
Appeal Decision

Site visit made on 15 August 2017

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

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

Decision date: 1st September 2017

Appeal Ref: APP/X1545/W/17/3175598

Land adjacent to 17 Brickwall Close, Burnham-on-Crouch, CM0 8HB

- 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 and Mrs Thornton against the decision of Maldon District Council.
 - The application Ref FUL/MAL/16/01438, dated 9 December 2016, was refused by notice dated 31 January 2017.
 - The development proposed is the construction of a 2 storey 2 bedroom house.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council have made reference to Policy D1 of the Maldon District Local Development Plan (LDP) in the decision notice. However, this document is in draft form and I note from the appellant's submission that the examining Inspector had previously expressed concerns over the soundness of the Plan as a whole. The plan has also been 'called-in.' Limited information has been provided to me in this regard, however, as this document is un-adopted, and in accordance with paragraph 216 of the National Planning Policy Framework (the Framework) the weight I can apply to this is limited.

Main Issue

3. The main issue is the effect of the proposed development upon the character and appearance of Brickwall Close.

Reasons

4. The appeal site is a triangular shaped parcel of land which currently forms part of the side and rear garden to No 17, although this is separated by a close-boarded fence. This property is a 2-storey gable fronted dwelling with gambrel style roof. It has been extended to its eastern elevation, adjacent to the appeal plot.
5. The site is positioned at the end of a turning head of Brickwall Close, a residential cul-de-sac. To the east is a substation and a bungalow. The appeal plot and these developments are separated by a footpath which leads to garaging and properties along Western Road.
6. Development along the cul-de-sac is 'fanned' around the road and as such is of a relatively low density consisting of modest detached single and 2-storey

- dwellings in a variety of designs and architectural styles. The spacing between the properties allows glimpsed views into the rear gardens including landscaping and greenery, giving an open character to the street scene.
7. The proposed dwelling would be around 6.7m in height and would be set back within the plot by around 6.7m. Off-street parking would be provided in an area of hardstanding to the front. The dwelling would be located on the eastern boundary extending to around 10m in depth. There would also be a single storey flat roof projection from the west side elevation.
 8. There would be a modest gap between No 17 and the proposed dwelling of around 3.5m. However, as I saw at my site visit, and based upon the proposed streetscape drawing (reference 16-10-005) due to the arrangement of No 17 and the form and design of the proposed dwelling including the single storey side projection, when viewed along Brickwall Close, the gap would appear completely enclosed by development. This would result in a development which would appear cramped and significantly at odds with the more spacious character of the area.
 9. Moreover, I consider that the dwelling would have a poor relationship with No 18, as it would be located at right angles to this dwelling, set forward of the end wall to the north elevation of this dwelling. This would reinforce the crowded effect I have identified.
 10. The design of the dwelling is relatively simple in its form, and in general it would add to the varied architecture of the street scene. I also note the effort the appellant has gone to in terms of ensuring that the design is sympathetic to the character of the area to overcome previous comments and concerns. However, no copies of previous proposals or the decision of a previous Inspector was put before me. In addition, while I have also been referred to a great number of examples of other recent developments in the local area, I am not aware of the circumstances of the cases which led to their approval. In any case, I have determined the appeal proposals on its own merits and I consider that due to the scale and parameters of the plot, it would appear as an awkward and incongruous building.
 11. Based upon the submitted extract from the deeds, I note that No 17 at one point did form two buildings plots. However, this was never developed and the side extension to No 17 appears to extend across into the area which would have been the second building plot. The appeal plot appears to be much smaller and as such this would not justify the appeal proposals before me.
 12. Overall I conclude that the development would have a harmful effect upon the character and appearance of Brickwall Close. The development would be in conflict with saved Policy BE1 of the Maldon District Replacement Local Plan 2005 (LP) which requires that development proposals are compatible with their surroundings in terms of layout, scale, and site coverage. The proposal also conflicts with the Framework which seeks to secure high quality design and integration of new development into the built environment (paragraphs 17 and 61).

Planning Balance

13. The appellant's contend that the Council is unable to demonstrate a 5-year supply of housing as this relies upon allocations within the draft LDP and

therefore considers that the application should be determined in accordance with paragraph 14 of the Framework. This sets out a presumption in favour of sustainable development and requires that where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

14. The Council provide no commentary on this, and I have been provided with no evidence in respect of the supply either way. Even if I were able to conclude there is a shortfall in 5 year supply and that relevant policies for the supply of housing should not be considered up-to-date, the environmental, economic and social benefits of the development of a single dwelling in a sustainable location would only be modest and would not outweigh the harm to character and appearance I have identified. I consider that the adverse impacts of granting permission would significantly and demonstrably outweigh the modest benefits of the proposal. The proposals cannot, therefore, be considered to be the sustainable development for which the Framework presumes in favour.

Conclusion

15. For the reasons above, taking into account all other matters raised, I dismiss the appeal.

C Searson
INSPECTOR