



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**NORTH WESTEN AREA PLANNING COMMITTEE
7 JULY 2022**

Application Number	22/00633/FUL
Location	Albany Orchards, Old London Road, Woodham Walter, CM9 6RN
Proposal	New driveway from existing access towards front of house.
Applicant	Mr Robert Lee
Agent	Ms Annabel Brown – Annabel Brown Architect
Target Decision Date	25.07.2022
Case Officer	Jade Elles
Parish	WOODHAM WALTER
Reason for Referral to the Committee / Council	Member Call In by Councillor M F L Durham for policy reason H4

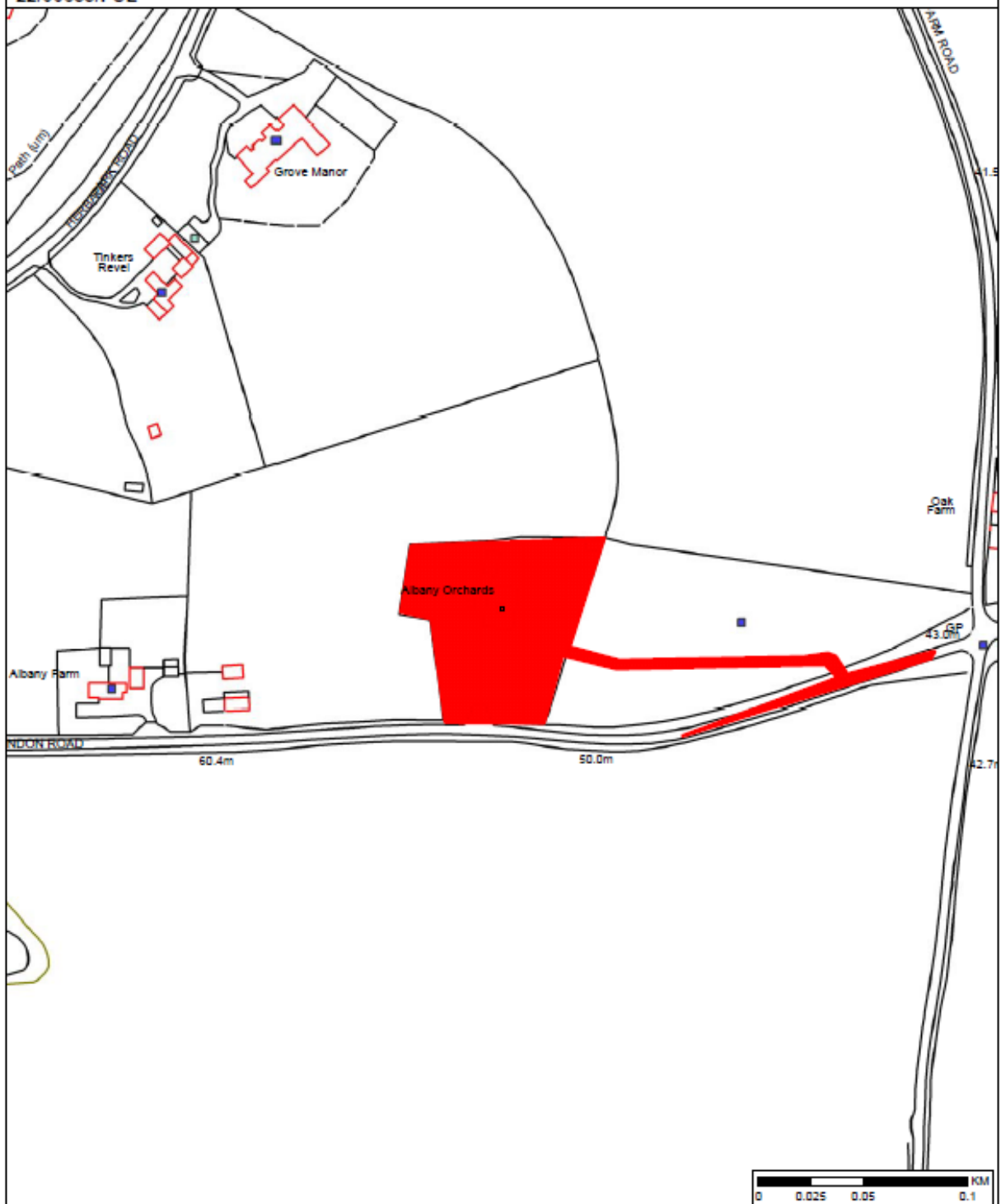
1. RECOMMENDATION

REFUSE subject to the reasons detailed in Section 8 of this report.

2. SITE MAP

Please see below.

Albany Orchards, Old London Road, Woodham Walter
 22/00633/FUL



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 Maldon District Council 100018588 2014

MALDON DISTRICT COUNCIL

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Scale:	1:2,500
Organisation:	Maldon District Council
Department:	Department
Comments:	North West Committee
Date:	22/06/2022
MSA Number:	100018588

3. SUMMARY

- 3.1.1 The application site is located on the northern side of Old London Road and sits outside a defined settlement boundary. Albany Orchard is a two storey modern build dwelling set to the west of a large open land. The land slopes from the east to west with the dwelling itself on the rise. The current vehicular access is to the south of the property onto Old London Road.
- 3.1.2 Planning permission is sought for a new driveway on the eastern side of the site with a total length of 139 metres and a width of 3.9 metres. It would be constructed of gravel/stone. It is to be noted, the existing access will remain in use.

3.2 Conclusion

