



Appeal Decision

Site visit made on 21 June 2021

by Nick Palmer BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 July 2021

Appeal Ref: APP/X1545/W/20/3258926

Land adjacent 1 Poplar Grove Chase, Great Totham, Maldon CM9 8NX

- 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 Mrs A Goodson against the decision of Maldon District Council.
 - The application Ref FUL/MAL/20/00043, dated 7 January 2020, was refused by notice dated 20 March 2020.
 - The development proposed is a two-bed dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a two-bed dwelling at land adjacent 1 Poplar Grove Chase, Great Totham, Maldon CM9 8NX in accordance with the terms of the application, Ref FUL/MAL/20/00043, dated 7 January 2020, subject to the conditions set out in the attached schedule.

Main Issues

2. From the Council's decision and the officer's report, the main issues in the appeal are:
 - i) the effect of the proposal on the character and appearance of the area;
 - ii) its accessibility to services and facilities; and
 - iii) its effect on European designated habitats.

Reasons

Character and Appearance

3. The site is within a group of dwellings in the countryside. There is linear development which extends for some distance along the eastern side of Broad Street Green Road. There is also a row of dwellings along Poplar Grove Chase which is to the west of that road. The site is on the corner of those two roads and forms part of the garden to the host property. It is outside the settlement boundaries as defined in the development plan.
4. Although there is a significant amount of development in the locality, the frontage to Broad Street Green Road is verdant in character. There is a high hedge along the frontage of the site, which extends around the corner onto Poplar Grove Chase.

5. The houses along Broad Street Green Road are informally sited, being set back from the road by varying distances. There are two pairs of semi-detached houses opposite the site which are close to the road frontage whereas other more recent detached houses are set back on that side of the road. On the same side as the appeal site there is a detached house which is close to the road and a pair of semi-detached houses that are set back.
6. The proposed dwelling would project forward of the side elevation of the host dwelling and the adjacent semi-detached houses, but it would not be as far forward as the nearby detached house. Because the dwelling would be set back from the road frontage and behind a high hedge it would not be unduly prominent or intrusive in the street scene. The established pattern of development in the area includes buildings that are quite close to the road frontage, and the proposal would not be out of character in this respect.
7. The appearance and proportions of the dwelling would be similar to other recently built houses along Poplar Grove Chase. Although it would be slightly forward of numbers 1 and 2, it would be similarly sited to the other dwellings. For these reasons, the proposal would be in keeping with the existing development on Poplar Grove Chase.
8. Although it would differ from its semi-detached neighbours in terms of being detached, this makes no difference to my finding. Neither does the location of the proposed front door on the side elevation of the proposal.
9. For these reasons, the proposal would accord with Policies D1 and H4 of the Local Development Plan¹ (LDP) which require development to respect and enhance the character and local context and to optimise of the use of land having regard to the density of the area. It would accord with Policy S1 of the LDP which requires high quality design and maintenance of rural character.
10. The development does not accord with Policy S8 of the LDP which restricts development outside settlement boundaries. However, the Council advises that it cannot demonstrate a five year supply of deliverable housing sites and that at December 2020 the supply was 4.9 years. On this basis Policy S8, which is a policy that is most important for determining the application, is out-of-date. On this basis I give limited weight to the conflict with that policy.
11. For the reasons given, the proposal would not harm the character and appearance of the area.

Accessibility

12. There are bus stops on both sides of Broad Street Green Road, with a footpath along the eastern side of the road. There is no footpath on the western side of the road, but the bus stop on that side is easily and safely accessible from Poplar Grove Chase via the eastern footpath. Heybridge is about 600 metres to the south of the site, and has a range of services and facilities, including retail and education facilities, with employment opportunities and good public transport links. Occupiers of the proposed dwelling would be able to access services and facilities by means of public transport.
13. The National Planning Policy Framework (the Framework) states that opportunities to maximise sustainable transport solutions will vary between

¹ Maldon District Local Development Plan 2014-2029 (2017)

urban and rural areas. For the reasons given, the proposal would have a reasonably good level of accessibility to services and facilities by sustainable means and it would accord with Policy S1 of the LDP which seeks to prioritise sustainable modes of transport.

Effect on Habitats

14. The basis for the Council's second reason for refusal is that a financial contribution equivalent to that which would be secured under the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) had not been secured. A signed Unilateral Undertaking has been submitted with the appeal which secures a contribution.
15. Natural England has advised that the site falls within a zone of influence for European designated habitats. New residential development considered alone or in combination is likely to significantly affect the European sites through increased recreational pressure. The financial contributions secured by means of the RAMS will be used to fund mitigation measures. This ensures that development does not adversely affect the integrity of the European sites.
16. I conclude that, as the requisite contribution has been secured, the proposal would not adversely affect the integrity of European designated habitats. The proposal would protect the natural environment and would help to deliver net biodiversity gain as required by Policies S1, D1, N1 and N2 of the LDP.

Planning Balance

17. I have found that Policy S8 of the LDP is out-of-date and on this basis, paragraph 11(d) of the Framework is engaged. This states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
18. The proposal would be of social and economic benefit by contributing to housing supply in the context of a shortfall. It would provide a small dwelling for which there is an identified need in the area. The occupiers would contribute to the local economy and employment would be generated during construction. The scale of these benefits would be limited, however, given the limited scale of the proposal.
19. I give limited weight to these benefits. For the reasons given above, there would be no adverse impact that would significantly and demonstrably outweigh that limited weight.
20. A previous proposal for two dwellings on the appeal site was dismissed on appeal² but in that appeal the planning policies were not found to be out-of-date. In addition, that scheme was for a greater amount of development and was materially different to this proposal.

Conditions

21. I have imposed the conditions suggested by the Council with two exceptions as set out below. I have made changes to the wording of the conditions where appropriate to ensure that the tests as set out in the Framework are met.

² APP/X1545/W/18/3196652

22. It is necessary to specify the approved plans to provide certainty. I have required details of external facing materials to be submitted to the Council for approval as details are not included on the application form or plan. These details together with details of landscaping are required to be approved to ensure the appearance of the development is acceptable.
23. It is also necessary to approve details of foul and surface water drainage to ensure that the drainage systems are adequate, and that localised flooding is avoided. I have not included the detailed matters referred to in the suggested condition for surface water drainage because these matters are advisory rather than precise requirements and for these reasons would not meet the test of precision.
24. A condition requiring construction traffic to park within the site is necessary to avoid obstruction to the highway.
25. I have not imposed the suggested conditions that would restrict permitted development rights for extensions, outbuildings and dormer windows, because these restrictions have not been justified and the conditions would not meet the tests of reasonableness or necessity.

Conclusion

26. For the reasons given I conclude that the appeal should be allowed.

Nick Palmer

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 6022/SK04 and GPG-01B.
- 3) No development shall take place above ground level until details of all external facing materials have been submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details and retained thereafter.
- 4) Prior to occupation of the dwelling hereby approved, full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. The details shall include, as appropriate:
 - i) proposed finished levels contours;
 - ii) hard surfacing materials; and
 - iii) planting details.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of the development. If within a period of five years from the date of the planting of any tree or plant, it is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species or size as that originally planted shall be planted in the same place.

The hard landscape works shall be carried out as approved prior to the first occupation of the development hereby approved.
- 5) No development shall take place above ground level until details of drainage schemes for foul and surface water have been submitted to and approved in writing by the local planning authority. The approved schemes shall be implemented before the dwelling is occupied.
- 6) All loading/unloading/reception and storage of building materials and the manoeuvring of all vehicles, including construction traffic shall be undertaken within the application site and clear of the highway.