



Appeal Decision

Site visit made on 5 November 2019

by Martin Small, BA (Hons), BPI, DipCM, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th December 2019

Appeal Ref: APP/X1545/W/19/3231486

Riverscourt, Beeleigh Road, Maldon, CM9 5QJ

- 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 Mrs Tina Bishop against the decision of Maldon District Council.
 - The application Ref: FUL/MAL/19/00228 dated 19 February 2019, was refused by notice dated 4 June 2019.
 - The development proposed is a new build part single part two-storey 3-bedroom dwelling and new car port to existing house.
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Decision

1. The appeal is dismissed.

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 location of the appeal site within the Maldon Conservation Area and adjacent to the Chelmer and Blackwater Navigation Conservation Area.

Reasons

3. Beeleigh Road is primarily characterised by a mixture of terraced, detached and semi-detached houses to either side, set back from the road with gardens or hard standings to the frontages. The land level falls to the north to the River Chelmer so that the houses to the south side of Beeleigh Road are at a higher level than the road and those to the north are lower.
4. The appeal site forms part of a small cluster of dwellings at the western end of Beeleigh Road set in plots larger than those prevalent along the remainder of the road. It is set back from the road behind and at a lower level than the dwellings fronting Beeleigh Road, between two similarly positioned dwellings, Riverscourt and Blackwater House. The site slopes downward to the northern boundary, beyond which is a large, vegetated area leading down to the river. This end of Beeleigh Road has a number of trees, including some on the appeal site, giving the area a verdant appearance.
5. The site is located within the Maldon Conservation Area and adjacent to the Chelmer and Blackwater Navigation Conservation Area. In accordance with the duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990, with respect to any buildings or other land in a conservation area, I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area.

Moreover, paragraph 193 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

6. From the evidence before me, the special interest of the Maldon Conservation Area lies principally in the historic development of the town along a ridge from the late Saxon burh in the west to the port at the Hythe in the east, including the historic town centre. I have not been provided with evidence of the special historic interest of the Chelmer and Blackwater Navigation Conservation Area.
7. I note the opinion of the Council's Conservation Officer that Riverscourt makes a neutral contribution to the special character of both the Conservation Areas. I agree with this view as regards Riverscourt itself, which is a modern dwelling within a well-vegetated site with limited public views. However, the garden of the property and the vegetation within that garden form part of the setting of the town as seen from the A414 bypass and footpaths alongside the river, and of the setting of the Chelmer and Blackwater Navigation Conservation Area. I consider that the garden contributes positively, if modestly, to the character and appearance of this part of the Maldon Conservation Area and to the setting of the Chelmer and Blackwater Navigation Conservation Area.
8. The appeal site, with the exception of part of the access from Beeleigh Road, is located outside the settlement boundary for Maldon as defined on the Policies Map of the Maldon District Approved Local Development Plan 2014-2029 (LDP). Policy S8 of the LDP seeks to direct development to within settlement boundaries and to protect the countryside outside the settlement boundaries. Development outside the boundaries will only be permitted for certain specified forms of development and where the intrinsic character and beauty of the countryside is not adversely impacted upon. The proposed development is not one of the specified forms of development and is thus contrary to Policy S8.
9. The plot sizes of both Riverscourt and Blackwater House are generous and similar in width and depth. However, the plot of the proposed dwelling would be approximately 13 m wide which would be substantially narrower than the width of either the remaining plot of Riverscourt or the plot of Blackwater House, at approximately 31 m and 28 m respectively. The depth of the plot of the proposed dwelling would be approximately 41 m which, whilst substantial, would be significantly less than the plot depths for either Riverscourt or Blackwater House, both approximately 57 m. In terms of plot size therefore, the proposed development would be odds with these two existing dwellings to the north of the dwellings fronting Beeleigh Road.
10. Notwithstanding that both Riverscourt and Blackwater House are substantial properties, their generous plots provide a sense of spaciousness within which the vegetation, rather than the dwellings, is dominant. The proposed dwelling, extended access and triple car port for Riverscourt would result in the diminution of that spaciousness. The proposed dwelling, notwithstanding that it has been designed to fit the contours of the site and the acceptability of the proposed materials, would be more dominant in relation to its plot and therefore odds with its neighbouring properties.
11. I acknowledge the opinion of the Council's Conservation Officer that the development would complement rather than detract from the character of the area. However, for the reasons given above, I consider that the proposed

development would represent an unjustified consolidation of the existing low-density development beyond the settlement boundary that would harm and therefore fail to preserve or enhance the character and appearance of the area and of the Maldon Conservation Area. It would also diminish the contribution of the garden of Riverscourt to the setting of the Chelmer and Blackwater Navigation Conservation Area.

12. Accordingly, in addition to being contrary to Policy S8, the development would be contrary in this respect to Policy S1 of the LDP, which is a broad policy setting out a number of key principles to be applied in decision-making, including conserve and enhance the natural and historic environments and maintain the rural character of the District.
13. The proposed development would also be contrary in this respect to Policy D1 of the LDP which requires, amongst other things, developments to respect and enhance character and the local context and make a positive contribution in terms of a range of considerations, including landscape setting and the historic environment. Whilst the development would optimise the use of the land, it would nevertheless also conflict with Policy H4 of the LDP, which requires development to seek such optimisation having regard to a number of considerations, including the existing character and density of the surrounding area. The development would also not accord with the Character Key Design Objective in the Maldon Design Guide or with paragraph 127 c) of the Framework, which requires planning decisions to ensure that developments are sympathetic to local character.
14. I consider the harm to the Maldon Conservation Area to be, in terms of the Framework, less than substantial. This harm therefore needs to be balanced against any public benefits the development might bring under paragraph 196 of the Framework. The proposed development would add a dwelling to the existing housing stock, which would be a social benefit. The construction of the dwelling would be an economic benefit, although only temporary. The occupiers of the proposed dwelling would contribute to the local economy.
15. However, paragraph 193 of the Framework requires great weight to be given to the conservation of the asset when considering the impact of a proposed development on the significance of a designated asset. Accordingly, the limited public benefits arising from the development of this one dwelling would not outweigh the harm that it would cause to the character and appearance of the Maldon Conservation Area.

Other Matters

16. From the evidence before me, the appeal site is within approximately 500 m of the nearest point of the Blackwater Estuary, which is designated as the Blackwater Estuary Ramsar site, the Blackwater Estuary Special Protection Area, the Blackwater Estuary Special Area of Conservation and the Blackwater Estuary SSSI. These designations are due to the internationally important numbers of breeding and non-breeding birds and their coastal habitats at these sites. Natural England has provided general interim advice in specific relation to additional recreational impacts associated with new residential development¹. However, this matter does not need to be considered further in view of my conclusions on the main issue.

¹ Letter dated 16 August 2018 to Maldon District Council and others.

17. A range of facilities and services within the town centre are reasonably easily accessible by foot from the site along Beeleigh Road, which has a footway and is a pleasant walk. The accessibility of facilities and services is not a matter of dispute between the main parties and the potential for avoiding the use of the private car lends some weight to the proposed development.
18. I note the appellant's reference to a number of approvals for infill development along Beeleigh Road. No details of these developments have been provided and, in any event, it is an established principle that each proposal should be considered on its merits.

Conclusion

19. The proposed development would provide limited social and economic benefits and is within walking distance of a range of facilities and services. However, it would be harmful to the character and appearance of the area and fail to preserve or enhance the character or appearance of the Maldon Conservation Area in which it is located. The benefits do not outweigh this harm and consequent conflict with national and local policy.
20. Accordingly, for the reasons given above, the appeal is dismissed.

Martin Small

INSPECTOR