
Appeal Decision

Site visit made on 23 October 2024

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 November 2024

Appeal Ref: APP/X1545/W/24/3341719

6 & 8 Alamein Road, Burnham on Crouch CM0 8JH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Stephen Foster against the decision of Maldon District Council.
 - The application Ref is OUT/MAL/23/01134.
 - The development proposed is described as 'Construction of new 2 bedroom, 2 storey end of terrace house attached to no. 6 Alamein Road. New dwelling would be in keeping with existing houses in the terrace/street'.
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Decision

1. The appeal is dismissed.

Application for costs

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

Preliminary Matters

3. In the banner heading above, I have used the address given on the application form. The decision notice and appeal form refer only to 6 Alamein Road but, since the site also includes land currently within the boundary of 8 Alamein Road, the above address accurately describes the extent of the site.
4. The application was in outline with all matters reserved. Therefore, details of access, appearance, landscaping, layout and scale would be reserved for future consideration. I have accordingly treated details indicating the scale, layout and appearance of the proposed dwelling as being indicative, while noting that the description of development specifies a two storey property of two bedrooms, attached to no. 6 Alamein Road. I have also noted that vehicular access would be from Alamein Road.

Main Issue

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

Reasons

6. The appeal site is in a varied residential area including detached, semi-detached and terraced properties, mostly on two storeys but with some bungalows. Near the appeal site, most are on two storeys, of typical mid-20th

Century appearance, and either semi-detached or in short terraces. That includes those to either side of the proposed dwelling.

7. Since the description of development specifies a two-storey end of terrace house, I have considered the appeal on that basis, while keeping in mind that its detailed layout, appearance and scale would be reserved matters. Various separation distances are mentioned in the appellant's evidence, but the indicative plans show a gap of around 2.4m from the existing dwelling at 8 Alamein Road and the appellant's evidence places some emphasis on this level of separation being achievable. I have accordingly had regard to this likely dimension when considering whether, in principle, the proposed dwelling could be satisfactorily accommodated.
8. Although the gaps between dwellings along Alamein Road vary, the list provided by the appellant shows that gaps of well over 2.4m are not uncommon. About half of the dimensions listed exceed that figure, in several cases by a substantial amount. Of the others, many are corner properties, where the smaller gap on one side of the building is offset by more generous space around the building as a whole, resulting from its position at the end of a row, next to the highway. This applies to the new detached house opposite the appeal site, as well as the extension at 20 Alamein Road and the detached bungalows on either side of the junction with Normandy Avenue.
9. Between 32 and 34 Alamein Road there is a single storey, flat roofed extension and the gap at first floor level is significantly greater than the 1m listed. At 26 Alamein Road, the dwelling adjoins the driveway to Curlew House, so the total space across the boundary is greater than implied. Similarly, the dwelling under construction at 19A Alamein Road adjoins the gardens of the adjacent bungalows, providing additional space across the boundary. The pair of bungalows at 43 and 45 Alamein Road are grouped more closely, but collectively stand in a spacious setting, with the road on one side and a generous garden to the other.
10. Alamein Road is not of designated heritage or townscape value and could reasonably be described as an ordinary residential street typical of its era. Nevertheless, the generally more generous spacing between the dwellings, particularly those not in corner locations, is a positive aspect of its character, which both Policy H4 and Policy D1 of the Maldon Local Plan¹ (MLP) make clear should be taken into account. While Policy H4 is supportive of optimising the use of land through infill, it also requires that local circumstances, context and the overall merit of the proposal are considered on a site by site basis.
11. Currently, the gap between 6 and 8 Alamein Road is consistent with the surrounding context and provides domestic outbuildings and parking for the existing dwellings. As such, the site is not significantly underused, and the proposal does not fully satisfy the first criteria for infill development in Policy H4. The existing outbuildings are modest in scale with low roofs, providing a sense of space above, with trees visible at the rear. Therefore, at present the gap is not visually enclosed. Nor is the view through it unsightly.
12. Introduction of a two-storey property would create a significantly higher level of visual enclosure. The space between the dwellings would be amongst the smallest along the street. Since the site is constrained between two existing

¹ Maldon District Approved Local Development Plan 2014-2029, adopted 2017

buildings and not on a corner, no alleviating space would be available around the plot. Consequently, the proposed dwelling would look cramped, to a degree that would detract from the character and appearance of the street.