- 3.2.1 It is considered that the proposed development would introduce a form of development into the rural area, which, by reason of its very nature, design and location would be an alien and urbanising feature and as such visually intrusive into the character of the local landscape contrary to the National Planning Policy Framework (NPPF) and Policies D1 and H4 of the Maldon District Local Development Plan(MDLDP).

4. MAIN RELEVANT POLICIES

Members' attention is drawn to the list of background papers attached to the agenda.

4.1 National Planning Policy Framework (NPPF) 2021, including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 55 – 58 Planning conditions and obligations
- 119 – 123 Making effective use of land
- 124 – 136 Achieving well-designed places

4.2 Maldon District Local Development Plan (LDP) approved by the Secretary of State

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- H4 Effective Use of Land

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- Maldon District Design Guide SPD (MDDG) (2017)
- Maldon District Vehicle Parking Standards SPD

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The application proposes operational development (physical works), however, implicit in the proposal, and as stated by the agent, is that the land, the subject of the

development is residential curtilage and not agricultural land, which is its known use. There is no evidence of the land being residential curtilage, and a previous application refused on appeal proposed a change of use of the land (the driveway only), to provide a driveway not dissimilar to the current proposal. It was acknowledged that the land was agricultural and designated as a Special Landscape Area. As such, the proposal would be contrary to the principle of development on this site therefore, the acceptability of the proposal would turn on any material considerations and whether the benefits of the proposal outweigh the harm that could be caused. As such, in principle, there is conflict with policies D1 and H4 of the approved Local Development Plan (LDP).

