



Appeal Decision

Site visit made on 8 July 2019

by Hilary Orr MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2019

Appeal Ref: APP/P1560/W/18/3218063

The Beeches, Heath Road, Tendring CO16 0BX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr James Spear against the decision of Tendring District Council.
 - The application Ref 18/01340/OUT, dated 12 August 2018, was refused by notice dated 8 October 2018.
 - The development proposed is to self build a 4 bedroom detached property including built in double garage.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The above description of the development has been taken from the application form. The appeal form that accompanied this appeal, states that the description has not changed, although there has clearly been a minor change to remove commentary that does not describe the nature of the development. This description more accurately describes the proposed development. The Council have determined the application on this basis and so shall I.
3. The planning application sought outline planning permission for a detached dwelling with all matters reserved for later consideration. A location plan has been submitted and a second plan that indicates the plot boundaries and potential siting for the proposed dwelling. I shall consider the latter as being illustrative.
4. The Council is currently working on the emerging Tendring District Local Plan 2013-2033 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 Issues

5. The main issues are:
 - The effect of the proposed development on highway safety; and

- Whether the proposed development would be in a suitable location having regard to the accessibility of services and facilities, and the character and appearance of the area.

Reasons

Highway safety

6. The appeal site is located immediately adjacent to The Beeches, which is a semi-detached, two storey dwelling, to the south of Heath Road. The site lies within a pocket of development outside the Defined Settlement Boundary.
7. Views were sought from Essex County Council Highways, who objected to the scheme in the interests of highway safety. In summary they considered that the proposal would lead to the intensification of use of the existing sub-standard access by reason of insufficient vehicular visibility splays.
8. I saw from my site visit that there is a single existing access which serves the parking area for The Beeches. There was no active vehicular access to the appeal site due to timber fencing separating the site from the rear of the parking area. I was given access to the site from The Beeches.
9. It is the Appellants case that the access has been used for many years and the proposal would not lead to any intensification, as there would be no additional car use. Both submitted plans show the appeal site to be separate from The Beeches. It is not clear from the information I have, whether it is proposed to use the existing access or to form a new access. If the latter, this would be in very close proximity to the existing access such that this would effectively be widened.
10. I acknowledge that as an outline application, access to the site is a matter for later consideration. It is however reasonable to conclude that an additional dwelling using the access would result in additional vehicle movements. I understand the Appellants point, that The Beeches was originally occupied by his parents and siblings, who have now moved away from the property. In the short term this might mean that there would be no overall increase in vehicle movements. However, I have to consider the acceptability of the scheme in the longer term. If planning permission were to be granted for an additional dwelling, there is the possibility that both properties could be fully occupied in the event that the personal circumstances change, or the properties are sold. Planning conditions could not reasonably be used to control this eventuality.
12. Overall, and for these reasons I am not satisfied that the proposed dwelling can be safely provided and would not result in an intensification of the existing vehicular access which has insufficient visibility. For these reasons the proposal would be prejudicial to highway safety. The proposed development would therefore conflict with Policy TR1a of the adopted Tendring District Local Plan Written statement (2007) (LP). This policy aims to ensure that proposals for development reduce and prevent hazards and inconvenience to traffic.

