



Appeal Decision

Site visit made on 18 November 2019

by L Gilbert BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th January 2020

Appeal Ref: APP/X1545/W/19/3236067

Oak Trees, Crouchmans Farm Road, Ulting CM9 6QU

- 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 Gavin Armitage against the decision of Maldon District Council.
 - The application Ref FUL/MAL/19/00253, dated 27 February 2019, was refused by notice dated 24 April 2019.
 - The development proposed is demolition of existing dwelling and garage and construction of new dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing dwelling and garage and construction of new dwelling at Oak Trees, Crouchmans Farm Road, Ulting CM9 6QU in accordance with the terms of the application, Ref FUL/MAL/19/00253, dated 27 February 2019, and the plans submitted with it, subject to the conditions provided in the schedule attached to this decision.

Main Issue

2. The effect of the proposal upon the character and appearance of the area.

Reasons

3. The site is a large plot that contains a modest three-bedroom bungalow with detached garage. It is outside of any settlement boundary within a pocket of built development set within the open countryside. Nearby dwellings are of mixed size and architectural design. The site adjoins but is outside of, the Chelmer and Blackwater Conservation Area which contains two Grade II Listed Buildings close to the site, known as the Old Rectory and The Old School House.
4. The proposed two-storey dwelling would have a generous amount of amenity space between its side, front and rear elevations and its boundaries. This would provide a landscaped setting when viewed from the road. I accept that it would be closer to one of the side boundaries than the existing dwelling and garage, but the adjacent field and trees would act as a buffer between the next house beyond.
5. The house would be significantly larger than some other nearby properties, however larger building footprints, along with two storey properties are

- common on the eastern side of Crouchmans Farm Road and therefore, such a large building would not look out of place.
6. The proposed development would be set further back from the front boundary than the existing bungalow, and it would step down in height at the sides which would assist in breaking up the building's mass. Furthermore, mature trees by the front boundary would help to soften the appearance of the proposed house. I find the scale and mass of the proposed dwelling would be compatible with the patterns of development in the surrounding area and for the site.
 7. I acknowledge that the proposed dwelling would appear grander in design than the bungalow it would replace. The proposed roof would be a prominent feature especially on the front elevation. However, there is a mixture of styles and designs of properties in the local area, and it would incorporate front gables similar to nearby properties.
 8. The site levels vary across the appeal site. It slopes up from the side boundary by Crouchmans Farm Road towards the opposite rear corner of the site. However, the proposed house would step down in height where the land is higher. I do not consider the site levels would result in the proposed taller replacement dwelling appearing unduly overbearing along the street.
 9. Ulting School Grade II Listed Building is located to the south-west of the site. The single storey building is constructed from red and gault brick with stone dressings and a grey slate roof. According to the listing it is now used for storage and 'although small, the school is situated on a bend of a busy road and is an important local landmark'. The Olde Schoolhouse is a non-designated heritage asset constructed in a similar gothic style, located close to Ulting School. These buildings are an attractive pair within the rural locality. The rural setting of the listed building is informed by tree lined, winding country roads that offer undisrupted views of Ulting School when travelling south along Crouchmans Farm Road past the appeal site. The listed building forms part of a linear group of modest sized buildings on the southern side of the road, opposite the appeal site. The appeal site is not part of the listed building's setting. Although, there is some inter-visibility between the appeal site and these heritage assets. Due to its position on the opposite side of the street, and with a notable set back from the road boundaries, the proposed dwelling would not harm the setting and thereby the significance of these heritage assets.
 10. To the east is The Old Rectory Grade II Listed Building, constructed from gault brick with a grey slate roof and two gault brick chimney stacks. This house sits separate to nearby dwellings and is surrounded by established vegetation. The listed building has a rural setting, located along a tree lined, winding country road and set in a large plot bordered by mature vegetation. There are views of the heritage asset from Crouchmans Farm Road but these are predominantly from near to the site. Wider views are more limited due to the set back of the listed building from the road, and the extent of mature trees bounding the site and screening the listed building. A large garden with mature trees separates the appeal site from this listed building. The appeal site does not form part of the listed building's setting. Although the proposed house would extend further towards this heritage asset, a large rear garden would be retained. In my view, the proposal would not harm the setting and thereby the significance of the heritage asset due to the distance between the two.

