



Appeal Decision

Site visit made on 20 January 2020

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 February 2020

Appeal Ref: APP/X1545/W/19/3236977

Allotment gardens, South Street, Bradwell-on-Sea CM0 7QJ

- 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 & Mrs T Baker against the decision of Maldon District Council.
 - The application Ref FUL/MAL/19/00637, dated 4 June 2019, was refused by notice dated 30 July 2019.
 - The development proposed is a 3 bed detached dwelling and change of use to C3 – Revised design.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are the effect of the proposal on the character and appearance of the area including whether the proposal would preserve or enhance the character or appearance of the Bradwell-on-Sea Conservation Area (CA) and whether sufficient information has been submitted in respect of the impact upon protected species.

Reasons

Character and appearance

3. The appeal site comprises an undeveloped parcel of land sited outside the village of Bradwell-on-Sea but within the CA. The village hall and playing fields sit between the site and the southern edge of the village. I am mindful of my duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
4. The Bradwell-on-Sea Conservation Area Review and Character Appraisal (CARCA) states that the CA centres on the church of St. Thomas and extends along South Street and High Street. The village is compact and has a good combination of relatively unspoilt attractive traditional buildings, open spaces and trees.
5. In terms of traditional materials and detailing the CARCA sets out that feather-edged weather board and brick is a prevalent feature. In terms of design gambrel roofs are common in the village and additional roofscape interest is derived through narrow dormer windows and brick chimneys.

6. I acknowledge that planning permission has previously been granted for a new dwelling on the site and there is no dispute between the main parties that the principle of residential development is acceptable. However, there is a noticeable difference between what has been approved and the scheme before me and go beyond minor alterations in the form of the double gambrel roof, removal of the chimney, changes to the size and number of dormer windows and the design of the porch.
7. From my observations on site it is evident that the roofscape is an important characteristic of the CA. The double gambrel roof proposed would not be characteristic of properties in the area and would result in an unnecessarily awkward and bulky roof. It would fail to respect the design of buildings in the area and would appear as a noticeably incongruous feature within the surrounding area due to its prominent position neighbouring the village hall and playing fields.
8. I acknowledge that dormer windows are a feature of the CA. However, due to their position, just above the eaves, and their size large sections of roof are uninterrupted. In contrast the dormer windows proposed due to the overall number, size and positioning would unduly dominate the front roofscape resulting in a cluttered appearance that would undermine the traditional design of the proposed dwelling.
9. Further to the roofscape the overall size and design of the porch would be unduly prominent and would dominate the front of the proposed dwelling and would not compliment it. I also find that the lack of a chimney weakens the traditional design of the proposed dwelling and undermines the character and appearance of the CA.
10. I acknowledge that the proposal would extend development towards the village hall resulting in it being less isolated and the proposal would provide a degree of variety in the CA. However, in my view, taking all of the above into account the proposal would undermine the traditional appearance of the CA and would fail to preserve or enhance it.
11. Consequently, the proposal would be contrary to Policies S1, S8, D1, D3 and H4 of the Maldon District Local Development Plan (2017) (MDLP) which seeks, amongst other things, development to respect and enhance the character and local context and the special character of heritage assets and the historic environment.
12. In my judgement the impact on the CA would be harmful. Whilst the harm I have identified would not reach the high hurdle of substantial harm, it would result in serious harm that requires clear and convincing justification. Paragraph 196 of the National Planning Policy Framework (The Framework) states that where a development proposal would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.
13. The proposal would contribute to local housing supply and employment with the construction of a new dwelling, but these benefits would be modest. I therefore afford these benefits limited weight. Taking into consideration the points above I find that the harm to the CA would clearly outweigh the public benefits of the proposal.

Impact upon protected species

14. An Ecology Survey undertake in 2015 has been submitted in support of the application. Based on the evidence before me it appears the report did acknowledge that further surveys may be required in respect of the impact of the proposal upon Great Crested Newts nearby the site.
15. Considering the potential for protected species nearby and the undeveloped nature of the site, neighbouring playing fields and countryside, I cannot be certain that the situation in respect of protected species has not changed. Consequently, in the absence of an up to date survey I am not satisfied that sufficient evidence has been provided by the appellant to demonstrate that the proposal would not have an adverse effect on protected species. In this instance I am not satisfied that the imposition of conditions would be appropriate given the need to protect and enhance biodiversity.
16. As such, the proposal would be contrary to Policy D1 of the MDLP which, amongst other things, requires new development to make a positive contribution to the natural environment.

Other Matters

17. I acknowledge that the site lies within the 'Zones of Influences' of the Essex Estuaries Special Area of Conservation, the Blackwater Estuary Special Protection Area and Ramsar site, Dengie Special Protection Area and Ramsar site and the Crouch and Roach Estuaries SPA and Ramsar site. However, as I am dismissing the appeal on other substantive grounds it has not been necessary for me to consider this matter further.

Planning Balance

18. There is dispute between the parties as to whether or not the Council can demonstrate a deliverable five year supply of housing land. The evidence before indicates that a deliverable five year supply of housing land does exist with no credible evidence to refute it.
19. The construction of a new dwelling would make a small contribution towards housing supply. Although the site is outside the settlement boundary, it is in a location that is within a reasonable distance of a range of day-to-day services. Future occupants would be able to reach these on foot, providing them with transport choice and not an over-reliance on a car. Furthermore, permission has previously been granted for a new dwelling on site. These are all factors in the schemes favour.
20. The proposal would generate employment during the construction phase and attract Community Infrastructure Levy and Council Tax payments. The development would also not lead to overlooking or a loss of privacy and I note that no objections to the application from local residents were received. However, these are neutral factors in the balance.
21. On the other hand, I have found that the proposal would fail to preserve or enhance the character or appearance of the CA. In addition, I am not satisfied that sufficient information has been submitted in respect of the impact of the proposal upon protected species.

22. Therefore, even if the Council was unable to demonstrate a deliverable five year supply of housing land, the adverse effects of the proposal would significantly and demonstrably outweigh the benefits. The presumption in favour of sustainable development therefore does not apply in this case.

23. I conclude that the proposal conflicts with the development plan, when read as a whole. There are no other considerations that outweigh that harm. The appeal is therefore dismissed.

Conclusion

24. For the reasons set out above the appeal is dismissed.

B Thandi

INSPECTOR