



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: 16 November 2020

Appeal Ref: APP/X1545/W/20/3244416

East Cottage, Witham Road, Tolleshunt Major, MALDON, 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/19/01016, dated 18 September 2019, was refused by notice dated 27 November 2019.
 - The development proposed is replacement dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal site is located within a ribbon of dwellings in a rural area, and this housing group varies in terms of design, scale, form and siting. A two-storey dwelling in a state of disrepair sits close to the road, and is prominent in the street scene as a result of its siting but also its poor condition. With the exception of a metal container, outbuildings referred to in the appellant's statements appear to have been removed.
4. There is no objection in principle to the replacement of the existing building. The new dwelling would be set back further into the site, and this would be more consistent with the street scene, but would also allow improved access and on-site turning space. Whilst I note the Council's view that the exaggerated roof profile would exacerbate the overall bulk of the proposed dwelling, I consider that in principle the proposed form, with single-storey eaves and rooms in the roofspace, would be appropriate in its context. However, the proposed footprint, width and depth of the building would be significant, and would result in a far more imposing building than the compact property that would be replaced. This would conflict with Maldon Local Plan¹ (LP) Policy H4, which amongst other criteria requires a replacement dwelling to be of a design and scale appropriate to the plot and its setting.

¹ Maldon District Approved Local Development Plan 2014 – 2029, July 2017

5. The architectural style and detailed design of the proposal would accord with the aims of LP Policy D1. However, the significant depth and width would be perceived from Witham Road and in views across open fields from the road to the west; the existing building is visible and the scale and bulk of the new building would also be notable in the wider landscape. Overall, the size, scale, massing and proportion of the building would fail to respect and enhance the character and local context, which are also required by LP Policy D1.
6. An appeal for an alternative replacement dwelling was dismissed in March 2020². The dwelling was a two-storey property, and the Inspector raised particular concerns about its scale, height and land take, considering that it would appear incongruous amongst its more modest neighbours and the wider rural area. The proposed reduction in eaves and ridge height and the inclusion of rooms in the roofspace has materially reduced the scale and height of the building compared to the appeal scheme, and indeed it would be lower in height than the building to be demolished. However, the proposed width and shallowest depth would be significantly greater than the existing dwelling, and the same as that dismissed at appeal. The deepest elevation has increased by over 4m. This increases the 'land take' and would result in an excessively deep building that would appear overly large given the scale of neighbouring buildings.
7. I note the appellant's view that the existing dwelling is nondescript and outdated, and that the proposal would improve the immediate countryside setting. I am mindful that it is already a visually prominent feature in the streetscene, but whilst architecturally simple, it is of traditional scale and proportions, and were it not for its condition it would not appear incongruous in its setting. Placing the proposed dwelling further back into the site would not mitigate its scale, and existing and additional planting at the roadside and in the front garden would not be sufficient to reduce the visual impact of the building in the streetscene or the wider area.
8. The appellant has drawn attention to some large dwellings within the locality, but the proposal will be seen more in the context of this part of Witham Road, which comprises more modest properties.
9. I appreciate the appellant's family need for the level of accommodation proposed in order to meet modern living expectations but this would be at the expense of the character and appearance of the area, and would not be an argument of such weight to justify the proposal. The contribution that the proposal would make to housing in the District is noted, but this would not only be secured in a dwelling of the size and scale proposed.
10. I conclude that the proposal would detract from the character and appearance of the area, in conflict with the design aims set out in the National Planning Policy Framework and LP Policies D1, H4, and S1 (5), and with LP Policy S8, which seeks to protect the intrinsic character and beauty of the countryside.

Other Matters

11. The appeal site is next to a Grade II listed building. Having regard to the separation distance between the listed dwelling and the proposal, I am satisfied

² APP/X1545/W/19/3241448 – replacement dwelling – dismissed 2 March 2020

that it would not cause harm to the setting of the listed building, or conflict with the requirements of chapter 16 of the Framework and LP Policy D3.

12. The appeal site has a contrived notional boundary to avoid siting the development beyond land in Flood Zone 1. I note the Council's view that the proposed dining room doors would open onto land not part of the application site. Whilst this is not a reason to dismiss the appeal, it is indicative of the excessive scale of the development within the appeal site, and supports my conclusions on the main issue.

Conclusion

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

H Lock

INSPECTOR