



Appeal Decision

Site visit made on 4 July 2017

by Grahame Gould BA MPhil MRTPI

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

Decision date: 26th July 2017

Appeal Ref: APP/X1545/W/17/3172878 290 Esplanade, Mayland CM3 6AW

- 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 D Stevens of Dengie Construction against the decision of Maldon District Council.
 - The application Ref FUL/MAL/16/01362, dated 28 November 2016, was refused by notice dated 31 January 2017.
 - The development proposed is demolition of existing dwellinghouse and erection of 3 new dwellings with garages.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing dwellinghouse and the erection of 3 new dwellings with garages at 290 Esplanade, Mayland CM3 6AW in accordance with the terms of the application, Ref FUL/MAL/16/01362, dated 28 November 2016, 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: 16.645 2.01A – Site Location Plan; 16.645 2.02B – Site Layout Plan; 16.645 2.03B – Site Layout Plan; 16.645 2.04B – Street Picture and Site Section; 16.645 2.05C – Proposed Floor Plans Plot 1; 16.645 2.06B – Proposed North and East Elevations Plot 1; 16.645 2.07B – Proposed South and West Elevations Plot 1; 16.645 2.08B – Proposed Floor Plans Plot 2; 16.645 2.09B – Proposed North and East Elevations Plot 2; 16.645 2.10B – Proposed South and West Elevations Plot 2; 16.645 2.11B – Proposed Floor Plans Plot 3; 16.645 2.12A – Proposed North and East Elevations Plot 3; and 16.645 2.13A – Proposed South and West Elevations Plot 3.
 - 3) No development above foundation level shall be undertaken until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved samples.
 - 4) The areas shown on the application drawings for vehicle parking and manoeuvring shall be provided and made available for such use prior to the first occupation of the development. Thereafter the vehicle parking

and manoeuvring areas shall be retained and shall not be used for any purposes other than the parking and manoeuvring of vehicles.

Procedural Matters

2. A number of the application plans were amended prior to the application's determination by the Council and I have had regard to the amended plans, with the exception of drawing 16.645 2.05B (Proposed Floor Plans Plot 3), for which a revised drawing (16.645 2.05C – Proposed Floor Plans Plot 1) has been submitted as part of the appeal. Drawing 16.645 2.05C having been submitted to correct plot naming and handing discrepancies. Also in connection with the appeal amended drawing 16.645 2.11B (Proposed Floor Plans Plot 3) has been submitted, in substitution for drawing 16.645 2.11A, to correct a plot handing error. The Council has not objected to the submission of drawings 16.645 2.05C and 16.645 2.11B and I am content that I can take them into account without prejudice being caused to any party.
3. On the 21 July 2017 the Secretary of State for Communities and Local Government wrote to the Council advising it that he had approved the Maldon District Local Development Plan (2014-2029) (the MDLDP) further to considering the examining Inspector's report of 29 June 2017. As the MDLDP now forms part of the Council's development plan, I have disregarded the reference to Policy BE1 of the Maldon District Replacement Local Plan of 2005 in the reason for refusal, because that policy has been superseded by Policy D1 of the MDLDP. I have made further reference to Policy D1 in my reasoning below.

Main Issue

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

Reasons

5. The development would involve the construction of three, four bedroom, detached dwellings as replacements for a small derelict bungalow located in the site's extreme south eastern corner. Esplanade's western half is characterised by houses and chalet bungalows of varied designs and those dwellings occupy relatively wide and deep plots. A distinguishing characteristic of Esplanade's western half is the fact that the dwellings are set a significant distance back into their plots, for flood prevention reasons. The development would share that characteristic.
6. While the plots for each of the proposed dwellings would be narrower than the widest of the other properties in this street, I consider that their width would not leave them appearing as being out of place in the streetscene. While wide plots are common in this street, the dwellings that occupy those plots are also generally quite wide, with there being limited space between their flank walls and their plots' side boundaries. I consider that the width of the dwellings in this street diminishes the impact of the width of their plots in the streetscene. I am of the opinion that the siting of the new dwellings relative to one another and the space that there would be between the houses occupying plots 1 and 3 and the immediately neighbouring properties would be in keeping with the prevailing spacing of the properties in this street.

7. The siting of the dwellings along way back into their plots would mean that they would have deep and spacious frontages. The frontages of the dwellings, importantly, would be in keeping with the frontages that characterise the other properties in this street. I therefore consider that the development would be in keeping with a streetscene that is characterised by detached dwellings set within spacious plots. I therefore consider that this development would not have a cramped or contrived appearance given its context. There would be nothing particularly exceptional about the architecture of the dwellings. However, the appearance of the dwellings would be inoffensive and I consider that their design would be in keeping with that of the other properties in the immediate area. I also consider that the character of this area is not so exceptional as to necessitate individual house type designs for each of the dwellings.
8. I therefore conclude that the development would not be harmful to the character and appearance of the area. The development would therefore accord with Policy D1 of the MDLDP and paragraph 17 (the fourth core planning principle) and section 7 (Requiring good design) of the National Planning Policy Framework. That is because the development's design, scale, layout and density would be respectful of its context.

Conditions

9. The Council has suggested various conditions and I have considered the need for their imposition, having regard to the provisions of the national policy and guidance.
10. Apart from the standard time limit condition, I find it necessary that the development should be built to accord with the submitted plans for certainty. For reasons of clarity I have, however, excluded drawing 16.645 2.14A from the approved plans condition because it shows a comparison between the development subject to the appealed application and a version that preceded the application's submission.
11. In order to safeguard the appearance of the area it is necessary for details of the external materials to be submitted for the Council's approval. However, I consider it is unnecessary for the materials to have been approved before the construction works are above foundation level. In the interests of highway efficiency it is necessary that the on-site parking and manoeuvring areas are available prior to the development's occupation and are then retained thereafter for such use. However, the application plans clearly show where the parking spaces, drives and accesses would be and I therefore consider that there is no need for further details of those matters to be submitted for the Council's approval.
12. A condition requiring the demolition of the derelict bungalow has been suggested. However, I consider such a condition is unnecessary because the bungalow would be sited so closely behind one of the dwellings that it would be impractical to construct and occupy the new dwelling without the bungalow being demolished. Conditions requiring the submission of details for the disposal of foul and surface water have been suggested, however, no policy justification has been provided for their imposition and they could duplicate matters covered by other legislation. I am therefore not persuaded of the need to impose the suggested drainage conditions. I am also of the opinion that there is no need for a condition requiring the details of any external

lighting to be submitted for approved, given that no policy justification has been provided for such a condition and no harm arising from its installation has been identified by the Council.

Conclusion

13. For the reasons given above I conclude that the appeal should be allowed.

Grahame Gould

INSPECTOR