

Appeal Decision

Site visit made on 27 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: 20th October, 2016

Appeal Ref: APP/P1560/W/16/3152299

98 - 100 Coppins Road, Clacton-on-Sea, Essex, CO15 3LD

- 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 Mr Terence Oliver against the decision of Tendring District Council.
 - The application Ref 15/01626/FUL, dated 16 October, 2015, was refused by notice dated 17 December, 2015.
 - The development proposed is erection of two detached bungalows with garages, parking and associated drive and entrance gates.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The emerging local plan, the Tendring District Local Plan 2013 – 33 and Beyond Preferred Options Consultation Document is in the early stages of preparation, and its policies may be subject to change. I can therefore afford it little weight in my decision.

Main Issues

3. The main issues are the effect on the character and appearance of the area, and the effect on the living conditions of the occupiers of the host properties with respect to noise and disturbance.

Reasons

Effect on the character and appearance of the area.

4. Nos. 98 and 100 Coppins Road are a pair of modest and simply designed bungalows set on either side of an access drive. They are located in a suburban area of Clacton, and along with the majority of other bungalows and modest houses in the area, are set behind front gardens with reasonably substantial gardens to the rear. The overall character of the area is therefore an open one.
 5. The site is within the settlement boundary of Clacton, and the principle of development is not at issue.
 6. The appeal proposal is for the subdivision of the back gardens of each host property, and insertion of a pair of bungalows each with a double garage and
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vehicle circulation space set at the end of an extended access drive to the rear of nos. 98 and 100.

7. The insertion of a two new dwellings in to the rear gardens would entail the subdivision of the garden space, leaving modest rear gardens to both houses, which would be conspicuously shorter than those of other houses in the vicinity along Coppins Road. The proposed new build elements, including a pair of double garages, would therefore be introduced into the former garden areas in what would be a relatively dense form of development in relation to the open texture of development in the adjoining area, and which would as a result create a cramped appearance to the proposal and to the host dwelling.
8. The appeal dwellings and garages would be visible from the host properties, from adjoining properties and their gardens, and would form a noticeable element in the view out from Coronation Road. The appeal dwellings would form an anomalous and intrusive element and would therefore harm the character and appearance of the area, which otherwise has an open texture.
9. The appellant has brought to my attention a number of back land developments in the vicinity of the appeal site, which I was able to view while on site. However, I do not have sufficient evidence before me to be clear to what extent these development offer comparable circumstances to the appeal under consideration. They do not therefore cause me to alter my decision.
10. 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.
11. The appellant has suggested that the Council cannot demonstrate a deliverable five year housing supply, and this is not contested by the Council. This means that the provisions of paragraphs 14 and 49 of the Framework are invoked in respect of relevant policies for the supply of housing. This does not however mean that the policies of the development plan are to be given no weight at all. Policy H13 of the LP concerned with back land residential development 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. Policy HG3 does not seek to restrict housing supply, but rather to secure a good quality of design for development within defined settlements.
12. The appeal proposal would therefore be in conflict with Policy HG13 of the LP, which says that back land residential proposals will be permitted provided they would not be out of character with the area or set a harmful precedent for other similar forms of development, and with Policy HG3 of the Tendring District Local Plan 2007 (LP) which seeks to ensure that development within defined settlement boundaries of towns can take place without material harm to the character of the area. It would conflict with the Framework where it seeks development which would not harm the character of the area.

Effect on the living conditions of the occupiers of the host properties with respect to noise and disturbance.

13. The access drive to the proposed dwellings would pass in very close proximity to the flank walls and windows of the host dwellings, with little or no space for any form of buffering. Although the traffic movements along this access would be commensurate with the presence of two dwellings, this proximity would render them more noticeable and intrusive. They would also pass close to living rooms to the front of the properties and glazed conservatories to the rear and would therefore be likely to affect day to day enjoyment of these areas.
14. I conclude therefore that the appeal development would have a harmful effect on the living conditions of the occupiers of the host properties in terms of noise and disturbance, and that it would as a result conflict with Policy QL11 of the LP, which says that new development will only be permitted if it does not have a materially harmful effect on the amenities of occupiers, and Policy HG13, which says that residential development of back land sites will be permitted provided that vehicular access can be provided which is not likely to cause undue disturbance or loss of privacy to neighbouring residents.

Other Matters

15. 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

16. For the reasons given above, and taking into account matters raised, I conclude, therefore, that the appeal should be dismissed.

S J Buckingham

INSPECTOR