
Appeal Decision

Site visit made on 10 January 2017

by Alex Hutson MATP CMLI MArborA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 January 2017

Appeal Ref: APP/X1545/W/16/3159655

Great Canney Cottage, Hackmans Lane, Cold Norton CM3 6RP

- 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 Stripe against the decision of Maldon District Council.
 - The application Ref FUL/MAL/16/00353, dated 4 April 2016, was refused by notice dated 27 May 2016.
 - The development proposed is Demolition of existing dwelling and erection of a replacement dwelling with associated triple garage and pool house.
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. The Council's reason for refusal on its decision notice refers to a number of draft policies¹ of the emerging Maldon District Local Development Plan (LDP). The Council considers that significant weight should be attached to these policies given the advanced stage of preparation of the LDP. However, the LDP has not yet been fully examined and the Inspector appointed to carry out the examination has not reached a judgement on the soundness of the LDP as a whole. In addition, I have not been made aware of the extent of any unresolved objections to these policies. In light of this and having regard to Paragraph 216 of the National Planning Policy Framework (the Framework), I afford limited weight to the policies of the LDP at this time.
3. The Council does not cite saved Policy CC22- Replacement Dwellings, of the Maldon District Replacement Local Plan 2005 (Local Plan), on its decision notice. However, this policy has been considered by the Council within its officer's report and appeal statement. I have also been provided with a copy of this policy. I am also satisfied that the appellant has had sight of this policy and has had the opportunity to comment on it. I consider that this policy is relevant and I have therefore had regard to it in my consideration of the appeal.

Main issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

¹ D1- Design Quality and Built Environment; S1- Sustainable Development; S8- Settlement Boundaries and the Countryside; H4- Effective Use of the Land; and N2- Natural Environment, Geodiversity and Biodiversity

Reasons

5. The appeal site lies within the countryside for planning policy purposes. It comprises an existing single storey, weatherboarded dwelling, its associated garden and a swimming pool. The dwelling was converted from a redundant agricultural building under a consented prior approval notification² though is currently vacant. It forms part of, and lies to the south of, a small cluster of weatherboarded buildings, including a single storey office building and a part single/part two storey building known as Focus House, which also has a consented prior approval³ for conversion to a dwelling. Great Canney Farm, a large, detached, and previously extended⁴ two storey dwelling constructed in brickwork, lies to the east of the appeal site. Great Canney House, also a large, detached two storey dwelling constructed in brickwork, lies to the west of the appeal site. The southern boundary of the appeal site partly adjoins the residential curtilage of Great Canney Farm and partly adjoins open, agricultural fields.
6. The low height of the existing dwelling, its siting within a cluster of other weatherboarded buildings and the materials it is constructed from, reflect its rural context and landscape setting and minimise its prominence, including in views from along Hackman's Lane. The open nature of the garden of the existing dwelling provides a strong spatial quality to the area which further reinforces its rural context and landscape setting. The appeal site and the existing dwelling within it, therefore contribute positively to the character and appearance of the area.
7. The proposal seeks consent to demolish the existing dwelling and to erect a two-storey dwelling with an associated triple garage and pool house. The proposed triple garage and pool house would be sited in approximately the same location as the existing dwelling. The proposed dwelling would be sited in the currently open, western part of the appeal site.
8. I acknowledge that the proposed dwelling would be constructed from materials to reflect those used in the construction of Great Canney Farm. It would also incorporate some design features of this property, including gables, dormers and sash windows. I also note that the overall ridge height would be lower than the ridge height of Great Canney Farm and would be similar to the ridge height of Focus House.
9. Nevertheless, it would introduce a considerably greater level of built form onto the appeal site than currently exists. The height, bulk and massing of the proposed dwelling would be significantly greater than the height, bulk and massing of the existing dwelling. In addition, its siting in the western part of the appeal site would be clearly apparent in views from along Hackman's Lane. Moreover, the materials and appearance of the proposed dwelling would fail to reflect the materials and appearance of the existing dwelling and the cluster of weatherboarded buildings it currently forms part of. These factors would substantially reduce the spatial qualities of the appeal site and its surroundings and would erode, to a considerable degree, the rural qualities of the area. Consequently, the proposal would result in significant harm to the character

² Ref COUPA/MAL/14/01094

³ Ref COUPA/MAL/16/00395

⁴ Consented under Ref HOUSE/MAL/12/01008

and appearance of the area. I do not consider that any landscaping of the appeal site would adequately mitigate this inherent harm.

