
Appeal Decision

Site visit made on 20 June 2017

by AJ Steen BA (Hons) DipTP MRTPI

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

Decision date: 7 July 2017

Appeal Ref: APP/X1545/W/17/3171748

**Little Orchard, Kitchener Road, North Fambridge, Chelmsford, Essex
CM3 6NJ**

- 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 T Mitchell & Ms N Dunkley against the decision of Maldon District Council.
 - The application Ref FUL/MAL/16/00681, dated 8 June 2016, was refused by notice dated 22 November 2016.
 - The development proposed is the demolition of the existing bungalow and the erection of a replacement dwelling with associated parking.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing bungalow and the erection of a replacement dwelling with associated parking at Little Orchard, Kitchener Road, North Fambridge, Chelmsford, Essex CM3 6NJ in accordance with the terms of the application, Ref FUL/MAL/16/00681, dated 22 November 2016, subject to the conditions in a schedule at the end of this decision.

Preliminary Matters

2. The Council confirmed in their Statement that they should have quoted Policies CC6, CC7 and CC11 of the Maldon District Replacement Local Plan (LP) in their decision notice, rather than Policies BE6, BE7 and BE11 of the LP. The appellant had the opportunity to comment on these, so I have considered the proposal against those policies.

Main Issue

3. The effect of the proposed replacement dwelling on the character and appearance of the rural area within the Coastal Zone and Special Landscape Area.

Reasons

4. Kitchener Road is a narrow and unmade lane through the predominantly open countryside outside the village of Fambridge, providing access to a number of dwellings from Fambridge Road. Development in Kitchener Road comprises predominantly bungalows, with two storey semi-detached dwellings located across the field to the end of the road and opposite the end of Kitchener Road. In addition, a large two storey property, Riversdale House, is located on the

junction with Fambridge Road and directly adjacent to the site. As a result, development in and around Kitchener Road is varied, providing a mixed character and appearance to the area.

5. The existing dwelling at Little Orchard is a modest bungalow, set within a large garden with garage toward the front of the site and long path to the existing dwelling. It is proposed to demolish the existing dwelling and garage to erect a dwelling over two floors forward in the plot from the existing dwelling. This would be substantially larger than the existing dwelling, across more of the width of the plot and of increased height. However, it would remain smaller than the neighbouring dwelling at the junction of Kitchener Road and Fambridge Road and would retain space around the building, such that it would result in a spacious character to the property.
6. The proposed dwelling would differ in character and appearance from surrounding dwellings, being a modern style with substantial glazing. However, the mixed character and appearance of the area ensures that this individuality would complement the variety provided by surrounding development.
7. For these reasons, I conclude that the proposed replacement dwelling would reflect the character and appearance of the rural area within the Coastal Zone and Special Landscape Area. As such, it would comply with Policies BE1, CC6, CC7 and CC11 of the Maldon District Replacement Local Plan and National Planning Policy Framework that seek to ensure development is compatible with its surroundings and make a positive contribution to the landscape and open countryside, including conserving or restoring the character of the Special Landscape Area.
8. The accommodation within the dwelling has been designed and laid out to include space for parents of the appellants'. The resulting layout seeks to provide flexibility to the accommodation and space for three generations to live together. However, it would be a single dwelling and there is no evidence to suggest that it would be subdivided in the future and, in any event, such subdivision would require separate grant of planning permission.
9. I note that the increased size of the property may have an effect on surface water flooding in the area, which is within Flood Zone 3. A Flood Risk Assessment has been provided that confirms lower lying land nearer to the River Crouch is likely to absorb any influx of flood water and mitigation measures are proposed such that occupants would be safe in the event of a flood.
10. Balconies are proposed to the front of the property that would provide views across the road. However, these would only overlook the front garden of neighbouring properties on Kitchener Road that are visible from the road, such that there would be no material increase in overlooking of private garden spaces of those properties. The rear garden of Riversdale House is adjacent to the site boundary, but comprises a mature hedge that restricts overlooking in that direction. As such, I conclude that the proposed development would not materially harm the living conditions of neighbouring occupiers by reason of loss of privacy.

Conditions

11. I have imposed a condition specifying the relevant drawings as this provides certainty. Conditions are necessary for details or samples of materials and details of boundary treatments to be submitted and approved prior to development commencing to ensure that they would maintain the character and appearance of the area. Approval, implementation and retention of landscaping works, including hard surfacing and means of enclosure and protection of existing trees, are necessary prior to development commencing in order to ensure the development would reflect the character and appearance of the area.
12. Conditions requiring details and implementation of surface and foul water drainage systems are necessary prior to development commencing in order to reduce the impact of the development on flooding and manage run-off flow rates. In some cases I have amended the wording of conditions suggested by the Council in the interests of clarity.

Conclusion

13. For the above reasons and taking into account all other matters raised I conclude that the appeal should succeed.

AJ Steen

INSPECTOR

Schedule of 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 submitted detailed specifications and the following approved plans: drawing numbers 1191/21 and 1191/20.
- 3) No development shall take place until details or samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 4) No development shall commence until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers have been submitted to and approved in writing by the local planning authority. The screening as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained as such thereafter.
- 5) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which

within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 7) No equipment, machinery or materials are brought to the site for the purposes of the development, until a written statement detailing the retention and protection of trees on the site has been submitted to and approved in writing by the local planning authority. The submitted statement shall include a survey and assessment of all trees on the site and shall identify on a scaled drawing those trees to be retained and where arboricultural work is proposed. The development shall take place in accordance with the approved details.
- 8) Development shall not commence until a scheme for the provision and implementation of surface water drainage incorporating sustainable urban drainage schemes (SuDS) has been submitted to and approved in writing by the local planning authority. The scheme shall be constructed and completed in accordance with the approved plans and prior to the occupancy of the development.
- 9) Development shall not commence until details of a foul water drainage scheme to serve the development has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the first occupation of the development.