
Appeal Decision

Site Visit made on 24 August 2021

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 September 2021

Appeal Ref: APP/X1545/W/21/3269366

St Andrews Bungalow, Maldon Road, Latchingdon, CM3 6LG

- 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 Robottom against the decision of Maldon District Council.
 - The application Ref FUL/MAL/20/00584, dated 10 June 2020, was refused by notice dated 19 August 2020.
 - The development proposed is for the demolition of the existing bungalow and the erection of replacement dwelling and garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The revised National Planning Policy Framework (the Framework) was published on 20 July 2021. Both parties have been consulted in relation to the revised Framework. As such, I have had regard to it in my consideration of this appeal.
3. The evidence¹ before me indicates that the Council can only demonstrate a 3.26 year supply of deliverable housing sites. Framework footnote 8, explains that in such circumstances, where a proposal involves the provision of housing, paragraph 11d of the Framework is engaged. I have considered the appeal on this basis and shall return to this matter below.

Main Issue

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

Reasons

5. The appeal site is located on the western side of Maldon Road and is accessed via a private road. The site is located to the rear of Park House which is a residential property fronting Maldon Road. The site currently comprises a relatively small single storey dwelling and associated garden.
6. The existing character on the western side of Maldon Road, in the vicinity of the appeal site, predominantly comprises residential properties, with some variation in architectural style, layout and orientation. However, whilst there is some variation in character, the majority of the dwellings are either single storey or are 1.5 storey chalet style properties. To this extent there is

¹ Maldon District Council – Five Year Housing Land Supply Statement 2020/21 up to 31st March 2021

- uniformity in character and appearance. There are some examples of two storey dwellings nearby. However, these are sporadic and run counter to the prevailing character.
7. The proposed development includes the demolition of the existing detached bungalow and erection of a two-storey dwelling. The proposed elevation facing Maldon Road would have two projecting wings with front facing gables. These wings would clearly present as two-storey elements of the proposal, with windows proposed at first floor level, set below the eaves. The central section of the dwelling would incorporate dormer windows set within the eaves. This dormer design, combined with the relatively high ground to eaves height and the two full height projecting elements, would result in a two-storey appearance. This appearance would jar with the predominant appearance of residential development on this side of Maldon Road.
 8. Whilst the appeal site is separated from Maldon Road by the neighbouring plot of Park House, the proposed development would be clearly visible above the neighbouring single-storey detached garage and through the existing gap of the access road. As such, the visual harm of the proposed development would be clearly apparent in the street scene. Neither the existing nor the proposed planting would sufficiently mitigate this visual impact.
 9. Both parties have made representations in relation to the proposed dormer windows, which would be set within the eaves. Representations include references to the dormer windows of Hazelmere, which is a nearby residential property. However, it is not the design of the dormer windows, in isolation, which would cause the visual harm. The harm would be caused by their effect in combination with the height to the eaves and the two storey projecting wings, which overall, results in a two-storey appearance.
 10. Both parties have made relatively extensive representations in relation to the character of the adjacent neighbouring dwelling at Park House on Maldon Road. Park House is a recently constructed² chalet style dwelling, which is 1.5 storeys when viewed from Maldon Road. Park House is one of the more prominent buildings on this side of Maldon Road. Whilst the ridge height is similar to the proposed development, the design of the dwelling differs significantly. When viewed from the front, Park House incorporates a larger roof plain across the majority of its frontage, with the exception of a two-storey wing. This results in a predominantly single storey eaves height, such that the dwelling has a chalet style. I accept that from the side and rear, Park House has less of a chalet style appearance, with these elevations slightly more dominant. But overall, particularly when viewed from Maldon Road, Park House, has a 1.5 storey chalet-style appearance. The proposed development would therefore not reflect the character of this neighbouring dwelling.
 11. The appellant has provided examples of other development within the wider surrounding area, which he considers contribute to the prevailing character. These include, the nearby industrial estate, a property at Hazelmere, two storey development at Thatchers Croft and other development in depth further afield. Whilst I acknowledge that these developments make up the character of the wider surrounding area, the character of the area in the vicinity of the appeal site is far more uniform in terms of appearance and scale. As such,

² Council planning permission reference: FUL/MAL/18/00514

these considerations do not alter my conclusions in relation to the visual harm caused by the proposed development.

12. The proposed development would be harmful to the character and appearance of the surrounding area. As such, it would conflict with Local Plan³ Policy D1, which requires that development respects and enhances local character. There would also be a conflict with Local Plan Policy H4, which requires that replacement dwellings are of a design which is appropriate to their setting.

Other Matters and Planning Balance

13. The appellant has referred in broad terms to permitted development rights under the Town and Country (General Permitted Development) Order 1995 (as amended) (GPDO). The appellant asserts that permitted development rights exist to convert the existing single storey dwelling into a two-storey property. However, the appellant has not referred to any particular part of the GPDO and has acknowledged that such rights would require the prior approval of the Council. There is no evidence before me to indicate that prior approval has been granted. As such, I cannot conclude that there is a realistic prospect of such development being implemented. For this reason, this consideration carries little weight.
14. Given that there are no relevant Framework policies which direct refusal within the terms of Framework paragraph 11d(i), Paragraph 11d(ii) is engaged. As such, 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 taken as a whole.
15. I have already identified the adverse impacts of the development with regard to the harm to the character and appearance of the surrounding area and I afford substantial weight to this harm. Within this context, Local Plan Policies D1 and H4 can be afforded substantial weight, even in the context of a HLS shortfall. This is because residential development in the District is capable of according with these policies without there being a significant constraining effect on the supply of housing. Furthermore, the aims of these policies are consistent with Framework paragraph 130, which states in part that planning policies should ensure that developments are sympathetic to local character and function well with the overall quality of the area.
16. In terms of the benefits, the development would provide a new dwelling but there would be no net increase in housing supply, given that the existing dwelling would be replaced. The appellant indicates that the existing dwelling is in need of refurbishment and repair. However, there is no indication that the existing dwelling is vacant. I therefore give limited weight to the benefits associated with its replacement.
17. There would also be social and economic benefits associated with the construction of the development. Albeit these would be temporary. It is unlikely that there would be any increase in support for local services given that a dwelling already exists on the site and the increase in population is likely to be negligible in this regard. As such, I attribute moderate weight to these benefits.
18. It is also likely that the new dwelling would result in some environmental benefits, in terms of improved water usage and energy efficiency. However,

³ Maldon District Approved Local Development Plan 2014-2029

there is no evidence before me to quantify such benefits or compare the efficiency of the proposed dwelling with the existing dwelling. As such these benefits can only be afforded moderate weight.

19. The appellant also suggests that the proposed dwelling would be of a high quality and beautiful design, which he asserts would be consistent with the aims of Framework Paragraph 130. However, given my findings in relation to the harm, I do not consider that the proposed development would accord with the provisions of Paragraph 130. As such, the design of the dwelling would not be a benefit of the proposed development.
20. The extent to which the site is accessible to services and facilities is a neutral factor, given that all new residential development should provide good access to services and facilities.
21. In summary, the proposed development would result in a significant adverse visual impact upon the character and appearance of the appeal site and surrounding area. The adverse impacts of the development, to which I afford substantial weight, would significantly and demonstrably outweigh the moderate benefits of the development, when assessed against the framework as a whole.

Conclusion

22. For the reasons given above, the proposed development would conflict with the development plan taken as a whole. Having taken into account all other matters raised, including the provisions of the Framework, I conclude that the appeal should be dismissed.

Luke Simpson

INSPECTOR