
Appeal Decision

Site visit made on 22 November 2016

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

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

Decision date: 5 December 2016

Appeal Ref: APP/P1560/W/16/3156385

Land Adjacent Farndon, Pork Lane, Great Holland, Essex CO13 0JE

- 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 Charvis Ltd against the decision of Tendring District Council.
 - The application Ref 15/01938/FUL, dated 21 December 2015, was refused by notice dated 15 February 2016.
 - The development proposed is the erection of two bungalows.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The third reason for refusal in the Council's decision notice concerns the absence of a Planning Obligation to secure a financial contribution to off-site public open space facilities. As a result of a Court of Appeal judgement¹ issued after the application was determined, the Council has confirmed that it no longer wishes to pursue this matter. I have framed the main issues accordingly.

Main Issues

3. The main issues are the effects of the proposal on:
 - the character and appearance of the area;
 - the living conditions of the occupiers of Farndon with particular regard to outlook;
 - highway safety with regard to the access serving proposed plot 2.

Reasons

Character and Appearance

4. The appeal site is a rectangular parcel of land fronting Orchard Road. On one side it is flanked by the rear of the two storey dwelling known as Farndon. This property fronts onto Pork Lane where buildings are fairly irregularly spaced. On the other side of the appeal site the bungalow at 2A Orchard Drive is typical of the properties in that road and the nearby Laxton Grove. Whilst these

¹ West Berkshire District Council and Reading Borough Council v Secretary of State for Communities and Local Government 2016

properties are more uniformly spaced, for the most part, they are arranged in pairs with garages to the side of each pair. Together with fairly generous and open front gardens, this arrangement contributes to a reasonably spacious layout.

5. The two proposed dwellings would be comparable in form, scale and height with No 2A. The spaces between the new buildings, and between plot 1 and No 2A, would be similar to those between the pairs of dwellings in Orchard Drive and Laxton Grove. However, there would be no side garages to relieve the closeness of that spacing and, although plot 1 would follow the same building line as No 2A, plot 2 would be set forward considerably. Whilst the length of the front garden for plot 2 would be similar to others in the area, two car parking spaces would be positioned in front of each building. This would detract from their openness. As a result, the proposed development would be significantly less spacious and would not reflect the locally distinctive layout in Orchard Drive and Laxton Grove, much less the looser spacing of the buildings in Pork Lane. The appeal site occupies a prominent location at the transition between these areas and, therefore, these impacts would be conspicuous.
6. Consequently, I consider that the proposal would have a harmful effect on the character and appearance of the area. As such, it would conflict with Policies QL9, QL11 and HG3 of the Tendring District Local Plan 2007 (LP) which require development, including infill plots, to protect or enhance local character and to relate well to its surroundings in terms of siting and intensity among other things. Nor would the proposal accord with paragraphs 60 or 61 of the National Planning Policy Framework (the Framework) which seek to reinforce local distinctiveness and the integration of new development into the built environment.
7. The appellant states that the side spacing of the proposed buildings accords with the standards set by the Council for estate type development. However, no details of those standards have been provided and, therefore, I am unable to take them into account.

Living Conditions

8. Farndon is positioned at an angle to the common boundary with proposed plot 2 at a distance of some 5m at its closest point. The flank wall of the proposed building would be some 15m long and located 1.2m from common boundary. The appellant advises that the kitchen window in the rear elevation of Farndon would be around 7m from the boundary and the lounge window some 10m away. Whilst the latter distance is comparable with those found to the rear of 2a, 2b, 8 and 10 Orchard Drive, it does not take into account the orientation and close proximity of the lounge window to the fenced and planted northern site boundary with Sugar Plum. The outlook from the lounge window would, therefore, be constrained in two directions. By virtue of its proximity, the new building would also be an overbearing feature in the outlook from the kitchen window.
9. Therefore, I find that the proposal would have a detrimental effect on the living conditions of the occupiers of Farndon with regard to outlook. Accordingly it would not comply with LP Policy QL10 to the extent that this policy requires buildings and structures to ensure adequate outlook, or Framework paragraph 17 insofar as it seeks a good standard of amenity for existing occupiers of buildings.

Highway Safety

10. Two side by side parking spaces with a single crossover are proposed to serve plot 2. The Council considers that this access would be excessively wide and likely to lead to obliquely angled manoeuvres into and out of the highway. However, there is nothing to suggest that the two spaces proposed would exceed the required provision for the proposed dwelling. Therefore, drivers would need to manoeuvre into and out of each space at right angles to the highway in order to allow room the other space to be used. Moreover, the site is located close to a junction where, based on my site visit observations, traffic speeds and volumes appear to be low. Nor has the Council explained how the anticipated angled movements would pose a risk to highway safety.
11. Therefore, on the evidence available, I am not persuaded that the proposed access to plot 2 would pose a risk to highway safety. As such, the proposal would not conflict with LP Policy TR1a to the extent that it requires consideration to be given to reducing and preventing hazards and inconvenience to traffic. Nor would it conflict with Essex County Council's Highway Authority Development Management Policies February 2011 supplement planning guidance insofar as Policy DM1 advises that all proposals should have safe and convenient access.

Other Matters

12. I have had regard to the other concerns expressed locally, but none has led me to a different overall conclusion.
13. The Council has referred to policies in the emerging Tendring District Local Plan 2013-2033. However, this plan is at an early stage of preparation and, in accordance with Framework paragraph 216, can be accorded limited weight.

Planning Balance and Conclusion

14. The Council accepts that it cannot demonstrate a five year supply of deliverable housing land as required by Framework paragraph 47. It puts the supply at 4.5 years and this has not been disputed by the appellant. Paragraph 49 of the Framework says that relevant policies for the supply of housing should not be considered up to date where there is not a 5 year supply. However, with the exception of part of LP Policy HG3, the development plan policies relied upon above are concerned with design quality, the safeguarding of living conditions and highway safety rather than the amount or location of housing. There is no substantive evidence to suggest that they are otherwise in conflict with the Framework. Moreover, I have also found that the proposal does not accord with relevant policies of the Framework.
15. Framework paragraphs 7 and 8 require the three roles of sustainability to be considered together. It has not been demonstrated that the appeal proposal would contribute to the economic dimension of sustainability.
16. The two dwellings proposed would make a very modest contribution to the shortfall in the supply of new housing in the District. Nevertheless, Framework paragraph 47 seeks to boost the supply of housing and proposal would, therefore, make an accordingly modest contribution to the social dimension of sustainability. With regard to the environmental and social roles, I have found that the proposal would be detrimental to the character and appearance of the

area and would not provide satisfactory living conditions for neighbouring occupiers.

17. Overall therefore, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.
18. Consequently, I conclude that the proposal would not amount to sustainable development and so is not supported by the presumption in favour of sustainable development set out in Framework paragraph 14.
19. For the reasons set out above, the appeal should be dismissed.

Simon Warder

INSPECTOR