



Appeal Decision

Site visit made on 9 March 2022

By Terrence Kemmann-Lane JP DipTP FRTPI MCMi

an Inspector appointed by the Secretary of State

Decision date: 24th March 2022

Appeal Ref: APP/X1545/D/21/3286092

Lawndale, Church Lane, Stow Maries, CM3 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 Ben Riglin against the decision of Maldon District Council.
 - The application Ref. FUL/MAL/21/00409 dated 14 April 2021, was refused by notice dated 21 July 2021.
 - The development proposed is the erection of a 2-bay wide cart lodge with log store to the north end and a single storey pitched roof building attached to the south side to be used as a home office and storage building for outdoor furniture and play equipment.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a 2-bay wide cart lodge with log store to the north end and a single storey pitched roof building attached to the south side to be used as a home office and storage building for outdoor furniture and play equipment at Lawndale, Church Lane, Stow Maries, CM3 6SL, in accordance with the terms of the application, Ref FUL/MAL/21/00409, dated 14 April 2021, subject to the following 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 complete accordance with approved drawings entitled Proposed plot plan; Floor plan; Elevation drawing cart lodge outbuilding; Elevations with sizes; and Roof plan.
 - 3) No development shall take place above foundation level until precise details of the external finishing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and be retained as such in perpetuity.
 - 4) Prior to any works commencing, the existing hedgerows and trees within the application site shall be protected, and this protection kept in place during the construction of the development in accordance with a Tree Protection Plan that shall have been submitted to and approved by the local planning authority in writing. The development shall then be implemented in accordance with the approved details.

Main Issues

2. The main issues in this case are: i) the effect of the proposed development on the character and appearance of the street scene in terms of prominence, bulk and scale; ii) the effect of any impact on trees that contribute to the character of the area.

Reasons

3. The proposed cartlodge is sited at the end of what is effectively the front garden of Lawndale, a 2-storey house located at the end of a short private drive that is accessed from Church Lane. Lawndale is immediately adjacent to and backing onto The Street, the main road within Stow Maries. The surrounding area is predominantly residential. To the north-east of the appeal site there is an adjoining field, and to the south-east, on the other side of the private drive are bungalows that front onto Church Lane.
4. The appeal property and its 2 neighbours to the south-west have their backs to The Street, and front onto the private drive. The boundary of Lawndale and its 2 neighbours with The Street is marked by well-established hedging and trees with the result that it is only the upper parts of these houses that are seen from the main road. The appeal proposal will not be seen from The Street and, due to the number of trees on the site, and the nature of the private drive, there would be no impact on the character and appearance of either The Street or Church Lane. Nor do I consider that, subject to the use of suitable materials, the proposed development would have any material impact on the outlook of the other users of the private drive.
5. Immediately to the south-west of the home office/storage part of the proposal, there is a small electricity sub-station with footpath access from the front garden of the house. This sub-station is set within bushy trees, as is most of the exterior boundary of the site of the proposal.
6. The existing trees on site have an importance in screening the proposal, in addition to their value in establishing the urban boundary with the countryside and their role in protecting the landscape value and intrinsic character and beauty of the countryside. Their future retention and health is therefore a matter of concern. From what I saw at my site visit, the site of the proposed development is currently a largely open area with some brambles and weeds. The trees surrounding the appeal proposal are not large and should not necessarily be impacted by the building. Nevertheless, their role in both providing some screening and marking the boundary with the open fields means that they should be safeguarded.

Conclusions

7. I have taken account of all matters raised, including the concern of the parish council that a turning circle at the end of the private drive, said to be intended as a facility shared with the neighbours to the south-west, has been incorporated into the curtilage of Lawndale. That is a civil matter that does not impinge on the planning issues raised. I conclude that the proposed development will not have any harmful effect on the character and appearance of the street scene, and that its bulk and scale would not be such as to lead to prominence. The safeguarding of the trees that do contribute to the character

of the area and help to screen the development, can be achieved by a suitable condition. I will therefore allow the appeal.

Conditions

8. The Council has suggested a number of conditions in the event that the appeal is upheld. I have considered these in the light of Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG I have amended some of the text. I consider that the conditions should be imposed for the following reasons: condition 2 is required for certainty and avoidance of doubt as to the development permitted; condition 3 is to ensure that the appearance of the development permitted integrates with the existing development in a visually satisfactory manner. I have noted what the appellant has said about this condition not being necessary in view of the information provided in the application, but I consider that those details are not sufficiently clear for an important matter relating to design and appearance. Condition 4 is to ensure that the trees on the periphery of the site are protected during the construction period of the development. I have amended it so that it is more appropriate to the scale of the development and the nature of the trees to be protected. It is a pre-commencement condition to which the appellant has agreed.
9. I do not agree that it is necessary, in view of the modest nature of the proposed development and its permitted use, to include the suggested conditions dealing with car parking or landscaping.

Terrence Kemmann-Lane

INSPECTOR