



Appeal Decision

Site visit made on 30 January 2019

by Martin H Seddon BSc DipTP MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 August 2019

Appeal Ref: APP/P1560/W/18/3205269

22 Harwich Road, Ardleigh, Colchester, CO7 7LS

- 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 Penni Rogers against the decision of Tendring District Council.
 - The application Ref: 17/02160/FUL, dated 27 November 2017, was refused by notice dated 9 February 2018.
 - The development proposed is one new 3 bedroom detached dwelling with external parking space.
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Decision

1. The appeal is allowed, and planning permission is granted for a new 3 bedroom detached dwelling with external parking space at 22 Harwich Road, Ardleigh in accordance with the terms of the application, Ref: 17/02160/FUL, dated 27 November 2017, subject to the schedule of conditions listed at the end of this decision.

Preliminary Matter

2. The National Planning Policy Framework (the Framework) was revised in July 2018, with a further revision in February 2019, primarily concerning the determination of housing land requirements. The main parties in this appeal were provided with the opportunity to comment on the revised Framework and the housing land supply in the District.

Main Issues

3. The main issues are:
 - whether the proposal is a suitable location for new residential development having regard to the spatial strategy of the development plan, and
 - the effect on the character and appearance of the area.

Reasons

4. The appeal site is a small paddock located situated between 2 pairs of semi-detached dwellings and with access to Harwich Road. It located to the north-east of the settlement of Ardleigh.

Whether a suitable location

5. The development plan for Tendring is the adopted Tendring District Local Plan (2007) (the Local Plan). The emerging development plan is the Tendring District Local Plan 2013-2033 and Beyond, Publication Draft. The Council has advised that it cannot currently demonstrate a 5 year supply of deliverable housing sites. In such circumstances paragraph 11(d) of the Framework applies and the policies which are most important for determining the application are out-of-date. Therefore, planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
6. Saved Policy QL1 of the Local Plan sets out the development plan's spatial strategy, which restricts development outside settlement boundaries. The appeal site is outside any settlement boundary and within the open countryside. On that basis, it would conflict with the spatial strategy policies in the adopted and emerging Local Plans. Although the policies in the development plan are out of date, moderate weight may be attached to the conflict with the spatial strategy and Policy QL1 of the Local Plan. Only limited weight may be accorded to policies in the emerging development plan.
7. The council advises that other developments have been allowed in the vicinity of the appeal site when the council could not demonstrate that it had a 5 year housing land supply. These include the approval of 4 dwellings at Cherry Tree Farm in 2017 on land occupied by a tree nursery. That site is located at the opposite side of Harwich Road from the appeal site. In common with that development the proposal would have good access to Ardleigh by the pedestrian footpath on Harwich Road just over a kilometre away. Ardleigh has several shops, a primary school, GPs surgery and employment opportunities. There is also a bus stop nearby providing public transport to Manningtree and Colchester. Future occupants of a dwelling would therefore not have to rely entirely on the use of private transport to meet their everyday needs. Their use of services and facilities would help to enhance or maintain the vitality of the nearby rural community of Ardleigh.
8. Therefore, in the absence of any identified harm from the proposal, I consider that the development would constitute sustainable development as set out in the Framework, for which there is a presumption in favour. I am of the view that this material consideration is sufficient to outweigh the conflict with Policy QL1 of the Local Plan in this case.

Effect on character and appearance

9. The proposed dwelling would be of a similar height to the semi-detached dwellings at either side. It would have a relatively modest appearance with twin front dormers, to match neighbouring dwellings, and a chimney. The external materials would be red brick walling with a terracotta tile roof, consistent with its rural location. The main concern of the council, according to the delegated report, is that the proposal would result in the loss of an undeveloped gap which contributes towards the character of the area. However, the site was previously occupied by greenhouses, it is surrounded by a mix of sheds, other agricultural buildings and paddocks and there are no views towards a rural or high quality landscape.

10. The appeal site would, in my opinion, constitute an infill site and its development by a single dwelling of an appropriate design would have no significant harmful effect on the character or appearance of the surrounding area. The proposal would not conflict with Policies ENV1 and QL9 of the Local Plan which seek, amongst other things, to ensure that developments protect the quality of the landscape and the design of new development is compatible with its surroundings and protects local character.

Conditions

11. I have had regard to the conditions suggested by the Council. In order to provide certainty regarding what has been granted permission I have included a condition to confirm the approved plans. Conditions regarding turning space within the site and surfacing materials for the access are imposed in the interests of highway safety. Details of external materials are required so that the proposed dwelling may complement the appearance of surrounding development. Conditions are included regarding planting and landscape details to ensure that the development is in keeping with its rural location.

Conclusions

12. The addition of a single dwelling to the housing supply would have limited benefits. There would be some conflict with the spatial strategy in Local Plan Policy QL1 and Policy SPL1 of the emerging Local Plan. However, the site is within a location which would enhance and maintain the vitality of the nearby rural community and there would be no significant harm to the character and appearance of the countryside. I find, for the reasons given above, that the adverse impacts of allowing the appeal would not significantly and demonstrably outweigh the benefits. I have taken all other matters raised into account but conclude that the appeal should be allowed subject to conditions.

Martin H Seddon

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1239/PL/11, 1239/PL/12, 1239/PL/13, 1239/PL/14, 1239/PL/15, 1239/PL/16, 1239/PL/17 and 1239/PL/18.
3. Prior to first occupation of the development the vehicular turning facilities, as shown on drawing No.1239/PL/11 shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.
4. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
5. All new driveways and parking areas shall be made of porous materials, or

provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling.

6. Prior to the commencement of any above ground works precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction shall be submitted to and approved, in writing, by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
7. Prior to the commencement of any above ground works there shall have been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837:2012 Trees in relation to design, demolition and construction".
8. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October-March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

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