.
8. The proposed first-floor rear extension would not be as deep or wide as the dismissed appeal scheme, but nevertheless would appear unduly dominant and incongruous on the host house. This is primarily due to the roof form of the host dwelling, with its low front eaves, and the size and position of its dormer windows. Whilst I acknowledge that the proposed roof seeks to follow the existing side roof hips, the overall depth and bulky 'crown' roof would appear disproportionate compared to the modest first-floor scale of the main house. Although the extension would be inset from both sides, due its depth it would be apparent in views from Cripplegate, but also from the public footpath to the rear. Given that various single-storey elements would remain at the property, I do not consider that the proposal would create one single and clean form, as suggested by the appellant.
9. As a result of the proposal, the original form and character of the dwelling would be undermined, in conflict with Policy H4 of the Maldon District Approved Local Development Plan 2014 – 2029 (2017) [ALDP], which amongst other criteria requires building extensions to be of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area.
10. I appreciate that permissions have previously been granted for two dwellings between Nos. 7 and 9 Cripplegate, under refs. FUL/MAL/18/00999 and 20/00629/FUL, with the latter allowed at appeal. No decision notices have been supplied, but the appellant's appeal statement confirms that neither permission had been implemented at the time of this appeal.
11. Permission FUL/MAL/18/00999 has lapsed, and I cannot place weight on the potential for its resubmission to the Council, nor assume the outcome of such an application. It is unclear from the information provided if the permission under 20/00629/FUL remains valid. Nevertheless, I am not convinced that the position of that dwelling, 2.5m from the side boundary and set behind an open parking space and front garden, would screen views of the proposed first-floor rear extension from the public domain. Similarly, on the basis of the provided 'concept image' of a cart lodge granted under ref. 23/00828/HOUSE (and not yet built), the proposed first-floor rear extension would not appear to be fully screened by that building due to their relative heights and positions.
12. The appellant has drawn attention to alterations which have taken place at Nos.17 and 21 North End, although from my observations at the appeal site visit, neither appears to be directly comparable to the proposal in terms of design or context. Whilst photographs have been included in the appeal statement, no details have been provided of any planning permissions granted

for these extensions. As such, it is not known whether or not they required or received express planning permission, nor the policies against which they were assessed. In any case, although there is a diverse mix of dwelling styles within the area, extensions of this scale and form do not appear to be characteristic, and as such these examples offer limited support to the appeal proposal given its site-specific context.

13. I therefore conclude that the proposed first-floor rear extension would detract from the character and appearance of the host dwelling and the surrounding area, contrary to ALDP Policies H4, and D1, which requires all development to respect and enhance the character and local context and to make a positive contribution in terms including architectural style, detailed design features, size, scale, form, massing and proportion. For the same reasons, it would not accord with the aims in the National Planning Policy Framework (the Framework) for development to add to the overall quality of the area and to be sympathetic to local character, including the surrounding built environment.

Setting of Non-Designated Heritage Asset

14. The Council advises that No.9 Cripplegate is included in the List of Local Heritage Assets in Southminster (adopted 2019), and is to be regarded as a non-designated heritage asset. Paragraph 209 of the Framework advises that, in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
15. In dismissing the previous appeal for a larger first-floor rear extension, the Inspector noted that there was limited intervisibility between No.9 and the appeal site from within the street scene due to the separation distances and angles from which views could be taken; and that views of the proposal within the context of the locally listed building from the public right of way to the rear would not be so significant so as to result in refusal in its own right. The scale of harm to the significance of the non-designated heritage asset was considered to be limited. Moreover, the Inspector noted that the intervening development which has been allowed since No.9 was placed on the list of local heritage assets would likely have greater impact upon its significance than that appeal proposal when taking into account scale and overall separation.
16. I share this assessment, and do not find that the significance of 9 Cripplegate, as an example of a row of Georgian wayside cottages, would be diminished by the current proposal. I therefore conclude that the proposal would accord with the relevant objectives of the Framework, and also ALDP Policy D3, which seeks to ensure that development proposals that affect a heritage asset preserve or enhance its special character, appearance and setting; and with the aim in ALDP Policy D1 e) for development to make a positive contribution to the historic environment. However, this does not alter my conclusions on the first main issue.

Conclusion

17. For the reasons given above the appeal should be dismissed.

H Lock

INSPECTOR