



Appeal Decision

Site visit made on 4 November 2019 by Elizabeth Davies BSc (Hons) PIEMA

Decision by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2019

Appeal Ref: APP/X1545/W/19/3234541

Land Adjacent Syringa Cottage, Chimney Pot Lane, Cock Clarks, Purleigh, Maldon, Essex CM3 6RQ

- 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 Stokes against the decision of Maldon District Council.
 - The application Ref FUL/MAL/19/00574, dated 17 May 2019, was refused by notice dated 12 July 2019.
 - The development proposed is 'two storey dwellinghouse with detached garage'.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The description of the development has been revised from that stated on the planning application form. Both parties agree on the revised description of the development and the appeal decision has therefore been based on the revised description.

Main Issue

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

Reasons for the Recommendation

5. The appeal site forms the garden area to the south of Syringa Cottage. The front boundary of the appeal site and Syringa Cottage is marked by a fairly substantial hedge. Three residential properties border the appeal site to the south. Birchwood Farm, is located on the opposite side of the road and includes a number of buildings in commercial use, but is largely screened from view by hedgerows. Therefore it is not prominent in the streetscene. Cock Clarks is a small village and the appeal site is located on the outskirts, the quiet nature of the lane and tall hedgerows give it a semi-rural character and appearance.
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7. The appeal site currently provides a gap in built development and makes a valuable contribution to the sense of space between the properties to the south and Syringa Cottage. It is acknowledged that the proposed dwelling is set back from the highway and that the existing hedge will provide some screening, but it would be sited further forward than Syringa Cottage and part of the hedge would be removed to facilitate access and, as a result, it would appear prominent in the street scene.
8. It is noted that there are a mix of single storey and proposed two storey dwellings in the vicinity of the appeal site, including planning approval for Syringa Cottage to become a two storey dwelling (APP/X1545/D/18/3203701). This would result in the scale of the proposed dwelling appearing more in keeping with the neighbouring property, but I must bear in mind that there is no certainty the alterations to Syringa Cottage will occur. However, should the alterations to Syringa Cottage go ahead, it would result in a substantially larger dwelling and the existing gap the appeal site provides would be even more important to provide a sense of space between the Cottage and the dwellings to the south. Whilst the appellant has referred to the appeal decision for the alterations to Syringa Cottage in support of the scheme, this was for alterations to an existing dwelling and therefore a different set of circumstances applied. In addition, at the time the alterations to Syringa Cottage were approved, the proposals for development of the appeal site had not been submitted so the changes were not considered in the context of this proposal.
9. I therefore find that should the alterations at Syringa Cottage occur or not the large scale and forward siting of the proposal would result in the new dwelling appearing as a prominent addition to the street scene and the sense of separation that currently exists would be lost. The proposed development would therefore harm the character and appearance of the area.
10. The parties do not agree on whether the new dwelling would be located within the settlement boundary and to that end, both parties have provided plans depicting the proposed development and the settlement boundary. However, even if I were to accept that the proposed development would be within the settlement limit, it would still be materially harmful to the character and appearance of the area.
11. In support of the appeal, the appellant has also referred to an example of a nearby infill development that has received planning approval, but very limited details have been provided I have therefore not considered it further. The appellant also refers to a similar development in the village of Woodham Mortimer, but as the location is different and the application dates from 2013, it is not directly comparable to the proposed development. Both parties also refer to a brewery development at Birchwood Farm to the north east of the appeal site, but on this matter, I agree with the Council that the brewery development is of a materially different nature and subject to a different planning balance and is therefore not comparable to the proposed development.
12. I acknowledge that the appellant has attempted to work with the Council to achieve an acceptable scheme, but this does not change the harm that has been identified.
13. I therefore conclude that, for the above reasons, the proposed development would have a harmful effect on the character and appearance of the area and is

contrary to Policy S1, S8, D1 and H4 of the Maldon District Approved Local Development Plan 2014-2019 (July 2017) (the 'Local Plan') and the National Planning Policy Framework. These seek, amongst other things to maintain and protect local character, with Policies S1 and S8 specifically referring to rural character and protection of the character of the countryside.

Other Matters

14. The Council confirms that it is able to demonstrate a five year supply of housing land and this is not disputed by the appellant. I recognise that the Council states the proposed development is acceptable with regard to a number of planning matters including living conditions of neighbours, access, parking and highway safety, private amenity space and landscaping and ecology. The lack of harm in these respects carries neutral weight.
15. There would be some economic and social benefits of the scheme however, these would be limited given that the proposal is for one dwelling only. Therefore, the limited benefits would not outweigh the considerable harm caused to the character and appearance of the area caused by the development proposed.

Conclusion and Recommendation

16. For the reasons given above, and having had regard to all other matters raised, I recommend that the appeal is dismissed.

Elizabeth Davies

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Zoe Raygen

INSPECTOR