



Appeal Decision

Site visit made on 13 June 2017

by Jonathan Price BA(Hons) DMS DipTP MRTPI

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

Decision date: 27th June 2017

Appeal Ref: APP/P1560/W/17/3170047

Heath Farm, Windmill Road, Bradfield, Essex CO11 2QR

- 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 Simon Patten (Patten Homes Limited) against the decision of Tendring District Council.
 - The application Ref 16/01699/FUL, dated 8 October 2016, was refused by notice dated 19 January 2017.
 - The development proposed is erection of 2 no detached 2 bedroom bungalows and associated garages.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of 2 no detached 2 bedroom bungalows and associated garages at Heath Farm, Windmill Road, Bradfield, Essex CO11 2QR in accordance with the terms of the application, Ref 16/01699/FUL, dated 8 October 2016, subject to the conditions set out in the Schedule attached to this decision.

Main Issues

2. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

3. The two bungalows are proposed respectively to the rear of two recently build houses fronting Windmill Road; a street of mainly linear housing which forms a northern arm of development in the quite small village of Bradfield. It is understood the sites in question once formed part of the originally approved rear gardens of these new houses, which now appear to have been sold and occupied with smaller areas to their rear.
4. The Council's refusal was based on this proposal representing a poor form of backland development contrary to the prevailing residential pattern along Windmill Road where the new houses originally had retained an approximate plot depth of 60m, similar to that the adjacent frontage development.
5. In this case the existing two new houses are separated by a newly formed estate road which runs west off Windmill Road and serves a permitted cul-de-sac development of ten dwellings at the rear of the housing along the main street frontage. The bungalows the subject of this appeal would front onto this new estate road and, in terms of their modest scale and relatively small plots, not appear unduly cramped and generally reflect the arrangement of the

remaining development served by this new estate road and which will continue to the west.

6. Therefore, the two bungalows would form an additional two units in the current scheme of ten dwellings and be of a plot size and scale that would integrate acceptably into the overall design of this new development. I can appreciate the Council's view that the existing permission of ten dwellings in this small estate would preserve the buffer provided by the prevailing lengths of the back gardens along Windmill Road. However, I am not persuaded the introduction of two additional bungalows within this layout would result in any material harm to the character and appearance of this part of the village or establish a clear precedent for unsatisfactory development nearby.
7. The two bungalows would relate more to the character of this new residential estate than that of Windmill Road where, sited immediately to the rear of the two new frontage houses, they would not be particularly prominent in the street-scene other than from the head of the new development access. At this point the proposed two bungalows would appear a part, and reflect the character, of the new development that will continue to the west. Consequently, this proposal would not result in any material harm to the overall quite spacious rural character of this part of the village.
8. For the reasons set out above the proposed two bungalows would result in no conflict with the aims of saved Policy EN1 of the Tendring District Local Plan 2007 (LP) to protect and, where possible enhance, the District's landscape and its distinctive local character in respect of the setting and character of this settlement. This proposal would satisfy the criteria of LP Policy QL9 in respect of being well-designed and maintaining and enhancing local character and distinctiveness, relating well to its site and surroundings and providing satisfactory boundary treatments.
9. These LP policies are generally consistent with the National Planning Policy Framework (the Framework), including its core principles to recognise the intrinsic character and beauty of the countryside and to support thriving rural communities within it as well as its aims that the design of new development responds to local character and reflects the identity of local surroundings. Consequently, the compliance found with these LP policies and can be given significant weight in this decision.
10. Due to its stage of preparation lesser weight can be given to the policies in the emerging Tendring District Local Plan Preferred Options Consultation Document of July 2016¹ (ELP). However, I can find no material conflict with ELP policies SPL 3 and LP 4 in respect of this proposal responding adequately with the local character of its surroundings.

Other Matters

11. Evidence has been provided over the Council's position in respect of providing for a five-year supply of housing land. However, as this proposal is found to comply with the development plan, I have not found it necessary to reach a firm conclusion on this question in respect of this appeal.

¹ Tendring District Local Plan 2013-2033 and Beyond: Preferred Options Consultation Document - July 2016.

Conditions

12. I have considered the conditions suggested by the Council and included those necessary and reasonable, with amendments made in the interests of conciseness. In addition to the standard time limit for commencement (1), it is necessary in the interest of certainty that a condition specifies the plans to which approval is granted (2).
13. In the interest of the character and appearance of the development it is necessary that conditions require external materials (3) and landscaping (4) be agreed before the development is permitted to commence and that the landscaping be then implemented (5). To secure safe access, adequate parking provision and a detailed sustainable transport mitigation package, these matters shall be agreed and provided for prior to occupation (6, 7 and 8).
14. Acceptable means of foul and surface water drainage are proposed in the application and these details might be secured through the Building Regulations. Therefore a condition requiring further agreement in respect to these matters is deemed not to be necessary.

Conclusion

15. For the reasons set out above, and having taken into consideration all other matters raised, I concluded that the appeal should be allowed subject to the conditions specified.

Jonathan Price

INSPECTOR

Schedule of Conditions
Appeal Ref: APP/P1560/W/17/3170047
Erection of 2 no detached 2 bedroom bungalows and associated garages at
Heath Farm, Windmill Road, Bradfield, Essex CO11 2QR

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Number - 3238:001 Rev B - Site Location and Block Plans; Drawing Number - 3243:100 Rev A - Site layout; Drawing Number - 3288:002 Rev C - Proposed Plans and Elevations; Drawing Number - 2356/CE01 Rev P3 - External Works - Below Ground Drainage Plan and Drawing Number 276-01 Tree Survey and Constraints Plan.
- 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) Prior to occupation of either dwelling, the accesses at their centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres to the north and south, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the accesses are first used by vehicular traffic and retained free of any obstruction at all times.
- 7) The dwellings shall not be occupied until a means of access and parking for vehicles for each shall have been constructed in accordance with the approved plans and with no unbound materials within 6 metres of the highway boundary. The access and parking spaces shall be retained thereafter.
- 8) The dwellings shall not be occupied until a detailed sustainable transport mitigation package has been submitted to and agreed, in writing by, the Local Planning Authority. This package will provide information on how the applicant proposes to mitigate any increase in private vehicular use associated with the development and will include appropriate information on all sustainable transport modes including bus and rail travel, cycling, walking (including the local Public Rights of Way network), taxi travel, car

sharing and community transport in the vicinity of the site. The package shall thereafter be implemented as agreed for each individual dwelling within 14 days of the first beneficial use or occupation of that unit.

---End of Conditions---