The Planning Inspectorate

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: 12 May 2020

Appeal Ref: APP/X1545/W/19/3240234
Land adjacent to 65 Queen Street, Southminster, Essex

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Ms D Payne against the decision of Maldon District Council.
- The application Ref OUT/MAL/19/00755, dated 30 June 2019, was refused by notice dated 16 September 2019.
- The development proposed is a new 2 bed, 2 storey residential dwelling.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal is for outline planning permission with all matters reserved for future approval. The details submitted with the application include Location Block and Site Plans (65QS/G/100 Rev.A), Proposed Plans (65QS/G/101 Rev.A), Proposed Elevations (65QS/G/102 Rev.A) and the Design and Access Statement (undated). Whilst not formally part of the scheme, I have considered these as a useful guide as to how the site might be developed.

3. As an address for the appeal site was not provided on the outline application form, and in the absence of an agreed address between both parties, I have adopted the address included in the appeal form as it provides a clear description of the site's location.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

5. The appeal site is located in a predominantly residential area, within the settlement boundary of Southminster, characterised by a mixture of detached and semi-detached houses, the majority of which are one to two-storey dwellings and set back from the road. For these reasons, despite the mixture of architectural styles and development from different periods, the area has a harmonious feel. There is also no consistent building line along this section of Queen Street, which, alongside the architectural mix of the area, contributes to defining its character.

6. The proposal is for the development of a two bed, two storey detached house to sit on a plot currently occupied by a shed used for storage purposes. The

piece of grassland subject of this appeal runs parallel to Queen Street on one side and, on the other, a road which provides vehicular and pedestrian access to the properties of 49-63 Queen Street.

7. The site is in a fairly prominent location, running adjacent and parallel to the main road and greatly unscreened from the main road. As the site is long but not very deep, any development would be particularly exposed and visible from the road, therefore increasing its prominence and visibility.

8. There are examples within the area where development has been accommodated in similar locations along the same road, with both parties drawing a comparison with the development at land west of 67 Queen Street. While the proportion of land developed in relation to the size of the plot may be similar, the appeal site is more exposed and open to direct views from the road, which would affect how development would be perceived and its impact on the streetscene.

9. The proposal is in outline with all matters reserved for future consideration. Nonetheless, the appeal scheme is described as a two bed two storey dwelling, which gives a clear feel for the scale and type of development for which planning permission is sought. Moreover, the illustrative drawings and the Design and Access Statement (undated) submitted give an indication of how the appellant intends to develop the site.

10. With these considerations in mind and given the constraining size, form and location of the plot, a two storey dwelling would be likely to create a significantly denser, visually imposing form of development that would be out of place in this section of the street and, therefore, have a detrimental effect on the character and appearance of the area.

11. This would be compounded by the site's relative prominence in the streetscene and, by not being very deep, a two storey development would be easily perceived from the main road. Furthermore, it would fail to reflect the lesser dense, greener, more open appearance of other dwellings in the immediate surroundings of the appeal site, notably 48 Queen Street, located on the opposite side of the road.

12. I therefore conclude that the proposal would cause harm to the character and appearance of the surrounding area and consequently, in that regard, would be in conflict with Policies D1 and H4 of the Maldon District Local Development Plan, which aim to ensure that development respects and enhances the character and local context of an area and that development is design led and optimise use of land, and the National Planning Policy Framework (The Framework).

Other Matters

13. The appeal site falls within the "Zone of Influence" for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (Essex Coast RAMS).

14. It is anticipated that, without mitigation, new residential developments in this area and of this scale could have a significant effect on the sensitive interest features of these European designated sites, through increased recreational pressure, particularly when considered 'in combination' with other plans and projects.

15. Therefore, by virtue of its protected status, an Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017 (CHSR) would be required were I minded to allow the appeal. Nevertheless, considering that the appeal is to be dismissed on other issues mentioned in this decision, no further consideration is required on this matter.

16. I note concerns raised regarding the alignment of the site boundary shown in the Outline Drawing as well as in respect to the highway safety. However, these matters have not altered my overall decision.

Conclusion

17. For the reasons above, I conclude that the appeal should be dismissed.

Andre Pinto

INSPECTOR