



Appeal Decision

Site visit made on 3 December 2019

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 January 2020

Appeal Ref: APP/X1545/W/19/3236726

Pine Lodge, Junction Road, Cold Norton CM3 6HU

- 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 F Buschweiler against the decision of Maldon District Council.
 - The application Ref FUL/MAL/19/00466, dated 17 April 2019, was refused by notice dated 18 June 2019.
 - The development proposed is conversion of workshop to three bedroom dwelling.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the conversion of the building on the character and appearance of the area.

Reasons

3. The scheme seeks to convert an existing workshop building to a dwelling. It is located outside of the settlement boundary and as such is in the countryside for the purposes of applying planning policy. I note that the Council have accepted that the site is within a sustainable location, having regard to its accessibility to services within the nearby settlement of Cold Norton.
4. The site is located at the end of Junction Road, a narrow rural access track with the dwellings forming the end of the road. Pine Lodge sits prominently fronting the access track, whilst Last Resort is screened from view by existing trees. This results in a sporadic form of development with the overall character of the area being derived from the large plots which are well spaced.
5. The existing building has a simple, utilitarian appearance and is set back from the frontage of Pine Lodge which contributes to its appearance as a subservient ancillary building within the street scene.
6. The existing opening within the front elevation has sliding doors which when closed result in a blank elevation fronting Junction Road. The replacement of the doors with large panes of glazing would alter the character and appearance of the building and would mark a stark contrast from the existing simple and low key form of the building. The conversion of the building would require the introduction of windows and doors and this would lead to a domestication of the workshop. The resultant building would also appear at odds with the style of the dwellings either side, due to its overall form and scale which would be in

contrast with the domestic scale and appearance of Pine Lodge and Last Resort.

7. In addition the scheme would introduce a boundary between the workshop and Pine Lodge which would subdivide the plots further. Overall this, taken together with the physical appearance of the building, would lead to further urbanisation within the Countryside and lead to harm to the intrinsic character of the area.
8. The appellant submits that the area to the front of the workshop is currently laid out as a parking area and that this would remain unchanged as part of the conversion works. Nonetheless, I consider that the other changes proposed would alter the overall character and appearance of the building. I have also taken into account the appellant's suggested conditions restricting the provision of buildings incidental to the enjoyment of the dwellinghouse. However, this restriction, if imposed, would not alter the harm arising from the conversion of the building itself, which I have identified above.
9. I have had regard to Paragraph 148 of the Framework which encourages the reuse of existing resources, including the conversion of existing buildings. Whilst the Framework encourages the re-use of redundant buildings, it requires development to result in an enhancement to the buildings immediate setting. It also highlights the need for development to be sympathetic to local character. Therefore the Framework does not alter my findings on the main issue.
10. Policy S8 of the Maldon District Approved Local Development Plan (LDP) reinforces the Council's development strategy. Although it does not expressly restrict developments outside settlement boundaries, it only permits them if they would not result in harm to the intrinsic character and beauty of the countryside and provided that they meet any one of a number of additional exceptions. One such exception is the re-use of redundant or disused buildings that would lead to an enhancement of its immediate setting. Whilst the proposal would re-use a redundant building, I have found that it would harm the character of the countryside. As the scheme does not meet any of the other exceptions within Policy S8, the proposed development would be in conflict with this policy. The conflict with the development plan is something to which I attach significant weight.
11. I have taken into account that the development would result in an additional dwelling that would contribute to housing supply in the area. However this is not sufficient to outweigh my conclusions on the main issue.
12. For the reasons given, I conclude that the proposal would result in harm to the character and appearance of the area. It would therefore also conflict with Policies S1, H4 and D1 of the LDP and the Maldon District Design Guide 2017. Amongst other things, these seek to ensure that proposals maintain the rural character of the District and respect and enhance their local context.

Other matters

13. It would appear that the appeal site falls within a 'Zone of influence' for the European designated sites of the Essex Estuaries Special Area of Conservation, Blackwater Estuary SPA and Ramsar Site, Dengie SPA and Ramsar Site and the Crouch and Roach Estuaries SPA and Ramsar Site. Natural England has provided revised advice regarding the need to ensure that new residential development and any associated recreational disturbance impacts on European

designated sites are compliant with the Habitats Regulations. In this case, the Council concluded that the proposal would be unlikely to harm European Sites without any mitigation.

14. As the competent decision making authority, if I had been minded to allow the appeal it would have been necessary for me to complete an Appropriate Assessment for this scheme. However, as I am dismissing the appeal for other reasons, I have not taken the matter further.
15. I note that the dwelling is proposed for a family member to enable additional support for the appellant, which I have considered carefully. However, in this case the personal circumstances set out within the evidence would not outweigh the harm to character and appearance that I have identified and the conflict with the development plan in that regard.

Conclusion

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

G. Pannell

INSPECTOR