
Appeal Decision

Site visit made on 30 January 2024

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st February 2024

Appeal Ref: APP/X1545/W/23/3322035

Land adjacent 2 Grange Road, Wickham Bishops, Essex CM8 3LT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Mr and Mrs Johal against the decision of Maldon District Council.
 - The application Ref FUL/MAL/22/00932, dated 15 August 2022, was refused by notice dated 28 December 2022.
 - The development proposed is new build detached single family dwelling.
-

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr & Mrs Johal against Maldon District Council. This application is the subject of a separate decision.

Procedural Matters

3. Since this application was determined, planning permission has been granted for a part single, part two-storey detached single family dwelling at the appeal site under reference 23/00304/FUL. Additionally, the site immediately to the north, has been granted planning permission, for a replacement dwelling with detached double cart lodge under reference 23/00618/FUL. Both of these schemes are extant and are a material consideration in the determination of this appeal which I discuss further below.
4. A screening direction was issued under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations). In exercise of the powers conferred by Regulation 14 (1) and 7 (5) of the EIA Regulations, the Secretary of State directed that the development is not EIA development.
5. A Planning Obligation by way of a Unilateral Undertaking made under Section 106 of the Town and Country Planning Act 1990 (as amended) has been submitted. This provides for a contribution towards mitigation to protected habitats sites. I return to this matter below.

Main Issue

6. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

7. The appeal site relates to a parcel of land located to the southwest of the village of Wickham Bishops on the southern side of Grange Road. It lies to the rear of the bungalow at No. 2 Grange Road with access taken from Grange Road to the north.
8. The site is set further back from neighbouring properties which front onto Grange Road and is largely surrounded by open fields and countryside. There is a public footpath located to the west of the site running southwards.
9. At my site visit, I observed the properties along Grange Road and noted that the nearest dwellings to the north are bungalows with two storey properties located further to the northeast. A mixture of styles and designs are present in the area, although they do tend to be of a relatively modest size, form, proportion, and appearance with a more rural vernacular style. The properties are set back from the road in a linear form which gives a clear and consistent pattern of development.
10. The proposed development seeks permission for a sizable, detached dwelling which would have three storeys: two full storeys and accommodation within the roof. Three dormers would be set on both the front and rear elevation of the main body of the house roof set behind a front parapet. There would be several windows within each elevation comprising traditional sash. There would also be a single storey element linked to the side of the main house and set forward of the main property. The proposed materials would be finished in render, brickwork and with slate roofs. The style of the proposed house is along the lines of a classical country house with a symmetrical arrangement to the front elevation and would overall be of a fairly grand appearance. It would therefore be at odds with the surrounding properties and thus appearing as inconsistent with the established pattern of development.
11. The Maldon District Design Guide Supplementary Planning Document, 2017 (SPD) identifies Wickham Bishops as an arcadian settlement. It explains that although these settlements have different characteristics, they do have much in common, such as their rural environment integrated by the picturesque and pastoral approach to landscape design and structural planting in streets and individual plots. The layout of the arcadian villages is characterised by small farmsteads, with cottages and modern houses present along rural lanes. Recent years have seen an increase of infilling of spaces between houses, rebuilding of houses with a larger footprint than their relatively modest predecessors and the addition of large groups or small cul-de-sac estates to the edges of the villages. This has gradually eroded much of the original arcadian character. Where there has been the retention of trees or structural planting, the need to create new vehicular accesses, footways and parking areas has caused the removal of soft verges and hedges, resulting in the disappearance of a sense of soft enclosure and, in some cases, seclusion. I have also had regard to Section 4 of the Wickham Bishops Village Design Statement, 2010 (VDS) which indicates that three storey houses are not favoured as well as large properties on the edge of the village with reference being made to the need to retain the rural nature of the village.
12. As referred to above and notwithstanding the dispute regarding the planning history associated with the site in terms of the Councils' reference to a previous consent being lapsed, planning permission has since been granted for a part

single, part two-storey detached single family dwelling at the appeal site under reference 23/00304/FUL. Additionally, the site immediately to the north, has been granted planning permission, for a replacement dwelling with detached double cart lodge under reference 23/00618/FUL.

