



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/W/21/3282367

St Andrew's 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/21/00512 dated 7 May 2021, was refused by notice dated 2 July 2021.
 - The development proposed is replacement residential dwelling and garage.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. I am told that the council is unable to demonstrate a 5-year housing land supply. However, the appellant accepts that because this appeal concerns the replacement of an existing dwelling where the principle of the development is not at issue, the relevant design-based policies are not out of date. Accordingly, the tilted balance to decision-making, as set out in paragraph 11 of the NPPF, is not engaged.

Main Issue

3. The main issue in this case is the effect of the proposed replacement dwelling, in terms of scale, design and location, on the character and appearance of the site and surrounding area

Reasons

4. As can be seen from the main issue, there is not an objection to the principle of the development. There is already a bungalow on the site and Policy H4 'Effective Use of Land', of the Local Development Plan (LDP), adopted in July 2017, has a section 'Replacement Dwellings'. This allows for the grant of planning permission for a replacement dwelling, subject to 6 criteria. Of these, I need not detail 1 to 3 or 6 because they are clearly met in this case. However, criterion 4 "The proposed replacement dwelling is of an appropriate scale to the plot and its setting in the landscape" and criterion 5 "The proposed replacement dwelling is of a design appropriate to its setting", are at the heart of the issue.

5. The appeal site is situated on the south-west side of the Maldon Road, lying to the rear of a recently constructed chalet bungalow 'Park House'. The site fronts onto a private drive/farm track leading off the Maldon Road to St Andrew's Farm, a farmstead containing a farmhouse and farm buildings, which lie to the south-west. It is presently occupied by a modest detached bungalow, St Andrew's, with gabled roof and rendered elevations, facing onto the farm track. Vehicular access off the track leads to parking spaces and to a detached garage.
6. The site is situated beyond settlement boundaries, in a rural area primarily of open, mainly arable, farmland, but is within an enclave of development consisting of a group of dwellings and industrial estates. The majority of the dwellings are detached bungalows or chalet style properties having accommodation in the roof, with dormer windows, but there are a number of examples that have a wing of 2 storeys. Park House, lying between the appeal site and Maldon Road, is one such. There are 2 storey houses in the wider area, but there are only 1 or 2 examples in the immediate vicinity.
7. I have already mentioned Park House as being a house with rooms in the roof, but also having a 2 storey element under a forward projecting half-hip roofed wing. This dwelling clearly stands out from some of its neighbours. The dwelling to the south, the first of those in this small collection of houses on the west side of Maldon Road, is reasonably spacious, but of simple bungalow form. Beyond Park House and St Andrew's Bungalow, to the north of the farm access, are Glenwood, at the junction with Maldon Road, and Charondown. These are both of single storey, the latter being effectively hidden from Maldon Road. There follows dwellings on the frontage to Maldon Road; firstly Birch House, followed by Meadowview and The cottage. Birch House and Meadowview are both 1½ storey houses, having dormer windows set in large hipped roofs. The Cottage is a simple bungalow. Beyond the cottage are 4 more dwellings, 3 of simple bungalow form and 1 of chalet form with dormer windows and a 2 storey projecting wing. Open fields follow.
8. From this it can be understood that the established dwelling form is clearly that of single storey and 1½ storey houses, with 2 or 3 having a 2 storey element in 1 wing. For the most part these front the main road, and do not run counter to the separation between a ribbon of development and its relationship with the countryside. This is in contrast to the more in-depth development on the eastern side of Maldon Road which has 2 sizeable industrial estates and 3 full 2 storey houses. The importance of the scale of the dwellings on the west side of Maldon Road is that they maintain a low key form that minimises the intrusion of this limited built up area within an encompassing and attractive open countryside.
9. The appeal proposal seeks to introduce a rather imposing and substantial house, the main feature of which, from the principal elevation facing towards Maldon Road, would be 2, 2-storey, wings with hipped roofs, set under a substantial hipped roof with inset dormers that would encompass the whole ensemble. In addition there would be a substantial 2-car carport and garden store, set below a tall half hip roof with 2 dormer windows. In my judgement this would bring development at odds with the countryside location and more appropriate to suburbia, placed hard up against the boundary with the open countryside.

Conclusions

10. I have taken account of all other matters raised, including the point about the recent change to the Genal Permitted Development Order (GPDO) August 2020 permitting existing bungalows and chalets to add an additional full storey. Whilst this means that it is possible that changes will continue further in the area, there is a Prior Approval process to go through. This includes issues relating to design. Whilst the new GPDO is permissive and the Government does not expect local planning authorities to resist the principle of conversions through the Prior Approval mechanism, it is incumbent on the local planning authority to ensure that the design of the building is appropriate. I therefore place little weight on this matter.
11. Following from the matters above, I conclude that the proposed replacement dwelling, in terms of scale, design and location, would have an effect on the character and appearance of the site and surrounding area that would be harmful to both its immediate surroundings and to the intrinsic character and beauty of the countryside. It would thus be contrary to the aims of LDP Policy H4 and the intentions of paragraph 174 b) of the National Planning Policy Framework, recognising the intrinsic character and beauty of the countryside. The appeal will therefore will be dismissed.

Terrence Kemmann-Lane

INSPECTOR