13. While terraces of four dwellings, or comparable scale, have become more prevalent as a result of various permitted additions, that does not indicate that all such terraces are inherently suitable to their sites. Nor would the slightly greater depth of the front gardens on this side of the road compensate for the limited space between the buildings. The dwellings permitted in Dorset Road are in a different street, which includes more intensively developed terraced properties, so the limited gaps are less inappropriate. The extension at 6 Orchard Road is also in a different street, and next to a building of a different form, so although the host dwelling is similar, it stands in a different context.
14. For the reasons given above, I conclude that the proposed development would be harmful to the character and appearance of the area. It would conflict with relevant requirements in Policies D1 and H4 of the MLP and Policies HC.2 and HO.8 of the Burnham-on-Crouch Neighbourhood Development Plan 2017 which require amongst other things that new development should respect and enhance character and local context. It would also conflict with relevant paragraphs in the National Planning Policy Framework (the Framework) which, while supporting more efficient use of previously developed land, also include that development should be visually attractive and sympathetic to local character, including the surrounding built environment.

Other Matters

15. The Council has acknowledged that there were no discussions with the appellant prior to the application being refused. However, since the application relates to the principle of adding an additional dwelling within a plot which is of finite size, there is no clear indication that such discussions would have led to a different outcome. Nor was the Council's decision inconsistent, or otherwise arbitrary or subjective, since I have found that the other sites nearby display different characteristics.
16. It has not been alleged that there would be any harm to living conditions for occupiers of neighbouring properties, or that there would be any shortfall in the provision of garden land, parking or refuse storage, subject to consideration of the reserved matters. The elevational treatment is not a matter for this appeal but could in principle reflect that of the existing properties. However, these are neutral factors which weigh neither for nor against the proposal.
17. The proposal would make a small contribution to the supply of housing, on a brownfield site in an urban area where the development plan is supportive of additional housing in principle. However, the support in the Framework for such proposals is not at the expense of ensuring that all development is well designed. Furthermore, the Council's Officer Report states that the supply of housing land exceeds five years and no evidence has been presented to the contrary. Within that context, the small benefit from one additional home would not outweigh the harm to the character and appearance of the area.
18. The appeal site is within the Zone of Influence of the Blackwater Estuary and Dengie Special Protection Areas. These are among several European Sites

along the Essex Coast which are recognised for their value as coastal habitats and support internationally important populations of breeding and non-breeding bird species. They have been identified by Natural England as being vulnerable to harm as a result of recreational disturbance, which would be exacerbated by an increase in the local population resulting from new residential development, including through the cumulative effect of small-scale developments such as the appeal proposal.

19. The European Sites are covered by the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) and, in partnership with other affected local planning authorities, the Council has adopted a RAMS SPD², which sets out measures for the avoidance and mitigation of recreational disturbance. The appellant has indicated willingness to provide mitigation by means of a financial contribution, as specified in the RAMS SPD and explained in the Council's Officer Report. However, no Unilateral Undertaking or other legal mechanism has been provided to secure that contribution.
20. Had I been minded to allow the appeal, this is a matter which I could have raised with the parties. It would also have been necessary for me to complete an Appropriate Assessment as required by the Conservation of Habitats and Species Regulations 2017, to determine whether the appeal proposal would result in a significant effect, either alone or in combination with other development, on the European Sites. However, since I am dismissing the appeal for other reasons, it is not necessary to address the effect on European Sites in any further detail.

Conclusion

21. The proposed development is contrary to the development plan and no material considerations indicate that a decision should be made other than in accordance with the development plan. Therefore, the appeal should be dismissed.

Jane Smith

INSPECTOR

² Essex Coast Recreational disturbance Avoidance and Mitigation Strategy Supplementary Planning Document, May 2020