



Appeal Decision

Site visit made on 5 February 2025

by Eleni Marshall BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 February 2025

Appeal Ref: APP/X1545/D/24/3356142
3 Essex Road, Maldon, Essex CM9 6JG

- 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 G Kaye against the decision of Maldon District Council.
 - The application reference is HOUSE/MAL/24/00549.
 - The development proposed is raising of existing ridge height by 1 metre incorporating the addition of dormers, regularising other roof profiles including the construction of a single storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have utilised the Council's description of the development as per the decision notice as I feel it more concisely describes the development.
3. Since the determination of this application, and the submission of this appeal, the revised National Planning Policy Framework 2024 (the Framework) came into force on 12 December 2024. The refusal reason generically references the Framework. Given the refusal reason and the nature of the main changes to the Framework I am satisfied that the changes do not materially impact upon the determination of the appeal in this case.

Main Issue

4. The main issue is the impact of the proposal upon the character and appearance of the host property and local area.

Reasons

5. The appeal site is located on a corner plot at the junction between Essex Road and Plume Avenue. The host dwelling is a single storey residential bungalow with an integral garage which has been the subject of side and rear extensions in the past which has resulted in separate elements being visible to the rear elevation albeit, as noted by the Council, with roof pitches and materials which currently match the host dwelling itself. The proposal that is before me seeks to raise the existing ridge height by in the region of a metre, including the installation of dormers, as well as construction of a single storey rear extension. It is stated by the appellant that the proposal, in terms of design, seeks to regularise the existing roof profiles.
6. At the time of my site visit, I found that the host dwelling forms part of a row of bungalows which share similar design characteristics - part of a section of Essex Road which is predominantly single storey in scale. This is combined with the

appeal site being prominently located on a corner plot with clear views of the host property available from both Essex Road and Plume Avenue. The increase in the height of the roof, by in the region of a metre, would result in the ridge height of the appeal site being in the region of 0.72 metres higher than the immediately adjacent dwelling. Some of the increase in height, comparatively, is absorbed, so to speak, by the fact that there is a slight difference in site levels meaning that the host dwelling has a lower floor level than its immediately adjacent neighbour.

7. Despite this, I find that the increase in height of the roof, combined with the proposed dormer windows, would comparatively mean that the host dwelling would be viewed, in terms of appearance (compared to the adjacent dwelling), as akin to a two-storey building. Whether two-storey, or one and a half storey as contended by the appellant, the proposal would visually be at odds with the immediate site context. I find that this, in turn, fails to relate to the form, height and proportions of the adjacent dwellings on Essex Road within which the appeal site is viewed.
8. The host dwelling, as it stands, whilst it has been extended in a piecemeal manner is comparatively simple in design as are the dwellings within the immediate vicinity of the appeal site. The proposal presents as overcomplicated and conflicts with the general simplicity of the immediate locality. Whilst, as previously noted, the description of the development makes reference to regularisation of the existing roof profiles, I do not find that the proposal as is before me is successful in its intent. As noted within the comparative elevations, highlighted within the Council's delegated report, the proposal would result in a roof form which is both unconventional and convoluted as a result of different roof pitch angles being visible within the street scene as well as unorthodox intersections between the host building and the side and rear extensions.
9. The introduction of dormer windows, to the front and rear elevation, would be uncharacteristic for the local area. Whilst I note that the appellant has included photographs within their statement the examples of dormer windows appear to be at the other end of Essex Road (nearer the junction with Gloucester Avenue) or in Acacia Drive. Within the context of the appeal site, within which the proposals would be viewed, dormer windows are not a common or characteristic feature, and this would be exacerbated by the inconsistent design of the proposed dormers which, based upon the plans before me, would result in different sized openings and a mixture of dual pitched, mono pitched roofs resulting in a disjointed appearance. The uncharacteristic nature of the dormer windows would, therefore, be exacerbated as an alien feature due to the proposed design of the dormers.
10. I note that there are two storey properties to the rear of the appeal site in Plume Avenue and that the appellant has provided examples, as an appendix to their statement, as to mixtures of one and two storey residential dwellings within a street scene context. Based upon the limited information that is before me, and my site visit, I note that such development can in some cases provide an appropriate mix where the character and appearance of dwellings within the street scene is varied. In this case, however, whilst I acknowledge the two-storey development to the rear, as stated above, I find that the appeal site stands at a corner plot which is clearly viewed within Essex Road as part of a row of bungalows.
11. Reference is made to 64 Essex Road (no. 64), to the south, which I have noted above in the context of dormer windows. I do not have a copy of the planning permission the extensions at no. 64 but despite this, whilst I acknowledge

