



Appeal Decision

Site visit made on 3 February 2020

by Andre Pinto BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 April 2020

Appeal Ref: APP/X1545/W/19/3240777

Land East of Ruxley Cottage, Rectory Road, North Fambridge CM3 6NG

- 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. Friedlein from Fambridge Farm Company Ltd against the decision of Maldon District Council.
 - The application Ref FUL/MAL/19/00306, dated 9 March 2019, was refused by notice dated 21 May 2019.
 - The development proposed is removal of existing buildings and construction of 3 no. dwellings including new vehicle access, parking and amenity.
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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 located within a rural setting, on the edge of the settlement boundary of North Fambridge, at the western end of Rectory Road. To the West of the site is an area of dense vegetation adjacent to Ruxley Cottage, which backs onto a large belt of trees to the North. The area has an overall open and green feel in line with its rural character. To the East of the site is a modern housing development comprising two-storey mock Tudor detached dwellings located within generous plots.
4. The site currently comprises of a number of buildings, used for storage linked to agricultural purposes, along its southern boundary. To the rear of these buildings is an area of scrubland which opens out onto a large paddock beyond the site's northern boundary, in line with its rural setting.
5. As one travels West along Rectory Road and away from Fambridge Road, the character and appearance of the area transitions from suburban into rural. This transition is further reinforced by the road, which becomes an unmade bridleway beyond 20 Rectory Road, with established trees and hedgerows.
6. The proposal is for the erection of three detached dwellings with vehicle access to the front and private amenity space to the side and rear of the buildings. The proposed development appears to be closer in form with Ruxley Cottage than 20 Rectory Road as an attempt to respond to the rural, more open and green character of the area in which the site is located and tries to achieve this

by proposing a lower level of density than that found along the previous section of Rectory Road, up until No. 20.

7. Nevertheless, bearing in mind the size and location of the plot, as well as the scale and use of the proposed development, the proposal would significantly undermine the open character of the area. Although at present the appeal site is not an open field, it does provide fairly unobstructed views into the paddock and large open land behind it, respecting the rural character of the area.
8. Considering the extent of development proposed and the spacing between the proposed dwellings, the scheme would represent a form of development that would be more in keeping with a suburban environment. The development would also obscure the panoramic views to the North of the bridleway eroding the open and green rural character of the area. Furthermore, the development would also affect the detached location of Ruxley Cottage, becoming, in effect, an extension of the suburban character of Rectory Road.
9. The proposal would therefore harm the character and appearance of the area. Consequently, it would be contrary to Policy S1 aimed at supporting sustainable development, Policy S8 which seeks to protect the countryside, Policy D1 which promotes high design quality in the built environment and Policy H4 on the effective use of land of the Maldon District Local Development Plan (2017), the Maldon District Design Guide (2017) and the National Planning Policy Framework.

Other Matters

10. My attention has been drawn to other appeals within the wider area of North Fambridge where development outside of a settlement boundary has been allowed. I am not fully aware of the details or particular circumstances of these other appeals, but I do note that, where development was allowed, it seems to be well connected to existing settlements and in line with the character and appearance of the area. In any case, I must determine the proposal before me on its own merits and for the reasons stated and I consider the proposed development to be harmful. I have, nonetheless, taken such existing development into account when making my assessment of the proposal's effects on the character and appearance of the area.
11. In reaching my decision I have had regard to the fact that the proposed development would add to the supply and mix of housing in the area and support the Government's objective of significantly boosting the supply of homes. I am also mindful that the construction of the development would generate economic benefits, through creating employment, and other benefits to the local economy. However, as any such public benefits would be very modest given the small scale of the development, these would be substantially outweighed by the relatively significant harm arising from the proposal and the conflict with the development plan identified above.

Conclusion

12. For the reasons given above, I conclude the appeal should be dismissed.

Andre Pinto

INSPECTOR