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## Appeal Decision

Site visit made on 18 November 2019

**by M Chalk BSc (Hons) MSc MRTPI**

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

**Decision date: 23 December 2019**

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**Appeal Ref: APP/X1545/W/19/3235137**

**Hallfield Gate, Barnhall Road, Tolleshunt Knights, Essex CM9 8HE**

- 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 Daniel Kyan against the decision of Maldon District Council.
  - The application Ref FUL/MAL/19/00003, dated 3 January 2019, was refused by notice dated 10 July 2019.
  - The development proposed is demolition of the existing house and erection of a new 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.

### Reasons

3. The appeal site is a large, sloping piece of land located in the countryside. It is partially screened from view from the road by an established hedgerow, but is more open to other directions. There are particularly long views from the east across open countryside due to the angle of the slope, and the position of the existing house and proposed development near the highest point of the site. Within the wider area there is considerable variety in the size, style and visibility of dwellings along Barnhall Road.
4. The proposed development would involve demolishing the existing chalet bungalow and erecting a significantly larger replacement dwelling. The replacement dwelling would be sited in broadly the same location as the existing dwelling, although due to its greater size it would have a larger footprint. This would result in it being close to the Barnhall Road frontage, with the south-west gabled elevation facing the boundary. This would be the tallest part of the proposed dwelling and sited significantly closer to the boundary than the existing house.
5. While there is an established hedgerow along this frontage, it is of varying height and density along its length. During my visit I saw that the existing house was visible from the road in places even through the hedgerow. The replacement dwelling would be larger and therefore a more prominent feature in the landscape. It would be visible from the road even with the hedgerow and

from other directions, including from neighbouring properties. The house would be a dominant feature of the site, significantly larger than the existing dwelling. I consider that, as a result of its height, width and location within the plot at a point that would emphasise its greater size, it would be an unduly prominent feature in the area.

6. I therefore conclude, given the size and prominent siting of the replacement dwelling in this countryside location, that the proposed development would result in unacceptable harm to the character and appearance of the site and the surrounding area. It would therefore be contrary to Policies S1, S8, D1 and H4 of the Maldon District Approved Local Development Plan 2014-2029 July 2017, which taken together require that replacement dwellings be of an appropriate scale and design to their setting, and that the countryside will be protected for its landscape, natural resources and ecological value and intrinsic character and beauty. These policies, insofar as they relate to the main issue of this appeal, are consistent with the requirements of the National Planning Policy Framework.

### **Other Matters**

7. The appellant argues that there are several existing large dwellings in the Barnhall Road street scene. I have considered the evidence submitted and viewed each of the properties from the road during my site visit. I recognise that there are several large properties in the vicinity with a range of visibility, but there are also several smaller ones. This results in considerable variety and a mixed character in the local area. I must, in any case, consider the appeal on its merits, which include its unique design, location and setting. The existence of large dwellings in the local area does not alter my conclusion on this appeal.
8. The replacement dwelling would be finished principally in red brick and timber cladding with a slate roof. These are traditional local materials, and the use of such materials can assist in a development assimilating within its settings. However, I do not consider that the use of these materials would offset the harm identified above.
9. It is not in dispute that the proposed development would accord with several of the criteria of Policy H4. In addition, no harm has been identified to the living conditions of neighbouring occupiers, to highway safety or to the existing landscaping. The absence of harm on these points is a neutral consideration in my determining of this appeal.
10. The size and design of the proposed development has been revised following a previous appeal decision on this site. However, I do not have the full details of that appeal before me and in any case must determine this appeal based on its own merits.

### **Conclusion**

11. For the reasons given above I conclude that the appeal should be dismissed.

*M Chalk*

INSPECTOR