

Appeal Decision

Site visit made on 21 March 2017

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

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

Decision date: 6th April 2017

Appeal Ref: APP/P1560/W/16/3162939

16 Ipswich Road, Holland-on-Sea, Essex CO15 5DL

- 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 Mrs Debra Stevens against the decision of Tendring District Council.
 - The application Ref 16/00458/FUL, registered by the Council on 23 March 2016, was refused by notice dated 23 May 2016.
 - The development proposed is detached bungalow rear of 16 Ipswich Road.
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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, including the effect on the protected oak tree to the rear of the appeal site.

Reasons

3. Ipswich Road and surrounding streets consist predominantly of detached and semi-detached bungalow on plots with long rear gardens. The front building line of properties is generally consistent along each street with buildings set back from the pavement by a moderate amount of front garden. On corner plots, the front or side elevation often lies much closer to the boundary but there tends to be a longer garden to the side or rear, such as at the appeal site. Thus, the overall character and appearance of the area is relatively spacious.
 4. The protected oak tree is a mature specimen, with potential for further growth as noted by the appellant's arboricultural impact assessment (AIA). Along with other street trees, it makes a positive contribution to the character and appearance of the area, helping to alleviate the urban surroundings. This contribution is recognised by its inclusion within a Tree Preservation Order (TPO). However, recent works to reduce the crown height and width have lessened its amenity value compared to the pre-works images of the tree contained in the appellant's Design and Access Statement.
 5. The existing bungalow at 16 Ipswich Road is sited close to its side boundary with Chelmsford Road and already protrudes significantly beyond the front building line of properties on Chelmsford Road to the rear. However, the separation distance and space provided by the existing garden prevents any noticeable effect on the street scene of Chelmsford Road. The existing garage
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at the bottom of the garden to No 16 also protrudes forward of the front building line of Chelmsford Road, but is a small structure that is not particularly prominent.

6. By virtue of its location to the rear of No 16, the proposed bungalow would form part of the street scene of Chelmsford Road rather than Ipswich Road. In terms of its size, height and appearance it would be in keeping with its surroundings. However, it would be sited close to the adjoining property on Chelmsford Road and much further forward, resulting in an overly prominent effect on the street scene as a larger structure than the existing garage.
7. While the rear garden of the proposed bungalow would provide slightly above the minimum requirement for private garden space as set out in saved policy HG9 of the Tendring District Local Plan 2007, the garden would be much shorter than surrounding properties on Chelmsford Road and Ipswich Road. In combination with the building line, the proposed development would appear cramped within its plot and detract from the character and appearance of the area.
8. During my site visit, I observed similar examples of infill corner development, where bungalows have been constructed in rear gardens with building lines that breach the existing line and/or gardens that are short. However, these examples remain in the minority compared to the number of corner locations and I do not have the details of their planning history. I have thus assessed this proposal on its own merits.
9. In terms of the effects on the protected oak tree, the recent works means it does not overhang the site boundary as much as it did. This would reduce the effects of the tree on the proposed development in terms of light and leaf litter. I also note that the front elevation would contain bedrooms and a bathroom with leaf guards provided for the gutters. However, the works have reduced the amenity value of the tree in terms of its overall shape and appearance. Given the proximity of the tree to the front elevation, there would likely be frequent pressure to do further similar works to the tree to avoid negative effects on the proposed bungalow. This means that the amenity value of the tree would be frequently reduced by repeated works, causing harm to the character and appearance of the area.
10. In terms of below ground effects, the AIA highlights the 'no-dig' techniques that would be employed for hard surfacing and the 'raft' or 'piled' foundations that would be used for the bungalow. It is possible that such methods could avoid damage to the tree and a trial hole opened by the appellant suggests a lack of root growth at the surface. However, I note from the AIA that further details regarding the foundations would be required from the project structural engineer, which casts some uncertainty on the effects of construction on the protected tree. Given the extent of development within the root protection area of the tree, this uncertainty could have significant consequences on the amenity value of the tree and its contribution to the area.
11. Theoretically, an extension could be built under permitted development rights if the existing bungalow was nearer to the tree, with specific foundations to be agreed at building control stage. However, this does not overcome my concerns regarding works to the protected tree itself or the uncertainties arising from the absence of structural engineering details with this appeal.

12. I also note concerns about the reasons and process behind the confirmation of the TPO and the footpath damage next to the tree. However, given the protected status of the tree, my principal focus has been on the amenity value of the tree and its contribution to the character and appearance of the area.
13. In conclusion, the proposed development would result in harm to the character and appearance of the area both in terms of its siting and cramped layout and the effects on the protected oak tree. Therefore, it would not accord with saved policies QL9, QL11 and EN1 of the Tendring District Local Plan 2007. Amongst other things, these policies seek development that relates well to its site and surroundings, minimises adverse environmental impacts and incorporates and conserves important trees.
14. Policy SD9 of the Tendring District Local Plan Proposed Submission Draft 2012 echoes similar requirements to these saved policies, although I can only give this policy limited weight due to the early stage of plan preparation. Saved policy QL10, which has been cited in the Council's decision notice, relates to access and living conditions issues that are not relevant to the main issue in this appeal. However, this does not diminish the conflict I have identified with saved policies QL9, QL11 and EN1.

Conclusion

15. The proposed development would be located within the urban area of Clacton with good access to services and facilities, but this does not outweigh the harm that would be caused to the character and appearance of the area. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR