



Appeal Decision

Site visit made on 29 June 2020

by M Heron BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 August 2020

Appeal Ref: APP/X1545/D/19/3242092

Old Vicarage, Southminster Road, Burnham-On-Crouch CM0 8QG

- 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 and Mrs Spring against the decision of Maldon District Council.
 - The application Ref HOUSE/MAL/19/00840, dated 2 August 2019, was refused by notice dated 27 September 2019.
 - The development proposed is the erection of an indoor swimming pool and garaging within the grounds of the Old Vicarage.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of an indoor swimming pool and garaging within the grounds of the Old Vicarage at the Old Vicarage, Southminster Road, Burnham-On-Crouch CM0 8QG, in accordance with the application Ref. HOUSE/MAL/19/00840, dated 2 August 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1560 01 c, 1560 02 g and 1560 03b.
 - 3) There shall be no discharge of surface water from the development onto the highway.
 - 4) No development shall commence until detailed specifications or samples of the materials to be used for the roof shingles, roof tiles and timber cladding for the buildings hereby granted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 5) Within 3 months following the date of this decision a timetable for the demolition of the outbuildings shown to be removed on drawing 1560 02 g shall be submitted to and approved in writing by the Council. Development shall be carried out in accordance with the approved details.

Preliminary Matter

2. The description of development given in my formal decision omits some of the text from the description provided on the planning application form. The

omitted text gives the address of the appeal site, and as such it does not describe acts of development.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area, with particular regard to whether or not it would preserve the setting of the listed building known as the Old Vicarage.

Reasons

4. The appeal site comprises a large, detached, residential property known as the Old Vicarage. This is a Grade II listed building and I therefore have a statutory duty to have special regard to the desirability of preserving its setting. The significance of this designated heritage asset appears to be derived from its association with a notable historical figure (Rev. Alexander Scott) and from interesting external architectural detailing and internal joinery. Overall, it is a well-preserved example of a Georgian vicarage. The appeal property is set in generous grounds which accommodate a number of single storey outbuildings as well as established trees. The surrounding area is rural, and it is in this context that the Old Vicarage's setting is experienced.
5. This proposal seeks permission to construct two detached outbuildings to the rear of the Old Vicarage, one would be for an indoor swimming pool and the other would be used for garaging. It follows the refusal of an application¹ for the demolition of existing outbuildings and the erection of an indoor swimming pool, garaging and home office at the site.
6. The proposal would increase the footprint of built development at the appeal site. Nevertheless, it would result in the removal of a number of existing outbuildings which are scattered throughout it. None of these have any architectural or historic merit and some are positioned within close proximity of the heritage asset. Not only would their removal be acceptable and allow for a better appreciation of the Old Vicarage from certain vantage points within the site, but it would also reduce the urbanising impact of the spread of outbuildings within its garden. The removal of the existing outbuildings could be suitably managed through the imposition of an appropriately worded condition. Such a condition is also necessary as the proposal, built in conjunction with existing outbuildings, would unacceptably 'clutter' the garden of the Old Vicarage.
7. In addition, the proposed outbuildings would not be excessive in height and they would be a sufficient distance away from the Old Vicarage. Overall, their scale and positioning would ensure that they did not unduly dominate the substantial garden. Neither would they inappropriately compete with the Old Vicarage in a visual sense. Furthermore, any views of the proposed buildings from the public domain would be limited given the existence of established trees and hedges along the site's boundaries.
8. The number of proposed outbuildings has been decreased compared to the previously refused development at the site and the pool house would be sited further away from the Old Vicarage. Taking this, and all of the above into account, the proposed outbuildings, when viewed individually or cumulatively, would not unduly urbanise or dominate the garden and would not markedly

¹ 19/00317/HOUSE

erode the rural character of the area. This is so even when they are considered in the context of the retained annex. The scheme would therefore not harm the setting of the designated heritage asset. In reaching this view, I am also mindful that the Council's Conservation Officer has raised no objection to this development.

9. For the reasons given, I conclude that the proposal would not harm the character and appearance of the area and would preserve the setting of the listed building known as the Old Vicarage. It would therefore accord with Policies D1, S8 and H4 of the Maldon District Approved Local Development Plan. Amongst other things, these seek to ensure that developments are of an appropriate scale and design, protect the landscape value of the countryside and respect the character and local context of areas, including the historic environment. The proposal would also accord with the National Planning Policy Framework insofar as it seeks to protect and enhance our natural and built environment and conserve heritage assets in a manner appropriate to their significance.

Conditions

10. I have considered the conditions put forward by the Council. Having regard to the tests set out in paragraph 55 of the Framework, I have amended the wording where necessary in the interests of clarity and simplicity. In addition to the standard time limit, a condition specifying the plans is required in the interests of certainty. A condition preventing the discharge of surface water onto the highway is necessary in the interest of highway safety.
11. I have imposed a condition requiring the submission of specifications or samples of the materials to be used for roof shingles, roof tiles and timber cladding prior to the construction of the buildings. The appellant has agreed to this pre-commencement condition. In addition, I have imposed a condition requesting the agreement of a timetable for the removal of existing outbuildings. Both of these are necessary in the interest of the character and appearance of the area and the setting of the listed building.

Conclusion

12. For the reasons set out above, the appeal scheme would adhere to the development plan and there are no other considerations which outweigh this finding. Accordingly, the appeal should be allowed.

M Heron

INSPECTOR