
Appeal Decision

Site visit made on 12 February 2020

by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 March 2020

Appeal Ref: APP/X1545/W/19/3241448

East Cottage, Witham Road, Tolleshunt Major CM9 8JT

- 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 E King against the decision of Maldon District Council.
 - The application Ref FUL/MAL/19/00261, dated 27 February 2019, was refused by notice dated 21 May 2019.
 - The development proposed is a replacement dwelling.
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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 comprises what remains of a modest two storey dwelling situated on an irregular shaped flat parcel of land to the south of Witham Road. The area is rural in character, with a number of equally modest but contrasting dwelling types set back from and facing their respective roads.
4. The appeal scheme would replace the existing building with one considerably larger. I do not object per se to the use of design in the proposed dwelling. Multiple gable features and stepped roof profiles are not uncommon in other dwellings and suitable materials could ensure an appearance befitting of the area's rurality. It is the scale, height and land take of the proposal that gives me cause for concern and how it would subsequently appear incongruous amongst its more modest neighbours and the wider rural area more generally. The degree of additional set back from the road would offer some reduction in the overall impact but not so much that the substance of the new building could be avoided.
5. Appledene to the east of the appeal site is a sprawling building but having rooms in its roof space limits its overall height and thus presence in the street scene. There are also other larger buildings to the north east but they are set back from main road frontages and are part of a more cohesive group thereof.
6. I agree the principle of the appeal scheme is acceptable. Indeed, it would tidy up the site from its current part demolished appearance. It would also not,

given the eclectic mix of dwelling types in the wider area, be beyond the realms of possibility to have a larger one, of an individual design. However, the main problem with the appeal scheme, as I have said, is its scale, land take and height that would be prominent in the street scene and dominate its near neighbours. Put simply, it would be overly large for its context.

7. As a result, the proposed replacement dwelling would cause harm to the character and appearance of the area. This would lead to conflict with Policies S1, S8, D1 and H4 of the Local Plan¹. Along with section 12 of the Framework², these policies seek to ensure, amongst other things, that new development (replacement dwellings specifically) is of a high quality and contextually appropriate design and appearance to its setting, maintains the rural character of the district and protection is offered for the intrinsic character of the countryside.

Other Matters

8. The appeal scheme is a resubmission which has been reduced in size. It would not automatically follow however that such changes have led to the proposal before me being acceptable, for the reasons I have given. The appeal site would benefit from being tidied up and I do not doubt the existing dwelling is beyond economical repair. These are however arguments that would be more than capable of being addressed by a more appropriate replacement dwelling scheme. Additional soft landscaping would enhance the site from both a visual and biodiversity perspective. I would not go so far as to say however that such enhancements would be sufficient to justify the proposed replacement dwelling given the nature of the harm that it would cause.
9. The appeal site is, and the proposed replacement dwelling in this case would be, in close proximity to a grade II listed building. Pennybrook Cottage is a quaint rural dwelling sat to the immediate west, set back from Witham Road. It is a good quality and largely unaltered example. Its curtilage appears to extend to the south and the rear elevation overlooks an elongated rectangular site. I would be inclined to agree with my colleague in their findings on a previous scheme on the appeal site in that Pennybrook Cottage would be well separated from the appeal scheme which itself would be readily distinguishable as a modern dwelling. I am also mindful of the fact that the scheme before me would be even further away from the boundary of Pennybrook cottage than the one considered by my colleague. With these factors in mind, I would not consider that the significance of either the building or its setting would be adversely affected. Being a lack of harm, my findings on the matter of the listed building would not weigh in favour of the proposed development.

Conclusion

10. Whilst taking into account other matters that have been raised, it is for the reasons I have explained above that the appeal is dismissed.

John Morrison

INSPECTOR

¹ Maldon District Approved Local Development Plan 2014-2029 (2017)

² The National Planning Policy Framework 2019