



---

## Appeal Decision

Site visit made on 1 July 2025

**by V Goldberg BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24<sup>th</sup> July 2025

---

**Appeal Ref: APP/X1545/W/25/3358339**

**31A Spital Road, Maldon, Essex CM9 6DZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Polly Ann Homes Ltd against the decision of Maldon District Council.
  - The application Ref is 24/00135/FUL.
  - The development proposed is the demolition of an outdated bungalow and outbuildings and erection of 4 no. new bungalows.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the proposed development on:
  - the character and appearance of the area;
  - the living conditions of future occupants, with particular reference to private amenity space and privacy;
  - the living conditions of the occupants of 29a Spital Road with reference to outlook and privacy; and,
  - local parking conditions, highway safety, and whether the proposed development provides acceptable cycle parking provision.

### Reasons

#### *Character and Appearance*

3. The appeal site is located behind 29b and 31 Spital Road and contains a detached bungalow centrally positioned within the plot. The prevailing area is residential in character. Despite differences in the size and type of properties along the road, dwellings sit comfortably within plots, and most are oriented to face the road.
4. Whilst the proposal would make an efficient use of land, due to the position of the proposed dwellings within plots 1 and 4, the layout of the four properties would appear cramped within the plot. This is because the side elevation of the property on plot 4 is positioned close to and partially in front of the dwelling on plot 3. In addition, the bungalow on plot 1 would be built so that it would reduce the width of the reinstated site access, therefore it would appear squeezed into the site.
5. Whilst the properties would meet the Nationally Described Space Standards, this would not justify the number of, nor position of the proposed dwellings. The

appellant refers to the proposal complying with the Maldon District Design Guide Supplementary Planning Document<sup>1</sup> (SPD) in respect of layout, plot size, density, form and massing. However, due to the combined layout and density of the proposal, the plot would appear overdeveloped. As a result, it would fail to provide a density appropriate to the location nor would it respond to or enhance the existing settlement.

6. The form height and proportions of the proposed dwellings would be acceptable and the minimal gaps between them would not be uncharacteristic of the area. However, as set out above, the position of the dwelling in plot 1 and the proximity of the properties in plots 3 and 4 would result in a cramped development.
7. For the reasons above, the proposed development would have an unacceptable effect on the character and appearance of the area. It would therefore be contrary to Policies D1 and H4 of the Maldon District Local Development Plan 2014- 2029 (LDP)<sup>2</sup>. Amongst other things, these policies require proposals to respect and enhance the character and local context in terms of layout, orientation and density.

#### *Future occupants- amenity space and privacy*

##### Amenity Space

8. The SPD refers to the Essex Design Guide in respect of private amenity space for proposed dwellings and requires 50m<sup>2</sup> of private amenity space for one and two bedroom properties. The proposed development would result in each bungalow having a minimum private amenity area of 51m<sup>2</sup> and therefore the proposal would comply with the required standard.

##### Privacy

9. The rear of 29b and 31 Spital Road face the appeal site. There are no first floor windows in the rear elevation of 29b but a large first floor window is positioned in the gable end of No 31 above a bay window. The garden serving 31 is positioned to the side of the property and is partially enclosed by the flank elevation of the dwelling and its detached garage.
10. Given the position of the garden serving 31 Spital Road, there would be no loss of privacy resulting from users of the garden overlooking the proposed dwellings. This is because views of the proposed dwellings from the garden of no 31 would be screened by the detached outbuilding serving this property.
11. Policy C07 of the SPD refers to the Essex Design Guide. Where proposals back on to the rear of existing housing, it requires a minimum distance between buildings of 25m. The proposed bungalow on plot 2 would directly face the gable end of 31 Spital Road and the distance between properties would fail to comply with this standard.
12. Whilst the window serving the bathroom within the proposed dwelling in plot 2 would be obscurely glazed, the window serving the kitchen /open plan living area would not be. As a result, the first floor rear window at 31 Spital Road would provide views into a habitable room of the proposed dwelling on plot 2 and face

---

<sup>1</sup> Adopted in December 2017

<sup>2</sup> Adopted in July 2017

the front door serving this property. This would unacceptably impede on the privacy of future occupants of this property.

13. The rear elevation of the proposed dwelling on plot one would have windows that would face the access. Due to vehicles moving and the height of a vehicle relative to the position of the windows, views would be fleeting. As a result, this relationship would not negatively affect the privacy of future occupiers of plot one.
14. For the reasons above, despite the proposed development providing adequate private amenity space for each dwelling, the proposal would unacceptably affect the living conditions of future occupants, with reference to privacy. It would therefore be contrary to Policy D1 of the LDP which amongst other things seeks to protect residential amenity and requires compliance with the principles within the SPD.