13. From the evidence before me, the scale and appearance of the proposed dwelling differs from that previously indicated. The plans submitted showing the most recently approved scheme, shows that whilst of a good size, its overall scale and mass is less obvious through its overall design which incorporates a part single part two storey element. It incorporates a more contemporary style to other properties nearby, but the overall design more closely reflects local vernacular.
14. Whilst there may be some similarities from previous approvals on the site in terms of siting and width, the proposed development would introduce further mass, bulk and height in a more symmetrical arrangement which would have a totally different classic country approach in its finish, form and design which would be at odds with/jar with the more simplistic form and features of the nearby properties and character of the area. The height may well be lower than other two storey properties in the vicinity, although I have considered the overall design rather than one element.
15. I accept that there is a good level of screening along the site boundaries which is to be retained and that the property is set back from the road which limits some views particularly from Grange Road as well as taking into account the topography of the land which dips down from Grange Road. However, the dwelling would still be highly visible when viewed from the public footpath to the west of the site which runs further south given the overall height and volume of the proposed dwelling. This, together with the proposed finish, form and design including materials as well as the elevated rear balcony area with glass balustrade would result in the property appearing overly prominent in views from the west and further south in comparison to other properties and would be a stark contrast to the more simplistic character.
16. I do not dispute that there are larger traditional country properties in the wider area and around the outskirts of the village of Wickham Bishops and I have had regard to the appellants' evidence regarding previous approvals and other similar styled dwellings. However, these do not relate to the appeal site in question and are indeed located a distance from the appeal site where their site-specific context is different and are therefore read differently. There are no other similar styled properties located within the immediate vicinity of the site which acts to exacerbate its overall harm as it would appear as a stark addition in this particular location and would not integrate well with the existing built form. The proposed development would further erode the character of the settlement, the harm having been identified in the SPD. In any event, reference to other development would not justify harmful development and I have considered this appeal based on its own merits.
17. Currently, there is a gentle and soft transition from the countryside to settlement on approaching the site from the west and south and this soft edge is particularly apparent when viewed from the south along the nearby public right of way which adds to the overall character of the area. The introduction of built development of this size and style would lead to urbanisation of the site

which would detract from the intrinsic character and beauty of the settlement and wider countryside.

18. For the above reasons, I conclude that the proposed development would unacceptably harm the character and appearance of the surrounding area. As such, it would be contrary to Policies D1 and H4 of the Local Development Plan, 2014 – 2029, 2017 and Policy WBH 01 of the Wickham Bishops Neighbourhood Plan, 2016-2029 which together, amongst other matters, requires development to respect and enhance the character and local context and make a positive contribution. For the same reasons, the proposed development would be contrary to the aspirations of the National Planning Policy Framework relating to achieving well-designed and beautiful places as well as the SPD and the VDS.

Other Matters

19. The European designated sites within Maldon District Council (MDC) are as follows: Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary Special Protection Area (SPA) and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational 'Zones of Influence' (ZoI) of these sites cover the whole of the Maldon District. As a result of the location of the site and the nature of the development proposed, the development could potentially have a significant effect on the sensitive interest features of these European designated sites, through increased recreational pressure.
20. However, notwithstanding the submitted Unilateral Undertaking, there is no need for me to undertake an Appropriate Assessment because the scheme is unacceptable for other reasons.
21. I appreciate the appellants' intentions to create a home that will support multi-generation living providing a highly efficient home incorporating renewable energy technologies. I am also aware that the appeal site is not a listed building or located within the Conversation Area. However, the proposed scheme still fails to be in keeping with the surrounding area leading to an unacceptable level of urbanisation.
22. I am aware of the appellant's frustrations regarding communication with the Council during the application process and note that the appellant has revised the design scheme following dialog with the Council. However, this does not affect my findings on the main issues nor does a lack of comment from the Conservation Officer.
23. During the course of the appeal, the Council have confirmed that it is able to demonstrate a housing land supply of 6.35 years and can therefore demonstrate a five-year supply of deliverable housing sites. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

24. The proposed development would harm the character and appearance of the surrounding area and would therefore conflict with the development plan when considered as a whole. There are no material considerations, either individually or in combination, that outweighs the identified harm and associated plan conflict. I conclude that the appeal should therefore be dismissed.

N Teasdale

INSPECTOR