



Appeal Decision

Site visit made on 12 February 2020

by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 March 2020

Appeal Ref: APP/X1545/W/19/3239910

Land north of 48 Woodrolfe Road, Tollesbury

- 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 Arbora Homes Ltd, Mr James Frost, Ms Deborah Frost and Ms Mary Waterhouse against the decision of Maldon District Council.
 - The application Ref RES/MAL/19/00197, dated 13 February 2019, was refused by notice dated 10 July 2019.
 - The development proposed is described as the erection of 18 new residential dwellings, access and access road, green infrastructure, drainage infrastructure and landscaping works associated with the development.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal scheme seeks the approval of the access, appearance, landscaping, layout and scale of the proposed development following the grant of outline planning permission for up to 24 dwellings. The appeal site is an open and undeveloped grass field. It is flat and irregularly shaped and located to the north of Woodrolfe Road. It is on the eastern fringe of the settlement, is noticeably rural and has a clear relationship with the open agricultural fields to the north and south. A dense wooded area separates the field from housing to the west. Thinner lines of trees form the remaining boundaries.
4. The proposed development would see 18 detached units sited line abreast in an L shape running north from the point of access and then at a rough right angle from the west to the east, along the site's northern edge. The dwellings would front the estate road which would be largely straight, terminating at a hammerhead to the north. As both pairs and detached units, the dwellings would be evenly spaced and uniformly set back from their road edge. Access and parking would be provided to the side of each unit, a garden extending as a rectangular plot to the rear.
5. The layout, street scene presentation and arrangement of each plot would be very regimented, uniform and somewhat straight edged. Whilst I acknowledge

that the principle of residential development of the appeal site has been established and is extant, the detail in this respect would appear too structured, tight of grain and close knit for what are distinctly rural, sparse and low density surroundings. Whilst the plot configuration (parking and access to the side, front garden and private garden to the rear) would not in and of itself be alien to the area, the constant repetition of the above elements would result in the aforementioned appearance of being too formal and structured for its context.

6. I appreciate and understand the influences for the use of certain house designs, specifically the sailhouse type which is common in some parts of the village and something of a nod to its maritime connections. However, it has been deployed too often and thus the scheme lacks some informality. In addition, taking the design of the buildings and the layout together, the scheme bears resemblance to a marina where there is no functional body of water for the buildings to relate to. These factors, along with those set out above, would combine to emphasise how out of place the proposed buildings would be.
7. The planting to the site's boundaries would be retained and clearance would appear to only relate to the point of access from Woodrolfe Road. This would mean that to some extent the appeal scheme would be screened, limiting public views. Even so, this would be a large group of relatively tall and steep gabled buildings which consequently would be prominent. In addition, I don't subscribe to the notion that a given development that would be unacceptable in design and appearance terms can be made acceptable by hiding it.
8. The harm I have found in regard to the main issue would not, given the site's size, degree of enclosure, flatness and subsequent limited value in landscape quality terms extend to harm to the landscape character of the wider area. This would not however limit or necessarily reduce how it would harm the character and appearance of the area in the manner I have described it. Similarly, there are other areas in which the appeal scheme would be acceptable. Highway safety, drainage, heritage and the living conditions of existing and future occupiers to name a few. These would however represent a lack of harm in each case and consequently incapable of weighing against it.
9. For the above reasons, the appeal scheme would harm the character and appearance of the area. Such that there would be conflict with Policies S1, S8, D1 and H4 of the Local Plan¹. Along with section 12 of the Framework², these policies seek to ensure, amongst other things, that new development (new housing specifically) is of a high quality and contextually appropriate design and appearance to its setting, maintains the rural character of the district and protection is offered for the intrinsic character of the countryside.

Conclusion

10. I have had regard to the other matters that have been raised by third parties but it is for the reasons I have explained that the appeal is dismissed.

¹ Maldon District Approved Local Development Plan 2014-2029 (2017)

² The National Planning Policy Framework 2019

John Morrison

INSPECTOR

Richborough Estates