10. I acknowledge the appellant's argument that the density may reflect that of some other plots locally. However, this does not mean that the relationship of the proposal to its surroundings would be satisfactory for the reasons that I have already given.
11. The appellant makes reference to a number of examples of planning approvals⁵ in the District. Some of these examples relate to new dwellings and some relate to replacement dwellings larger, and in some cases considerably so, than the ones they would replace. Nevertheless, these examples are not located within the immediate vicinity of the appeal site and do not therefore share the same context. I have also not been provided with a copy of the Council's delegated or committee reports in respect of these approvals to allow me to make any informed or detailed comparisons between those schemes and the proposal under consideration in this appeal.
12. Reference is also made to an appeal decision⁶ to grant planning permission for six new dwellings. However, the proposal in that case related to land immediately adjoining the settlement of Cold Norton, which comprised some shipping containers and an area of car parking. As such, it too does not share the same context as the appeal site. These examples do not, therefore, justify a planning consent in respect of the proposal under consideration in this appeal. In addition, each case should be determined on its own merits.
13. The proposal would therefore be contrary to saved Policies BE1- Design of New Development, CC6- Landscape Protection, S2- Development Outside Development Boundaries and CC22- Replacement Dwellings, of the Local Plan. These policies require, amongst other things, development to be compatible with its surroundings in terms of scale, bulk, height and visual impact and to respect and positively contribute to landscape character, landscape value and the open countryside. In this regard, these policies are consistent with the broad aims and objectives of the Framework which seek planning to take account of the different roles and character of different areas and to recognise the intrinsic character and beauty of the countryside.
14. The proposal would also conflict with draft Policies D1, H4, S1 and S8, of the emerging LDP. These policies require, amongst other things, development to respect and enhance local character and landscape setting, to maintain the rural character of the District and to protect the intrinsic character and beauty of the countryside. However, as mentioned above, I afford limited weight to these policies at this time.
15. The Council also cites conflict with saved Policy H1- Location of New Housing, of the Local Plan; and draft Policy N2, of the emerging LDP. However, given that the proposal is for a replacement dwelling, saved Policy H1 is not of any particular relevance to this appeal. Nor is draft Policy N2, which relates to protected habitats and species, given that I am not aware of any such features on the appeal site.

⁵ Ref FUL/MAL/15/00249; Ref OUT/MAL/15/00269; Ref FUL/MAL/14/00222; Ref FUL/MAL/14/00207; Ref OUT/MAL/13/00559; Ref FUL/MAL/14/00059; Ref FUL/MAL/16/00389; Ref FUL/MAL/16/00262; Ref FUL/MAL/15/00552; Ref FUL/MAL/15/00469; Ref FUL/MAL/14/00622

⁶ Ref APP/X1545/A/14/2218409

16. The Council also sets out that the appeal site is located within one of the Special Landscape Areas (SLA) defined within the Local Plan. Policy CC7-Special Landscape Areas, of the Local Plan, requires development to conserve or restore these areas. However, it is unclear which SLA the appeal site falls within and I have not been provided with any details of the attributes which makes it special. I therefore have no substantive evidence before me to reach a conclusion on the effects of the proposal on the relevant SLA designation.

Other matters

17. The Council raises a concern that the location of the proposal would result in the reliance of any future occupiers on a private motor vehicle to access local services and facilities in the area. Whilst this may be the case, this would also be the case for any occupiers of the existing dwelling. As such, this matter does not weigh against the proposal.
18. I acknowledge that there is a high demand for housing in the District. The proposal would provide a high quality home. Furthermore, it would be built using sustainable construction techniques and would demonstrate a high level of energy efficiency and accessibility. I also accept that it would provide some short-term construction jobs and would increase, to a modest extent, spending in the local area by any future occupiers. I have also taken into account the personal circumstances of the appellant and his wife and their desire to provide a home for their daughter and her family to assist with these circumstances. However, there is no substantive evidence before me to demonstrate that these matters could not be achieved with some renovations or alterations to the existing dwelling. As such, I afford these matters limited weight.

Conclusion

19. I have found that the proposal would result in significant harm to the character and appearance of the area. The harm so caused would substantially outweigh the benefits. Thus, for the reasons set out above and having regard to all other matters, I conclude that the appeal should be dismissed.

Alex Hutson

INSPECTOR