similarities in original bulk, scale, and massing, from the photographs provided by the appellant, I do not find that the site context carries similarity to the appeal site before me. No. 64, by comparison, whilst in a corner plot stands immediately adjacent to, and is viewed alongside, two-storey development and other dormers. The extensions in that case appear visually appropriate within the context within which it is used. In the context of the street scene I find that the proposals are inappropriate to the character and appearance of the local area, for the reasons set out above, and even in isolation I find that the proposal would result in inappropriate design as a result of the interaction between the proposed roof profiles and the inconsistent design of the proposed dormers.

12. Whilst the existing dwelling could be argued to have design flaws, as a result of piecemeal extension, the appeal site is still visually appropriate within its context, on its corner plot and I find that the proposal that is before me would fail to appropriately resolve the matters as stated. Even if I had agreed that the proposal would be appropriate in terms of scale and/or height there are fundamental issues with the design as proposed in the context of the character and appearance of the host property itself. I do not find that the Council have failed to take into account of the existing incoherency of the existing extensions – these are acknowledged, however, I find that the proposal would replace existing incoherent extensions with further, larger, incoherent alterations which I find to be inappropriate by design.
13. I note the key objective for the appellants and their requirements as a result of the proposed alterations and extensions, however, this does not overcome the issues I have identified in this case. It is contended that the appellant would look to improve the environmental standard of the property through better energy and water efficiency and potential use of renewable energy, however, whilst this is evidently a positive of any property improvement, I do not find that in this case such benefits would outweigh the issues identified. Whilst the Government has set out that it is an intention to make it easier for families to undertake improvements and noting the economic benefits through employment of local trades persons, suppliers etc, support for such projects should not outweigh the requirement for high quality design which is appropriate for the host dwelling and local area.
14. The lack of location within a protected area does not downplay the requirement for appropriate design. Good design is at the heart of the Framework and a key element of achieving sustainable development. In a similar manner, whilst there is support, within the Framework, for upward extensions this does not override the proposal needing to be of appropriate design and notwithstanding the height of the proposal the appeal would still have failed as a result of general design issues that I have identified with particular regard to the dormer windows.
15. The appellant makes reference to the property benefitting from permitted development rights as being of relevance to the appeal. It is contended that alterations or extensions, could potentially be achieved under Class AA¹ as well as reference being made to other relevant classes of the GDPO. It is not within the scope of this appeal to consider whether a proposal would, or could, fall within the context of permitted development and, in any case, I am mindful that, for example, Class AA is still subject to a prior approval process whereby the developer must apply to the Council for prior approval as to varying matters. Such matters include

¹ The Town and Country Planning (General Permitted Development (England) Order 2015 (GDPO) Schedule 2, Part 1, Class AA

for example, the external appearance of the dwelling house including the design and architectural features of the principal elevation of the dwelling house and any side elevation of the dwelling house that fronts a highway.

16. The proposal would be contrary to Maldon District Approved 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 architectural style, detail design features, height, scale, form, massing, and proportion. LP Policy D1 also requires that developments must also have regard to the design principles set out within the Maldon District Design Guide Supplementary Planning Document 2017 (SPD) which, whilst not stated within the refusal reason, is referred to within the Council's delegated report. The SPD, C14 (form and massing), is clear in its guidance that buildings should adopt a simple form, including that of the roof, using proportions that are relevant to the order of the street and that the design of buildings relate to the form, height, and proportion of buildings in the local area.
17. The proposal would also be inconsistent with LP Policy H4 which, in regard to development which includes the alteration, extension and/or addition to a building, states that proposals should maintain, and where possible enhance, the character and sustainability of the original building and the surrounding area and be of an appropriate design and scale that makes a positive contribution to both the character of the original building and the surrounding area. It is also a material consideration that paragraph 135, of the Framework, seeks to 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.

Conclusion

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

Eleni Marshall

INSPECTOR