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## Appeal Decision

Site visit made on 21 June 2019

**by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH**

**an Inspector appointed by the Secretary of State**

**Decision date: 22<sup>nd</sup> July 2019**

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**Appeal Ref: APP/X1545/W/19/3226271**

**Land adjacent 2 Kings Road, Southminster CM0 7EJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mrs Lynne Booth against the decision of Maldon District Council.
  - The application Ref OUT/MAL/18/00960, dated 6 August 2018, was refused by notice dated 9 October 2018.
  - The development proposed is outline permission for a one bedroom bungalow, gardens and parking.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. This is an outline application with all matters reserved except for access. I have treated the plans as indicative only otherwise than with respect to access.

### Main Issues

3. The main issues in the appeal are the effect of the proposed development on:
  - the character and appearance of the area; and
  - highway safety.

### Reasons

#### *Character and appearance*

4. The appeal site is an overgrown narrow plot, around 7 metres wide, which is largely vacant save for a derelict wooden outbuilding to its rear. It has close-boarded fencing to sides and rear. The proposal would infill the land with a one-bedroomed detached bungalow between No 2 Kings Road (No 2) and the corner property orientated perpendicular to it, a Grade II Listed Building at 21 High Street (No 21).
5. Notwithstanding the reserved matters, the indicated design of the new dwelling would be in keeping with other residential dwellings on its side of the road as there would be a continuation of the building line and a landscaped front garden with turning and parking area similar to other properties nearby. There would also be similar separation distances between the properties as existing.

6. The east side of Kings Road, on which the appeal dwelling would be located, is predominantly occupied by bungalows. They are however mainly 1.5-storey chalet-style bungalows. The west side is more mixed and largely characterised by 2-storey detached and 1.5-storey semi-detached properties. While it is not uncommon in village street scenes to have a variety of property types, the narrowness of the plot significantly restricts the scale and dimensions of any dwelling that could be constructed upon it. Although the dwellings in Kings Road are varied in character they are of similar height, scale and bulk. The proposal, limited by the site restraints, would produce a building which would be noticeably less wide and less high than other buildings in the road and at odds with the prevailing character of development. I note that the proposal would be only around 1 metre less high than No 6 Kings Road but that building would not be as narrow the proposal, which would be more akin to an outbuilding.
7. Some views of the new bungalow would be limited as a result of screening by adjacent buildings and boundary treatments. The large hedgerow on the corner of the road would significantly restrict views from the High Street. Such screening together with the low indicated eaves height of the proposal would not cause it to affect the setting of the Listed Building at No 21, which in any case is experienced principally from the High Street. However, the proposal would have a front elevation seen as a prominent addition to the streetscene when viewed from the front. This view of the front elevation in line with that of no 2 would make it look like an outbuilding, and exacerbate its incongruity with the character and appearance of the area.
8. For the above reasons, the proposal would cause significant harm to the character and appearance of the area. As such it is in conflict with Policies S1, D1 and H4 of the Maldon District Approved Local Development Plan 2014-2029 (2017)(LP) which together seek to protect the character and appearance of places. The proposal would also be in conflict with the design principles of the National Planning Policy Framework (the Framework).

#### *Highway safety*

9. The proposal for a turning space is a positive feature as it means vehicles could access and leave the site in forward gear. While this would benefit safety, the occupier of the new dwelling would not have any control over neighbouring property hedgerows to the side of the access which would restrict visibility close to the corner junction with the High Street.
10. The Technical Note<sup>1</sup> submitted by the appellant is predicated on the road being "lightly-trafficked" with a 20mph speed limit, and with speed surveys indicating that vehicles drive within this restriction. The Council disputes these submissions.
11. I note that photographic evidence at Appendix E of the Technical Note clearly shows that the 20mph speed limit begins at the junction and therefore relates to the High Street and not Kings Road. On this evidence I find that Kings Road is a 30mph road.
12. I note the Council's concerns that the speed surveys were conducted over a limited 2-day period, but it appears that data has been captured in relation to

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<sup>1</sup> Transport Dynamics. Land Adjacent 2 Kings Road, Southminster, Essex. Appeal Statement: Highway Matters

- hundreds of vehicles over the period. I therefore give this evidence moderate weight.
13. The Technical Note assesses that the visibility splays indicated as necessary by the speed surveys could just be achieved. The Y distance of 22.65m could be achieved at the junction, without the imposition of the give-way line, and if an X distance of 2m is used. However, the Manual for Streets states that a minimum X distance figure of 2m may be considered in some very lightly-trafficked and slow-speed situations, but using this value will mean that the front of some vehicles will protrude slightly into the running carriageway of the major arm. It further advises that the ability of drivers and cyclists to see this overhang from a reasonable distance, and to manoeuvre around it without undue difficulty, should be considered.
  14. I give the above advice in the Manual for Streets significant weight as an authoritative and relevant document in relation to this issue. Given that the speed surveys appear to show hundreds of vehicles using the road, I do not consider that it is "very lightly-trafficked" for the purposes of the advice. My impression of the road on my site visit supports this view, and I note that Kings Road provides direct access from the High Street to Burnham Road which is the main road into Burnham-on-Crouch from Southminster. I find that the failure of the appeal scheme to achieve satisfactory visibility splays in respect to both X and Y distances is unacceptable to highway safety.
  15. I also note submissions from the parties that the Highways Authority have removed parking controls from outside the appeal site. Before these changes there were single yellow lines on the highway across the frontage of the appeal site and on the opposite side of the highway. While an access created for the new dwelling would prevent parking across its frontage, there would be uncontrolled parking on the road opposite the access. Given the limited width of Kings Road, the effect of motorists negotiating a parked vehicle opposite the proposed access close to the junction would be to increase the potential for a collision to occur with a vehicle entering or leaving the appeal site.
  16. The fact that no record of a Personal Injury Accident (PIA) exists at the immediate vicinity of appeal site does not mean that permission should be given for unsafe development. I also place very limited weight on the appellant's argument that older persons who might reside at the proposed dwelling are unlikely to use a car as I have seen no substantive evidence to support this. In any event, this would not take into account vehicles used by visitors to the dwelling.
  17. Therefore, taking all into account, the proposed development would significantly harm highway safety. As such it would be in conflict with Policies S1, T1 and T2 of the LP which together seek to ensure highway safety. It would also be in conflict with the Framework.

### **Other Matters**

18. The proposal would deliver a home to satisfactory amenity standards on brownfield land within the settlement boundary of Southminster and close to village amenities such as shops, medical and community facilities and public transport. Further, one-bedroomed accessible bungalow type of housing is in high demand within the district in order to address a need for homes for elderly residents. Paragraph 68 of the Framework says small and medium sized sites

can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. There would be economic benefits during construction, and social and economic benefits created by new occupiers using local services and facilities in addition to Council Tax and New Homes Bonus payments. I also note that the appellant has indicated biodiversity improvement measures would be incorporated into the proposal.

19. Taking the totality of these benefits into consideration, they would not outweigh the significant harm I have identified in respect to character and appearance and to highway safety and the associated conflict with the development plan.

### **Conclusion**

20. The appeal development does not accord with the development plan as a whole and there are no other considerations which outweigh this finding. Therefore, for the reasons given the appeal is dismissed.

*Andrew Walker*

INSPECTOR