



Appeal Decision

Site visit made on 24 June 2019

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th September 2019

Appeal Ref: APP/X1545/D/19/3225759

Trusses, Waterside Road, Bradwell-On-Sea CM0 7QZ

- 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 & Mrs Geoff Pearce against the decision of Maldon District Council.
 - The application Ref HOUSE/MAL/19/00005, dated 3 January 2019, was refused by notice dated 1 March 2019.
 - The development proposed is construction of a detached cart lodge and garden room.
-

Decision

1. The appeal is allowed and planning permission is granted for construction of a detached cart lodge and garden room at Trusses, Waterside Road, Bradwell-On-Sea CM0 7QZ in accordance with the terms of the application, Ref HOUSE/MAL/19/00005, dated 3 January 2019, subject to the conditions set out in the attached Schedule.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area with particular regard to the countryside.

Reasons

3. Trusses is a detached two storey cottage, set within a sizeable garden, occupying a corner position at the junction of Waterside Road and Trusses Road. The cottage is a Grade II listed building as is the neighbouring property, Trusscot, to the south of the site. The site is outside a defined settlement boundary and within open countryside. The surrounding area is characterised by open fields interspersed with small pockets of development of one or two houses.
4. The proposed development is to construct a detached, single storey cart lodge and garden room with storage in the roof space in the north east corner of the garden adjacent to Trusses Road. The building would be L-shaped with a sizeable footprint. It would have a half hipped roof which the plans indicate would have a height to the ridge of 4.5 metres. The building would have a long frontage to Trusses Road where it would be set away from the garden boundary by approximately 2.5 metres, and would project rearwards towards the garden.

5. Trusses Road is predominantly flanked by open fields and hedgerows apart from where it adjoins the appeal site, which is a domestic garden. There are no buildings currently fronting this section of Trusses Road apart from a small single storey garage within the appeal site, although I acknowledge that there has previously been a larger, single storey outbuilding within the garden which was removed as a result of damage. There are currently open views into the garden of Trusses from Trusses Road.
6. The north elevation of the proposed cart lodge would be visible along a short section of Trusses Road and heading south along Waterside Road. A mature hedgerow and trees along both the eastern boundary of the appeal site and within the garden would restrict views of the building from other directions.
7. While the surrounding fields are open in character, the trees, hedgerow and existing development around the Trusses, due to their varying heights and the density of planting, interrupt the openness. The addition of the cart lodge, set down at garden level which is quite a bit lower than street level, against this wooded backdrop and within this existing pocket of development, would have a limited impact on the open character of the wider area.
8. The proposed cart lodge would result in a greater sense of enclosure of both the garden and the street. However, it would have a relatively low eaves height, a roof sloping away from the road and a set back from the boundary, which taken in combination with its construction at garden level, would reduce the bulk, height, prominence and visual impact of the building when viewed from the street. While I accept that the proposed planting would not be sufficient to screen the building, it would nevertheless provide a softer appearance along this boundary. Furthermore, I note from the evidence that the previous outbuilding also had a relatively long frontage to Trusses Road although with a lower height. This would have had a lesser, but nonetheless similar enclosing effect. The limited views of this building, and its rural appearance, would also not harm the intrinsic character and beauty of the countryside.
9. The proposed cart lodge, whilst large, would appear as an ancillary outbuilding to the main house, not dissimilar to other outbuildings found scattered throughout the locality, including some recently approved. I observed a substantial outbuilding at Woodyards a little further south of the appeal site on Waterside Road, which I also note is more exposed and therefore more prominent than the appeal proposal. In this context, the proposed cart lodge is not out of character with other developments in the local area.
10. I conclude that the proposed development would not harm the character and appearance of the area with particular regard to the countryside. It would therefore accord with Policies S1, S8, D1 and H4 of the Maldon District Local Development Plan 2017 which together require development to respect and enhance local character and context, protect the countryside for its intrinsic character and be well designed. It also complies with the National Planning Policy Framework's objectives for achieving well-designed places and protecting the countryside.

Other Matters

11. The outbuilding would be erected within the curtilage of a Grade II listed building. Section 66(1) of the Planning (Listed Buildings and Conservation

Areas) Act 1990 requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.

12. Due to the character and design of the proposed building which reflects a traditional rural building and its position away from the listed building, I conclude the development would not have an unacceptable impact on the listed building or its setting and would preserve the significance of the designated heritage asset. However, to ensure a satisfactory appearance in the context of this listed building a condition to control the use of appropriate materials would be reasonable.

Conditions

13. The Council has proposed conditions should the appeal be allowed. I have considered these and imposed them where they meet the tests set out in Paragraph 55 of the Framework, amending where necessary for the sake of simplicity, clarity and precision.
14. A condition requiring that the development is carried out in accordance with the approved plans is necessary in the interests of certainty. I have imposed a condition requiring planting to be implemented and retained, in the interests of the character and appearance of the area.
15. In the interests of the character of the area, a condition restricting the use of the outbuilding to purposes ancillary to the dwelling and garaging is necessary.

Conclusion

16. For the reasons set out above, I conclude that the appeal should be allowed.

Rachael Pipkin
Inspector

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in strict accordance with the following approved plans: 1119/01A, 1119/05B and 1119/07A.
- 3) No construction of the external surfaces of the development shall commence until details of materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved details.
- 4) Within the first available planting season (October to March inclusive) following the occupation of the development the landscaping works as shown on 1119/07A and specifications attached to and forming part of this permission shall be fully implemented. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.
- 5) The development hereby permitted shall not be used other than for the accommodation of private motor vehicles or for any other purpose incidental to the enjoyment of the dwelling house as such and shall not at any time be converted or used as habitable space / living accommodation.

End of Schedule of Conditions