



Appeal Decision

Site visit made on 29 October 2025

by Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2025

Appeal Ref: APP/X1545/D/25/3368878

1 Genesta Close, Tollesbury, Essex CM9 8SY

- 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 A Birkin against the decision of Maldon District Council.
 - The application Ref is 25/00162/HOUSE.
 - The development proposed is a two storey side extension including dormers to front and rear elevation.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey side extension including dormers to front and rear elevation at 1 Genesta Close, Tollesbury, Essex CM9 8SY in accordance with the terms of the application, Ref 25/00162/HOUSE, and the plans submitted with it, 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 following approved plans: 2407/05 Rev B, 2407/03 Rev C and 2407/04 Rev C.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matters

2. As the description of proposed development varies between documents submitted, I have used that from the Council's decision notice that has also been used by the appellant in their statement.

Main Issues

3. The main issue is the effect on the character and appearance of the appeal dwelling and that of the local area.

Reasons

4. The appeal dwelling is a semi-detached two storey chalet bungalow with a dormer in the front roof slope and a gable end. On this side of the house is a combined

projecting porch and single garage element that partly wraps around the side and front elevations. It sits in a small Close that is made up of similar semi-detached dormer bungalows, however the area is also made up of houses of a variety architectural expressions, type, age and scale, on both Waterworks Road and Thurstable Road. Given its corner location, the appeal dwelling is read in combination with this varied streetscape, which demonstrates little architectural or spatial cohesion.

5. The appeal proposal is for a two storey side extension with dormers to the front and rear of its roof, which would also replace the existing garage. This follows the refusal of previous proposals for a two storey side extension, including one dismissed at appeal¹. In the design of the appeal proposal the appellant has sought to overcome the reasons given for the dismissal of the previous appeal.
6. The roof ridge of the proposed side extension would be set down from the roof ridge of the appeal dwelling and the proposed dormers would be set further back and would be significantly narrower than the existing dormers to the main roof of the appeal dwelling. Given the shape of the appeal plot, the proposed extension would have a gap to the boundary with the footway at Waterworks Road of approximately 1.46 metres at the front of the dwelling. This gap between the proposed extension and the side boundary would widen significantly towards the rear of the property.
7. At ground level the proposal would have a single storey element that would align and amalgamate with the front of the existing porch entrance. This would have a flat roof instead of the existing pitched roof form and would project forward of the main house to the same extent as the existing garage and porch element. To the rear the proposal would align with the existing main rear elevation of the appeal dwelling.
8. The proposal would, therefore, be significantly reduced in height, extent and scale and would appear as recessively massed in comparison to the dismissed appeal proposal, which would have been the same height as the original house with no set down to its roof ridge and with larger dormers both front and rear. The dismissed appeal proposal would also have extended the appeal dwelling sideways to almost the boundary with Waterworks Road. The appeal proposals set back from the highway boundary with Waterworks Road would, however, reflect the set back and building line of other properties in the area, including at Waterworks Road and Thurstable Road, thereby reflecting the spatial characteristics of the local area.
9. For these reasons, the appeal proposal would appear as being a secondary and subordinate addition to the appeal dwelling, increasing its size, without misbalancing the visual relationship with its semi-detached pair and would complement the character and appearance of the local area. As such, it would accord with the design advice given in the Building Design Section of the Maldon District Design Guide (2017)
10. For the reasons given above, I find that the appeal proposal has fundamentally overcome the reasons for dismissal of the previous appeal and does not result in any significant harm to the character and appearance of the appeal dwelling, its

¹ Appeal Ref: APP/X1545/D/22/3300578

semi-detached pair or that of the local area. This would accord with Policies D1 and H4 of the Maldon District Approved Local Development Plan 2014-2029 (2017). Amongst other matters these collectively seek development, including by extension, which is of appropriate design and scale, has regard to location and setting of the site, respects character and local context in terms of architectural style, materials, height, scale form and massing, and that maintains the character of the original building and surrounding area.

Conditions

11. Along with the standard condition regarding the timing of implementation, in the interests of good design I have attached conditions requiring compliance with approved plans and matching materials.

Conclusion

12. For the reasons given, the appeal is allowed.

Victor Callister

INSPECTOR