
Appeal Decision

Site visit made on 20 December 2016

by Michael Boniface MSc MRTPI

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

Decision date: 11th January 2017

Appeal Ref: APP/A1530/W/16/3156987

34 Yorick Road, West Mersea, Essex, CO5 8HU

- 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 S Greenfield against the decision of Colchester Borough Council.
 - The application Ref 152803, dated 17 December 2015, was refused by notice dated 2 March 2016.
 - The development proposed is a detached single storey dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect on the character and appearance of the area; and the effect on neighbours' living conditions with particular regard to potential noise and disturbance from the vehicular access and parking area.

Preliminary Matter

3. The application is submitted in outline with all matters reserved for subsequent consideration. I have considered the appeal on this basis.

Reasons

Character and appearance

4. The site is garden land to the rear of an established bungalow. Yorick Road comprises a variety of house types, styles and forms but the majority of properties front the highway and a consistent buildings line is clearly apparent. The street and surrounding area are suburban in appearance with gaps between properties allowing pleasant views of the open spaces and greenery to the rear, particularly in the vicinity of the appeal site where properties have long rear gardens and substantial open space to the rear of buildings.
5. Whilst there are some exceptions, backland development is not a common feature of the street or the surrounding area and the introduction of a dwelling within the long rear garden of the appeal property would appear incongruous. This is particularly so, given the width of the plot and the space to the side of no 34 which would allow views from the street towards the proposed dwelling and their extensive parking areas.

6. There is space to accommodate the proposed dwelling and the necessary facilities such as parking and amenity space, such that it cannot be said that overdevelopment of the plot would result. However, the development would significantly erode the spacious and verdant character of the site and would introduce visually intrusive development to the detriment of the street scene.
7. I note that the appeal site is wider than many other gardens in the area but again, plots sizes and widths vary and this does not alter the harm that I have identified. I have also had regard to the examples of other similar development allowed by the Council but these are not within the same street and I have not been provided with sufficient information to draw any direct comparison with the appeal proposal. Therefore, I have determined the appeal on its own merits.
8. The development would harm the character and appearance of the area. As such, it would be in conflict with Policy UR2 of the Core Strategy (2008) (CS) which requires high quality design that is appropriate to its context; and Policies DP1 and DP12 of the Local Development Framework Development Policies (2010) (DP) which have similar requirements for high quality design and layout.

Neighbours' living conditions

9. The parking areas for both the existing and proposed dwellings would be located to the rear of no 34, meaning that the occupants of both properties would utilise the vehicular access passing by the neighbouring property, no 32. Although there is an existing driveway to the side of no 34, the development would significantly increase its length and intensify its use, resulting in vehicles, with attendant engine noise and headlights, passing close to a number of windows facing the access, including a conservatory where it is likely that residents will wish to relax. The impact arising could not be satisfactorily mitigated by the use of boundary treatments.
10. The parking areas would also be located close to the garden boundary with no 36 and so similar impacts, including noise and disturbance from the manoeuvring of vehicles and closing car doors would be experienced from the currently tranquil gardens.
11. The development would harm neighbours' living conditions and this adds to the harm that I have identified in respect of the first main issue. The development would be in conflict with Policy UR2 of the CS which seeks to make better places for residents; and Policy DP1 of the DP which seeks to protect neighbours' living conditions.

Other matters

12. I have had regard to the presumption in favour of sustainable development contained within the National Planning Policy Framework but the proposal does not fulfil important social and environmental objectives and conflicts with the development plan. Under these circumstances, the proposal cannot be considered to represent sustainable development.
13. I recognise the contribution that would be made to local housing land supply but, even in the context of the Framework's objective to boost significantly the supply of housing, the limited contribution that would be made by a single dwelling does not outweigh the harm that I have identified.

Conclusion

14. The development would harm the character and appearance of the area and the living conditions of neighbouring occupants.
15. In light of the above, and having considered all other matters, the appeal is dismissed.

Michael Boniface

INSPECTOR