11. The Chelmer and Blackwater Conservation Area lies to the south and east of the site. The conservation area has a rural character and follows the Chelmer and Blackwater rivers and valleys. According to the Maldon District Design Guide Supplementary Planning Document (2017) River Valley Landscapes 'generally they have flat or gently undulating valley floors which in part have a wooded character. In the Lower Chelmer Valley, small settlements are dispersed along the valley sides or clustered around bridging points'. The set back of the proposed house from the southern and eastern boundaries, along with existing solid boundary fences and vegetation would avoid the proposal from harming views within the conservation area. I therefore do not consider the proposal would harm the conservation area's setting or significance.
12. Accordingly I find the appeal development would not harm the character and appearance of the area and would comply with Maldon District Approved Local Development Plan 2014-2029 (2017) Policies D1, H4 and S8, The Framework and the Maldon District Design Guide Supplementary Planning Document (2017) which seek amongst other things, to respect and enhance the character and local context and make positive contributions in terms of height, size, scale, form, massing and proportions; development will be design-led and will seek to optimise the use of land having regard to the location and the setting of the site and the existing character and density of the surrounding area; where the countryside is not adversely impacted upon and provided it is for other development proposals that are in compliance with the LDP, neighbourhood plans and other local planning guidance.

Other Matters

13. Third parties refer to no mains drainage and question whether there is enough space for a septic tank soak away as the site has rain water ditches along two sides of its boundary that are prone to flooding. The increased number of bathrooms is raised as a concern. However, the Council has suggested it can be dealt with by way of conditions. I consider a condition would be appropriate to address this matter.
14. The proposal would replace a three-bedroom house with a five-bedroom house. I note comments with regard to a need for smaller houses. However, the existing bungalow is not considered small and therefore I do not consider the size of the proposed replacement house to be unacceptable.
15. Third party comments raised concerns with the proposed construction work damaging nearby properties, and harm to outlook. In my view, the distance between the proposed house and these neighbouring dwellings would ensure that there would be no harm to them or the outlook from them.

Conditions

16. The conditions imposed are those which have been suggested by the Council but with some variation in the interests of clarity and precision, having regard to the advice on imposing conditions in the Planning Practice Guidance.
17. In addition to the standard timescale condition, I have imposed a condition clarifying the relevant drawings. Further information is also required of the surface water and foul drainage scheme to ensure an appropriate provision. Material samples are also required in order to protect the character and appearance of the area. Details of floor levels are required due to the uneven

nature of the site and in the interests of safeguarding the character and appearance of the area. Both the Officer's Report and the appellant's Arboricultural Report (2018) suggested a tree condition although neither provided wording. I consider a tree condition necessary to protect the mature trees in and outside the site that would be affected by the construction works.

Conclusion

18. For the reasons set out above, and having regard to all other matters raised, I conclude that the proposed development should be allowed.

L Gilbert

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the approved plans and documents: 2802/25, 2802/26, 2802/27 and 2802/11.
3. Prior to their inclusion in the works, samples of the materials to be used in the construction of the external surfaces of the house hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples.
4. Prior to the occupation of the development full details of hard landscaping works to be carried out shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used. The hard landscape works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme.
5. No development shall commence until details of surface water and foul drainage scheme to serve the development have been submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.
6. No site clearance, preparatory work or development shall take place until the tree protection measures detailed in the Arboricultural Report (November 2018) prepared by Ralph Parks Ltd, submitted as part of the application are adhered to in full. The scheme for the protection of the retained trees shall be carried out in accordance with the approved Arboricultural Report.
7. No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor of the proposed building, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.

