
Appeal Decision

Site visit made on 20 October 2020

By H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2020

Appeal Ref: APP/X1545/D/20/3254866

Kinvara Manor, Lodge Road, Hazeleigh, MALDON, CM9 6SL

- 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 P O'Connor (Admiral Properties Ltd) against the decision of Maldon District Council.
 - The application Ref. HOUSE/MAL/20/00333, dated 20 March 2020, was refused by notice dated 21 May 2020.
 - The development proposed is altered vehicular access and replacement garage.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The town address is given as 'Hazeleigh' on the planning application form and 'Woodham Mortimer' on the appeal form. As the former is also on the Council's decision notice and other supporting documents I have used this address in the above heading.
3. As part of this appeal a revised 'Proposed Site Plan' (drawing no. 10976 G03C) was submitted as an update following the removal of some trees at the site. The siting of the proposed building is unaltered on the plan so I do not consider that any party would be prejudiced by the acceptance of this revised plan, and I have therefore taken it into account in the determination of the appeal.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal property is a distinctive period-style house located in a prominent position in the landscape as a result of the elevated site levels. Development along Lodge Road is sporadic, but is generally characterised by large detached dwellings with outbuildings, set within generous grounds.
6. There is an existing garage at the appeal site with a mansard roof providing first-floor accommodation. I share the appellant's view that the design of the existing garage is not in keeping with the appearance of the main dwelling. The house and existing garage are elevated above the road and therefore both are

notable features in the street scene, but the visual impact of the garage is softened by its position set back into the site and its narrowest span being presented to the road.

7. The traditionally designed appeal building incorporates detailing more appropriate to the setting, but I do not share the appellant's view that it would be of an appropriate scale and have a subservient relationship with the host house. The size, scale and siting of the proposal would result in an unacceptably dominant building that would detract from the rural area. Its proximity to the front boundary and the extent of the roadside elevation¹ would create an intrusive feature in the street scene, and its height, size, scale, form, massing and proportion would fail to respect and enhance the character and local context as required by Policy D1 of the Maldon District Approved Local Development Plan 2014 – 2029 (2017) (LP).
8. The building has been sited to avoid any impact on the high quality trees to the north east of the house and the copse beyond the northern boundary, to retain a verdant setting for the dwelling. However, despite the screening that trees would afford from some viewpoints, I do not agree with the appellant's assessment that, at best, the roof of the building will only be apparent in close views at the access to the house, particularly as the roadside planting closest to the proposed building is barely at fence height. The roadside screening would be insufficient to soften the impact of a building with a minimum ridge height of 6m, and it would not be mitigated by the design merits of the proposal. I appreciate that the proposals have been designed to address a previously refused application², but it does not automatically follow that the changes have resulted in a development that is acceptable in its own right.
9. The appellant advises that it is not uncommon for country homes of this size to have sizeable outbuildings, and has identified large outbuildings to dwellings in the locality. However, none appear to be either as large in footprint and/or height, or as prominently sited, as proposed in this case. The majority appear to be set back from the roadside and oriented to minimise the visual impact on the street scene. The examples cited by the appellant do not support a development of the size and siting proposed.
10. The appellant queries the relevance of LP Policy H4, and I share this view as the policy does not refer to domestic outbuildings. However, the proposal would nevertheless conflict with other policies, including LP Policy S8, which states that outside of the defined settlement boundaries planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon.
11. There is no objection to the alterations to the vehicular access and entrance walls, but as shown on the submitted plans they are not functionally severable from the site alterations surrounding the new building, and as such I am unable to determine them separately.
12. I therefore conclude that the excessive size and elevated, prominent siting of the proposed building would detract from the character and appearance of the rural area, contrary to LP Policies D1 and S8, and S1 which emphasises the

¹ Dimensioned as 15.1m on the submitted floor plan. The appeal statement confirms that the ridge height would vary between 6m and 7.1m.

² 20/00001/HOUSE - altered vehicular access and replacement garage – refused 3 March 2020.

importance of high quality design in all developments and seeks to maintain the rural character of the District. Whilst the site may not be within a protected area³, the development would result in demonstrable harm to the countryside setting, and would conflict with the environmental objective to contribute to protecting and enhancing the natural environment set out in the National Planning Policy Framework.

Conclusion

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

H Lock

INSPECTOR

³ As set out at footnote 6 to paragraph 11 d) i of the National Planning Policy Framework