Location

13. The site is located outside the Settlement Development Boundary (SDB) and the LP advises that for the purpose of countryside policies, the countryside is defined as all of those parts of the plan area that fall outside the SDB of towns and villages as identified on the proposals Map. For the purposes of development plan policy, the site is therefore within the countryside.
14. This section of Heath Road is however semi-rural, comprising a cluster of houses and buildings of various scale and design. There were a number of new dwellings under construction in very close proximity to the site at the time of my visit. The character becomes more rural to the immediate south and east of the site with scattered rural development.
15. The planning application proposes a single four bedroom detached dwelling. Although layout details are not submitted it is indicated that the dwelling would be to the rear of The Beeches.
16. Due to the close proximity of the site I have had regard to the recent appeal decision at land adjacent to the Fat Goose for five houses, which was recently dismissed on appeal (APP/P1560/W/18/3213566). In terms of location the position for both sites will be very similar and I have therefore had regard to the Inspectors findings with regard to the accessibility of services and facilities.
17. Whilst I accept that there is a lack of day to day facilities in the immediate area, I note that the village of Tendring Green lies a short distance away. Moreover, a micropub has been allowed on appeal and a farm shop has been recently approved (18/01609/FUL). There is a bus stop nearby, although I have no information about the areas serviced or its timetable. The Appellant advises that his children attend a local school within a mile of the site.
18. For these reasons I find that the development would be acceptable in terms of social considerations. The physical location of the appeal site would not result in a new isolated home in the countryside that the NPPF seeks to avoid. Moreover, it would provide some economic benefit during the construction phase and future occupiers would support local services. Consequently, I find that that the proposal would not conflict with paragraphs 78 and 79 of the National Planning Policy Framework (NPPF).
19. Turning to character and appearance. The site is well screened to each boundary with established trees and shrubs. I have no evidence about the historic use of the appeal site. However, it has the appearance of an extended garden with domestic planting and the usual paraphernalia associated with a well-established domestic garden.
20. As an outline application there are no details provided about the final location and design of the proposed dwelling within the plot. The submitted drawings give some indication that, due to the shape of the plot, the proposed dwelling would be sited within the wider part of the site and to the rear of The Beeches.
21. This form of rear siting is not a characteristic found commonly repeated in the area. However, the domestic appearance of the land and its small scale, means that it relates more to the adjacent residential properties, than the countryside beyond. The size of the site makes an appropriate alternative unlikely. It follows that the location of the proposed dwelling to the rear of existing

dwelling would not unacceptably harm the character of the area or wider countryside. Therefore, I find no conflict with Local plan policies in this regard.

22. The Appellants have confirmed in their evidence that the proposed driveway will not extend any further back than as at present. However, as detailed plans do not form part of this appeal, I cannot conclude either way.
23. A separate access for the new dwelling, would undoubtedly change the current appearance of the street frontage. It would also to some limited degree draw attention to the rear siting of the dwelling. Nonetheless, as I have already found the siting of the proposed dwelling would not be harmful to the character and appearance of the area. It follows that, the continued use of the access would similarly not cause unacceptable harm in respect of the character and appearance of the area.
24. For the above reasons I find the appeal site would be in an appropriate location for a single dwelling, in respect of the character and appearance of the area. Thus, the proposal would not conflict with policies EN1, QL1, QL9 and QL11 of the Tendring District local Plan (2007) which, in summary requires all new development to protect and make a positive contribution to the distinctive quality of the local environment. It would however conflict with Policy HG13 of the Local Plan in terms of it being outside the Settlement Development Boundary and in the absence of a safe and convenient access.

Other matters

25. 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.
26. The appeal site lies within the zone of influence from the Colne Estuary RAMSAR and SPA and would provide a net increase of one dwelling. Therefore, the development has the potential to cause harm to these designated areas. However, as I have already identified substantive harm to highway safety, such that the appeal should be dismissed, there is no need to consider this further.
27. I note the Appellants intention to self-build the new dwelling and this would weigh in favour of the scheme and could be secured by an appropriate legal agreement. I also appreciate the frustrations when trying to get onto the property ladder. Nonetheless, these would not be sufficient to justify allowing the appeal, given the harm to highway safety that I have identified.

Conclusion

28. 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.
29. I have had regard to the evidence regarding the five year housing land supply. The Council consider that the need for housing in Tendring is less than originally envisaged. The benefits of providing one additional dwelling to the current land supply are limited. I also recognise that there may be other limited

benefits during the build process and support to local services. Nonetheless, whilst I have not found harm to the accessibility of services and facilities or the character and appearance of the area, I have found significant harm to highway safety. I conclude therefore, that the benefit of providing one additional dwelling, is significantly and demonstrably outweighed by the significant harm I have identified, such that the appeal should be dismissed.

Hilary Orr

INSPECTOR