#### *29a Spital Road- outlook and privacy*

15. 29a Spital Road is located near to the close boarded fence on the eastern boundary of the appeal site. It extends beyond the boundary between the appeal site and the rear boundary of 29b and 31 Spital Road. The property has a projecting bay window at first floor and a conservatory at ground floor.

#### Outlook

16. The rear elevation of the proposed bungalow on plot 4 would run parallel and close to the boundary with 29a Spital Road. Despite being a bungalow, part of the rear wall, eaves and roof would exceed the height of the boundary fence for a significant length of the garden serving 29a Spital Road. Given the bungalows proximity to the boundary and rear elevation of 29a, the bulk and mass of the bungalow extending above the fence would appear overbearing when viewed from the rear garden, conservatory and first floor windows serving 29a Spital Road. As a result, the position of the bungalow in plot 4 would have an unacceptable impact on the outlook of 29a Spital Road.

#### Privacy

17. The window in the rear elevation of the proposed dwelling on plot 4 serving the bedroom would directly face the boundary with 29a. Given that the close boarded fence would screen a significant area of the window, any view from the bungalow into the garden of 29a would be high level and limited. Accordingly, this would not unacceptably affect the privacy of the occupiers of 29a Spital Road.
18. For the reasons above, despite the proposal maintaining the privacy of 29a Spital Road, it would have an unacceptable effect on the living conditions of the occupants of 29a Spital Road with reference to outlook. It would therefore be contrary to policies D1 and H4 of the LDP which amongst other things requires development to protect the amenity of surrounding areas taking into account outlook.

#### *Parking, highway safety and Cycle Parking*

19. The appeal site would be accessed from Orchard Close, a residential private unadopted road. Resident parking bays, a parking area and six garages serve the properties on Orchard Close.

20. Whilst the appeal scheme would result in the loss of three parking bays on Orchard Close, the Highways Authority does not object to the proposal. In addition, the evidence before me does not indicate that the loss of parking bays would either prejudice the safety of users of the highway or the passage of emergency vehicles. The proposed plans indicate that three replacement parking bays would be provided on the opposite side of Orchard Road. Whilst these could not be secured through this appeal, it has not been demonstrated that they would be required or that the proposal would increase indiscriminate parking on Orchard Road, especially when the proposal would provide adequate parking on site.
21. Whilst three parking bays would be lost to provide the site access and visibility splays, this would not alter the width of Orchard Close nor affect its ability to accommodate emergency vehicles.
22. With reference to the provision of cycle parking, it is noted that the Highways Authority have agreed that the required provision could be secured via condition. If I had been minded to allow the appeal, a condition could have been imposed, given there would be adequate room within the site to accommodate cycle parking.
23. For the reasons above, the proposed development would have an acceptable impact on local parking conditions, highway safety, and would be able to provide acceptable cycle parking provision. It would therefore be compliant with policies D1(5) and T2 of the LDP, insofar as they require safe and secure vehicle and cycle parking and sufficient and safe access to service and emergency vehicles.

#### **Other Matters**

24. The appeal site is located to the rear of 31 Spital Road, a timber framed Grade II listed building (LB). The significance of the building is derived from its architectural interest as a vernacular house. Whilst the proposed development would be visible from the LB, due to the separation distance between buildings and the proposed row of trees, the proposal would preserve the setting of the LB.
25. The appeal site is located within the recreational Zone of Influence of the Blackwater Estuary Ramsar and Special Protection Area for one or more of the European designated sites scoped into the emerging Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) SPD. To mitigate for the predicted recreational impacts arising from new development, in combination with other plans and projects and avoid adverse effects on the integrity of the designated sites, the RAMS requires a financial contribution. This contribution is used to fund strategic measures to address effects arising from development. In line with the requirements of the RAMS a unilateral undertaking has been submitted and approved by the Council securing the required contribution.

#### **Planning Balance and Conclusion**

26. The proposal would cause harm to the character and appearance of the area, unacceptably affect the living conditions of future occupants with reference to privacy and have an unacceptable effect on the living conditions of the occupants of 29a Spital Road with reference to outlook. Substantial weight is afforded to these conflicts with the development plan in relation to these matters.
27. Whilst the proposed development would provide adequate private amenity space for each dwelling, maintain the privacy of 29a Spital Road and have an acceptable

impact on local parking conditions, highway safety, and provide acceptable cycle parking provision, the harm identified above, brings the scheme into conflict with the development plan taken as a whole.

28. The proposal would deliver four additional dwellings in the Borough which would make a small but useful contribution to housing delivery. Given the Council have an identified five-year housing land supply, this benefit is given limited weight and is not sufficient to indicate a decision otherwise in accordance with the development plan.
29. The proposal conflicts with the development plan and material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal is dismissed.

*V Goldberg*

INSPECTOR