



Appeal Decision

Site visit made on 8 July 2019

by Hilary Orr MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2019

Appeal Ref: APP/P1560/W/19/3222731

The Priory, Harwich Road, Wrabness CO11 2TA

- 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 and Mrs S Purse against the decision of Tendring District Council.
 - The application Ref 18/01699/FUL, dated 21 September 2018, was refused by notice dated 14 January 2019.
 - The development proposed is the erection of 4No, four bedroom detached dwellings with garages. Amendments to existing access road with provision of turning head.
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Decision

1. The appeal is dismissed

Procedural matters

2. The parties agree that the development plan for Tendring is the Tendring District Local Plan (2007). The Council is currently working on the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017), which is currently under examination. Further work is required to address the Inspectors concerns about the proposed Garden Communities. As it is not clear the extent to which any objections to its policies are unresolved or the extent to which its policies are consistent with National Planning Policy Framework (NPPF), I give them limited weight and they do not alter my conclusions.

Main Issue

3. I consider that the main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site is located some 1.5 kilometres from the village of Wrabness and outside the Settlement Development Boundary as defined in the development Plan. The appeal site comprises the dwelling and garden of The Priory, together with a rectangular piece of land to the west. The Priory is a detached dwelling and garden with a number of outbuildings. It lies close to Harwich Road, being set within a modest front garden.
5. Access to The Priory is to the side of the dwelling and there is a second access from Harwich Road to the east of the land. The area is predominantly rural in

character with open agricultural fields. I agree that the site is not isolated and there are sporadic rural dwellings and agricultural buildings in a generally linear pattern to either side of the road.

6. The application proposes four substantial, four bedroom, detached dwellings with detached single storey garages. The proposal includes changes to the access road and provision of a vehicle turning head. The proposed dwellings would be linear in form and set back towards the rear of the site. This means that they would be set further from the road than the host property and others in the area.
7. The design of the new dwelling is more contemporary than the host dwelling and this is not unacceptable in principle. However, the lack of architectural detailing fails to echo rural characteristics in the area. The proposed dwellings would be sited very close to each other with the garages located in between. This gives the scheme a very close knit appearance. The front elevations would face the access road, with the single storey rear projections and gardens towards Harwich Road, which is a feature not commonly replicated in the local area. These factors when combined with the scale and design of the development would result in it appearing unplanned and overdeveloped, when viewed from Harwich Road.
8. Overall, the proposed development would appear obtrusive and incongruous when viewed in the context of this rural location. I find therefore that the scheme would cause significant harm to the character and appearance of the area. The proposed development would therefore be in conflict with saved policies QL9 and EN1 of the Tendring District Local Plan (2007). These policies in summary seek to ensure that all new development is well designed and relates well to its site and surroundings, making a positive contribution to the quality of the local environment by maintaining or enhancing local character and distinctiveness.

Other matters

9. One of the Council's reasons for refusal related to a contribution towards the provision of play and informal space. During the course of this appeal the appellants have submitted a signed unilateral undertaking dated 11 July 2019. In summary, this undertakes to pay the public open space contribution before commencement of the development. I have however, found harm to the character and appearance of the area, such that the appeal should be dismissed and thus I do not intend to consider this further.
10. Since the determination of the planning application, Zones of Influence have been introduced around European Designated Sites. The Habitat Regulations 2015 require an assessment to be undertaken, as to whether a proposal would be likely to have a significant effect, on the interest features of a protected site.
11. The appeal site lies within the zone of influence from the Hamford Water RAMSAR and SAC and would provide a net increase of four dwellings. Therefore, the development has the potential to cause harm to these designated areas. However, as I have already identified, substantive harm to the character and appearance of the area, such that the appeal should be dismissed, there is no need to consider this further.

12. My attention has been drawn to examples of similar development. I do not have evidence to confirm the details and planning history for these sites. In any event, I have to determine this appeal on its own planning merits, and their presence would not justify granting this appeal.
13. Paragraph 11 of the NPPF provides a presumption in favour of sustainable development and planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The Council have indicated in their evidence that they are able to demonstrate a five-year supply of deliverable housing sites, although this is disputed by the Appellants. I have not however been provided with sufficient evidence to conclude either way. Nonetheless, I have already found that the proposed development would cause significant harm to the character and appearance of the area. Therefore, the benefits of providing four additional dwellings, is significantly and demonstrably outweighed by the significant harm I have identified. The appeal should therefore be dismissed.
14. I have had regard to the conditions suggested by the Appellants, with regard to supplementary landscaping to provide additional screening of the domestic paraphernalia commonly found in gardens. However, there is no guarantee that additional planting would remain permanently, and screening does not mitigate the harm I have already identified.

Conclusion

15. For the above reasons the appeal is dismissed.

Hilary Orr

INSPECTOR