



Appeal Decision

Site visit made on 11 September 2019

by Stephen Wilkinson BA BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2019

Appeal Ref: APP/P1560/W/19/3227014

Land to the rear of 14-18 South Street, Manningtree, Essex

- 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 Mark J Morsley against the decision of Tendring District Council.
 - The application Ref 18/01867/FUL dated 7 November 2018, was refused by notice dated 17 January 2019.
 - The development proposed is erection of a building containing two one bedroom apartments.
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Decision

1. The appeal is dismissed.

Main Issue

2. I consider the main issues in this case to be whether the proposal would effect:
 - the character and appearance of the Manningtree Conservation Area and on the Grade II listed building at Nos. 14-18 South Street
 - the living conditions of neighbouring properties by reason of loss of light, outlook and privacy, and
 - the living conditions of occupiers of the proposed apartments by reason of the area of outdoor private amenity space.

Reasons

Effect on designated heritage assets

3. The appeal site comprises a small vacant plot, surfaced in concrete on Stour Street to the rear of Nos. 14-18 South Street, a Grade 2 listed building which comprises two and three storeys. The site lies within the Manningtree Conservation Area (CA), designated around a medieval street pattern and subsequently developed during the eighteenth and nineteenth centuries when the town was a small port and centre for maltings, leather and iron trades. The CA is marked by an intimate scale of development with terraces of two and three storey properties, interspersed with listed buildings set along narrow roads.
4. The proposals would involve the development of a new building comprising ground and two upper floors with a two-storey rear addition, containing two

- one bedroom apartments. A fire escape from the rear of the first floor would lead to a small courtyard which forms an area of proposed amenity space for one of the apartments.
5. The proposed building would be gable fronted and clad in red soft facing bricks, with a natural slate roof and with wooden windows. The roof would include three 'lights'. Overall the ridge line would be approximately 8.7m in height.
 6. The proposed building would be set between 1-2m from the rear boundary of Nos 14-18 South Street, a Grade II listed building. Given its height and proximity the proposal would be a dominant feature in the street scene and would detract from the setting of this listed building. Whilst the selection of materials for the building is designed to mitigate the impact of the scheme on the CA its height and extent within this small plot would be at variance with the intimate scale of development which characterises the CA.
 7. To conclude on this issue, I find that the appeal proposal would not preserve or enhance the character or appearance of the CA and would materially harm the setting of the listed building. This would be contrary to Saved Policies, EN17 and EN23 of the Tendring District Local Plan (2007), together with the policies PPL9 of the emerging Local Plan, which are consistent in seeking to protect the setting of listed buildings and the preservation and enhancement of the character or appearance of CAs.

Living conditions of occupiers of adjacent properties

8. The whole of No 18 South Street is occupied as a terraced dwelling and the upper floors of Nos 14-16 South Street are in residential use. Whilst some of the rooms within these dwellings are served by second windows, others are not. Given the proximity of the proposed scheme to this property there would be a loss of light to the room at ground and first floor levels. Furthermore, there would be a loss of outlook from these rear windows.
9. The proposed scheme includes a window in the flank wall serving a small dining/study room. This would allow overlooking to Nos 14-18 South Street resulting in an unacceptable loss of privacy.
10. The National Planning Policy Framework 2019 (the Framework) stresses the importance of good design and emphasises the importance of a high standard of amenity for existing and future users. This approach is re-iterated in Saved Policies QL11 of the adopted Local Plan (2007) and policy SPL3 included in the emerging Local Plan. I conclude on this issue that the appeal scheme would adversely affect the living conditions of the occupiers of Nos 14-18 South Street through a loss of light, outlook and privacy.

Living conditions of occupiers of the proposed development

11. The proposed scheme sits tightly within its boundaries and includes only small areas at the rear and side designed to serve as private amenity space for each of the apartments. There is no space identified within the scheme for refuse/recycling storage and cycle parking.
12. The proposed areas of private amenity space are well below those included in the Council's Saved policies QL 10, and HG9 which require minimum areas of private amenity space for flats of between 25-50sqm. These suggested areas are replicated in the policy SPL3 of the emerging Local Plan. Furthermore,

these policies seek to ensure that new development includes adequate space for refuse and recycling storage areas and cycle parking. The proposed scheme does not include any of these areas and consequently, I conclude that it would adversely impact on the living conditions of future occupiers contrary to saved policies and those draft policies contained in the emerging Local Plan.

Other Matters

13. Although the proposed scheme does not include parking places in line with adopted parking standards, I accord this matter limited weight given the importance of incentivising modal shift to sustainable transport and the location of the site just outside the centre of Manningtree.
14. The Appellant has identified an extant permission dating from 2005 as a precedent for the current scheme. I do not have the details of this scheme before me and therefore I cannot take this into account to inform my decision, and in any case, each planning decision is made on its own merits.

Conclusions

15. I have found that the proposed development would fail to preserve or enhance the character or appearance of the CA and would cause harm to the setting of Nos. 14-18 South Street, a Grade II listed building. Whilst the harm to the setting of the listed building and to the CA as a whole would be less than substantial, I nevertheless attach considerable importance and weight to the desirability of preserving the character and appearance of the CA and the setting of the listed building. Notwithstanding that the development would tidy a neglected parcel of land and provide two residential units, these benefits, in so far as they might constitute public benefits are not sufficient to overcome the harms which I have identified. Moreover, I find that the scheme would adversely impact on the living conditions of both the existing occupiers of the neighbouring property and the future occupiers of the proposed scheme.
16. For the reasons given above, I hereby dismiss this Appeal.

Stephen Wilkinson

Inspector