5.2 Design and Impact on the Character of the Area

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable, and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high-quality built environment for all types of development.
- 5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. Similar support for high quality design and the appropriate layout, scale and detailing of development is required by Policy D1 and H4 of the LDP and is found within the MDDG (2017).
- 5.2.3 A successful development needs to integrate well with the existing streetscene. Visual cues such as rhythm, proportions and alignments taken from adjacent buildings should be used to inform the design of the development.
- 5.2.4 Albany Orchards is a large, detached house located in the countryside. The area is characterised by open fields in a gently undulating landscape, interspersed with some trees and occasional dwellings. The predominant character of the immediate setting is that of large open fields and low hedges. The house is sited towards the top of a small ridge and as such is in a very prominent position allowing it to be seen from the surrounding roads and countryside.
- 5.2.5 The existing drive serving the site is to the south side of the house on the higher ground and is itself a not unsubstantial element in the rural street scene with a hard standing access and designed with a bell mouth splay to highway visibility standards. While it has been designed to integrate into the surrounding landscape, it would give an impression of the likely intrusion into the landscape that could occur at the proposed site which would have an even greater impact given the proximity of the access to the street scene. It is noted the applicant has not submitted drawings of the design of the access to the site/driveway, of which such details would normally include the extent of any visibility splays and surfacing materials to detail the impact on the existing verge and vegetation either side of the access the extent of the area is however captured in the redline location plan.
- 5.2.6 As such, the proposed development would be highly visible within the street scene. Although it is noted there is hedging which would offer some screening of the development proposed, the hedging does not appear to be protected and therefore, it cannot be guaranteed the boundary treatments would remain for the lifetime of the development. The proposed new access would be approximately 144 metres from the main dwelling and would be constructed across agricultural land. Although it states in the supporting statement the land has not been used in that manner for at least 15 years and is an extension of the garden to the house, there is no information which has been provided to prove this is the case. It is also noted, an appeal

decision (APP/X1545/A/12/2187711) for the change of use of the land to form a new residential driveway was dismissed in April 2013 which was only 9 years ago, thus contradicting the supporting statement. The materials used would be gravel/stone which would not be in keeping with the grass area within the agricultural land as it would introduce a significant extent of hard standing along its length and at the entrance to the site.

- 5.2.7 The visual impact would not however be solely confined to the area around the revised entrance, with the whole field having a degree of visibility from Old London Road and its junction with Oak Farm Road and Tom Tit Lane. The visual effect of the proposed driveway on the land would be to give the impression the entire area would form part of the garden of Albany Orchards. It is therefore considered that due to the high visibility and construction on agricultural land, the proposed works would cause significant harm to the character and appearance of the open, rural, and agricultural landscape, contrary to Policies D1 and H4 of the LDP.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight, and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.3.2 The application site is bordered by one neighbouring property to the west, Albany Farm. Due to the degree of distance and the proposed access being to the east of the site, it is not considered the proposed development would represent an unneighbourly form of development in accordance with Policy D1 of the LDP.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards.
- 5.4.2 The proposed works would not affect the amount of car parking space needed on site. The proposed new access would have a gate width of 4.2 metres, set back 7 metres from the highway and the visibility splay would be beyond 120 metres and therefore, would not raise any concerns in relation to highway safety.

5.5 Private Amenity Space and Landscaping

- 5.5.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure, and public open spaces. In addition, the adopted MDDG SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three bedrooms or more.
- 5.5.2 The proposed development would not be situated within the private amenity space and therefore, it would not result in the level of private amenity space being below the minimum standard recommended in the MDDG SPD. Therefore, the proposal is in compliance with Policy D1 of the LDP.

6. ANY RELEVANT SITE HISTORY

Application Number	Description	Decision
09/00624/FUL	Erection of garden wall and entrance gates	Approved

Application Number	Description	Decision
12/00197/FUL	Change of use of land to form new residential driveway and gates	Refused and Appeal Dismissed on 2 May 2013

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

7.1 **Representations received from Parish / Town Councils**

Name of Parish / Town Council	Comment	Officer Response
Woodham Walter Parish Council	Recommend refusal because the proposed development represents an inappropriate use of land within the rural area, visually intrusive to and overbearing upon the character of the local landscape.	Comments noted.

7.2 **Statutory Consultees and Other Organisations**

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highways	No response at the time of writing the report	N/A

8. **PROPOSED REASON FOR REFUSAL**

1. The proposed development would introduce a form of development into the rural area, which, by reason of its very nature, design and location would be an alien and urbanising feature and as such visually intrusive into the character of the local landscape contrary to Policies D1 and H4 of the Maldon District Local Development Plan.