



Appeal Decision

Site visit made on 21 August 2023

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th September 2023

Appeal Ref: APP/X1545/W/23/3317079

Glenlene, Main Road, Mundon, Essex CM9 6PB

- 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 Melvin Thurkettle against the decision of Maldon District Council.
 - The application Ref FUL/MAL/22/00491 dated 30 March 2022, was refused by notice dated 09 September 2022.
 - The development proposed is described as construction of a two storey detached dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a two storey detached dwelling at Glenlene, Main Road, Mundon, Essex CM9 6PB in accordance with the terms of the application, Ref FUL/MAL/22/00491 dated 30 March 2022, and the plans submitted with it and subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue in this appeal is the effect of the development on the character and appearance of the area.

Reasons

3. The site is located within the small rural settlement of Mundon. Open farmland and natural landscapes envelop the settlement, giving it a countryside feel. Opposite the appeal site across the Main Road, lies predominantly semi-detached properties of regular form with shared features. Adjacent the appeal site are residential two storey properties of varying designs.
4. There is a harmony to the pattern of development with the east side of Main Road opposite the appeal site regular in form and design, and the west side of Main Road varied in design and form.
5. Whilst the proposed development would be wider than the existing adjacent properties the appeal site is a wide plot. The proposed development does not extend the full width of the plot and whilst large would not be disproportionate in terms of plot coverage.
6. The property would front the highway and would be set back from the Main Road, similar to other properties in the area.

7. Whilst the Council contend that the proposed design does not reflect the relatively traditional appearance of the surrounding properties and the integral garage and single storey side projection result the southern elevation of the dwelling appearing bulky and unbalanced, I disagree.
8. Properties on the west side of Main Road vary in terms of design. The rhythm of design along this frontage is irregular which adds to the character and appearance of the area.
9. The existing single storey mobile home, which I understand benefits from planning permission, is incongruous to the area in terms of the scale and form. The proposed development would be in keeping with the area, providing a well-balanced property and streetscene.
10. I find that the proposed development would not harm the character and appearance of the area.
11. I conclude that the proposed development would not harm the character and appearance of the area. There is no conflict with Policies D1 and H4 of the Maldon District Approved Local Development Plan 2014-2029 (2017) which amongst other things seeks to ensure developments are subordinate to the existing property.

Conclusion and Conditions

12. For the above reasons I conclude that this appeal should be allowed.
13. I have attached the standard time limit condition and a plans condition as this provides certainty. Conditions relating to surface treatment of the vehicular access and appropriate loading/unloading facilities are appropriate in the interests of highway safety.
14. I consider that conditions related to cycle parking will assist in creating a development which has access to sustainable modes of transport.
15. In the interest of the character and appearance of the area I have attached conditions relating to boundary treatments and finishing materials. I have also imposed conditions relating to foul and surface water drainage to ensure satisfactory drainage of the site and to minimise flood and pollution risk

C Pipe

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: 1218-01, 1218-02, 1218-03, 1218-04, 1218-05, 1218-06, and 1218-07.
- 3) Areas within the curtilage of the site for the purpose of loading / unloading reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.
- 4) Prior to first occupation of the development, the cycle parking shall be provided in accordance with the MDC Parking Standards. The approved facility shall be secure, convenient, covered and retained at all times.
- 5) No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 6) No development works above ground level shall occur until details of the surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.

The scheme shall ensure that for a minimum:

- 1) The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.
- 2) Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield)
- 7) No development works above ground level shall occur until details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.
- 8) No works above ground level shall occur until full details of the finishing materials, have been submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the details as approved.
- 9) Prior to occupation the design and location of all new boundary treatments shall be submitted to and approved in writing by the local planning authority. Thereafter the boundary treatments shall be installed and maintained in accordance with the approved details.