
Appeal Decision

Site visit made on 20 September, 2016

by S. J. Buckingham, BA (Hons) DipTP MSc MRTPI FSA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13TH October, 2016

Appeal Ref: APP/P1560/W/16/3154350

Land to rear of 21 - 27 Mayes Lane, Ramsey, Essex, CO12 5EJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr T Palmby of Tocia Properties against the decision of Tendring District Council.
 - The application Ref 16/00223/OUT, dated 12 February, 2016, was refused by notice dated 17 June, 2016.
 - The development proposed is demolition of one dwelling and erection of residential development of up to 13 houses and bungalows.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with all matters reserved for later determination. I have determined the appeal on that basis, treating the submitted plans as illustrative only.
3. The Tendring District Local Plan Proposed Submission Draft 2012 (the Draft Plan) is not yet fully adopted, and so its policies may be subject to change. I can therefore accord its policies only limited weight.

Main Issue

4. The main issue is whether the proposal for housing in this location would represent a sustainable form of development having regard to its effect on the character and appearance of the area and to the National Planning Policy Framework (the Framework) and the development plan.

Reasons

5. Mayes Lane sits at the edge of a residential extension to Harwich located between Ramsey and Little Oakley. It sits outside the Settlement Development Boundary defined in the Tendring District Local Plan 2007 (the Local Plan), but close to it, and within the Settlement Development Boundary of the Draft Plan. I am unable to take a view of the Council's motives in relation to this allocation in the absence of any evidence on the issue. However, the area has access to a range of services and facilities, including public transport links, a church, primary school and local shop. It can therefore be considered a sustainable location.
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6. Mayes Lane is a relatively narrow suburban road lined with a range of generally modest houses and bungalows in a mixture of styles, but set behind generous front gardens. They are distinguished by extremely generous back gardens, which can be glimpsed between buildings, and are marked by an absence of visible built forms excepting outhouses and garden buildings and the presence of mature trees. The overall character of the area is, as a result, an open one.
7. The appeal site consists of the plot of number 21 Mayes Lane, and the rear two thirds of the gardens of numbers 23 to 27. To the south of the site, separated from it by numbers 15 and 17 Mayes Lane and their gardens, is Bay View Crescent, characterised by very modest single storey properties in modest plots, which nonetheless has a cottage estate-style character derived from the presence of small informal green spaces and grassed verges. To the rear of the site, on the other side of a thick, naturalised hedgerow is open countryside, including fields and the access path leading to the rear entrance of the Two Villages Primary School.
8. There is no dispute that the Council is not able to demonstrate a five year housing land supply, and that paragraphs 14 and 49 of the Framework therefore apply. Paragraph 14 states that where relevant policies are out of date, the presumption in favour of sustainable development means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
9. The Framework defines the three dimensions to sustainable development, social, economic and environment. It is clear that sustainability should not be interpreted narrowly, and that the dimensions of sustainable development are mutually dependent and should be sought jointly and simultaneously through the planning system.
10. Although the submitted plans are indicative, and the number of proposed new dwellings not fixed, to accommodate anything in the region of the proposed numbers would result in a new access road leading into the site, servicing a closely arranged series of bungalows set close to the access or its offshoots and requiring small private gardens and parking spaces. This would introduce an intensively developed enclave into an area otherwise characterised by its open texture, where the built form makes up a small proportion of the overall space, and garden areas are generally large. Although landscaping is a reserved matter, this effect would be likely to be exacerbated by the subdivision of the site into a series of relatively small fenced cells to create the private garden spaces relating to the new dwellings.
11. The insertion of a new built form into the appeal site would be visible from other gardens along Mayes Lane, along the access road, and also from the open rural land behind and the footpath towards the primary school. In the form broadly indicated in the appeal proposal it would therefore create an uncharacteristically dense and urban built form into an area of suburban and semi-rural characteristics, which would appear cramped in relation to adjoining properties, and visually intrusive as a result. I consider that it would therefore cause considerable harm to the character and appearance of the area.
12. Although Bay View Crescent is generally more closely textured than development along Mayes Lane there is still a sense of openness in its layout created by front gardens and green verges and other greened spaces. The

proposed development would not therefore relate well to this built form. It would furthermore not be directly contiguous with Bay View Crescent, separated from it by the rear garden of 17 Mayes Lane, and would be perceived therefore primarily in the context of development along Mayes Lane itself. This does not therefore cause me to change my opinion on the harm to be derived from this form of development.

13. The issue of loss of trees is mentioned in the Council's decision notice. The appeal site does not, however, contain any individual trees which make a significant contribution to the character or appearance of the area. In any case, protection of trees and hedgerows would be capable of being addressed through reserved matters of layout and landscaping. This is not, therefore, an issue to which I have assigned significant weight in reaching a decision.
14. While proposals should be considered on their own merits, I consider that there would be further opportunities within the area, where there are many large plots, for development proposals similar to the appeal development. In my view, allowing the appeal would set a precedent for equivalent proposals which cumulatively would significantly alter the character of the area over time. I consider that this cumulative effect would exacerbate the harm which I have identified above.
15. Is it acknowledged that appeal proposal would contribute twelve new dwellings and one replacement dwelling to the housing stock of the District, a modest contribution in the absence of an identified five year housing land supply. This contribution is one to which I give moderate weight. There would also be some economic benefits during the construction process, and, in the longer term, through support to local businesses and services, to which I also accord moderate weight.
16. In terms of the balancing exercise set out in the Framework, therefore, I conclude that there are potential benefits from the appeal development in providing up to twelve new dwellings in a sustainable location, with some temporary and more long-term economic benefits, to both of which factors I attribute moderate weight. However, the likely environmental impacts of the development in terms of considerable harm to the character and appearance of the area, potentially exacerbated by the precedent set for other similar developments, would demonstrably and significantly outweigh these benefits.
17. Although the provisions of paragraphs 14 and 49 of the Framework are invoked, this does not mean that the policies of the development plan are to be given no weight at all. Policy H13 of the Tendring District Local Plan 2007 (the LP) is positively couched and seeks to make effective use of land within existing built-up areas while seeking to ensure that any development would integrate well with its surroundings. In those respects it conforms with the emphasis on sustainable development set out in the Framework, and must therefore be accorded some weight.
18. I conclude therefore that the proposed development would have a harmful effect on the character and appearance of the area and would be inconsistent with Policy H13 of the LP which seeks to ensure that development of back land sites is not out of character with the area, and to avoid setting a harmful precedent for other similar forms of development.

Other Matters

19. Policy COM6 of the LP seeks financial contributions towards off-site provision of open space for sports and recreation for residential developments on sites below 1.5 hectares in size. I have not been provided with a signed and dated Unilateral Undertaking with regard to contributions towards outdoor play space provision. The Council has referred to this requirement in their appeal statement, but it was not given as a reason for refusal. I am in any case dismissing the appeal for other reasons, and in these circumstances it is not a determinative matter in my decision.

Conclusion

20. For the reasons given above, and taking into account matters raised, I conclude that this appeal should not succeed.

S J Buckingham

INSPECTOR