

Appeal Decision

Site visit made on 28 February 2017

by R W Allen B.Sc PGDip MRTPI

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

Decision date: 16 March 2017

Appeal Ref: APP/P1560/W/16/3163403

63 Harwich Road, Mistley, Manningtree, Essex CO11 1NA

- 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 & Mrs R & D Patel (Tara Traders) against the decision of Tendring District Council.
 - The application Ref 16/01313/FUL, dated 15 August 2016, was refused by notice dated 6 October 2016.
 - The development proposed is 2no. detached bungalows on land to rear of existing shop and dwelling for private use and new vehicle access.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The area comprises a mix of residential dwellings, all of which I observed follow a general consistent layout pattern of road frontage properties with regimented and largely undeveloped rear gardens of varying sizes. The gardens are an important visual gap between dwelling houses, which I find softens and positively contributes to the character and appearance of the area.
 4. The proposed development would erode almost the entire existing rear garden of the appeal site, and the extent of built form would be alleviated only by very small pockets of open garden land for the existing property and the new dwellings. The appeal site would in effect become a continuous line of built development linking the existing property with the dwellings in Stourview Avenue. This, taken with the introduction of tandem development where I observed no examples of in the vicinity of the appeal site, would I find result in a development which would substantially depart from and cause significant harm to the character and appearance of the area.
 5. The appellants point to other developments of a similar manner to the appeal before me, notably that at No 35 Harwich Road. However, little details of this or any other development cited by the appellants are before me and I cannot draw any direct comparisons to the appeal scheme. In any event, I have made my decision on the evidence before me and from my observations at my site visit. I also acknowledge that the appellants have attempted to overcome
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previous concerns of the Council and I have no reason to doubt that the vehicular access would not endanger conditions of highway safety, and that some benefits from the scheme would arise in respect to the provision of new dwellings. However, these matters do not dissuade me to depart from my findings on the significant harm that would be caused to the character and appearance of the area that I have identified above.

6. The proposed development would not accord with policy HG3 of the Tendring District Local Plan 2007 (Local Plan) which states that residential development will be permitted provided it satisfies, amongst other things, design and density as appropriate and can take place without material harm to the character of the local area. The proposed development would also not accord with Local Plan policy HG13 or with policy LP8 of emerging Tendring District Local Plan 2013-2033, which specifically exclude tandem developments, and which state that residential development of backland sites must not involve tandem development using a shared access.

Other Matters

7. Concerns have been raised in respect to the effect of the proposed development on the living conditions of future occupiers of the proposed properties from use of the shop. However, this has not been specifically substantiated in evidence before me as to the area of concern or indeed whether the harm could be alleviated by the imposition of a planning condition. The Council did not identify this as an issue, and on the evidence before me I have no reason to find otherwise.

Conclusion

8. For the reasons given above I conclude that the appeal should be dismissed.

R Allen

INSPECTOR