



Appeal Decision

Site visit made on 19 November 2019 by Emma Worby BSc (Hons)

Decision by P J Davies BSc (Hons) MA MRTPI

appointed by the Secretary of State for Communities and Local Government

Decision date: 31 December 2019

Appeal Ref: APP/P1560/D/19/3234467

24 Village Close, Kirby Cross, CO13 0PF

- 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 D Ursell against the decision of Tendring District Council.
 - The application Ref 19/00563/FUL, dated 29 March 2019, was refused by notice dated 20 May 2019.
 - The development proposed is a two-storey and single storey side extension and front porch.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons for the Recommendation

4. The appeal property is a two-storey detached dwellinghouse located on a corner plot and is set within a residential estate. There is some variation to the form and layout of the housing pattern but in the immediate context of the appeal site most dwellings are set back from the road with ample space to the front. The proposal would extend the appeal property to the side with a two-storey and single storey extension which would also wrap around the front of the property to form a replacement porch.
5. The Council's concerns largely relate to the two-storey aspect of the proposed development, located on the side elevation of the existing dwelling adjacent to the road, Village Close. This would replace the existing conservatory.
6. Due to its siting on an open corner plot, the proposal would be highly visible within the street scene. The two-storey extension would be of substantial scale, with a width of over 4 metres and the overall depth of the extension would be longer than that of the main dwelling. Therefore, due to its scale and prominence, the proposed extension would appear overly dominant when compared with the existing modest and well-proportioned dwelling. The harm

- caused by the scale of the extension would be exacerbated by its close proximity to the road. In particular, it would lie forward of the established building line to the west, which would result in an incongruous development out of keeping with the housing layout where buildings are generally set back.
7. It is noted that there is a similar two-storey extension to another property along the road, Village Close. However, this is located at the end of the cul-de-sac and not on a corner plot and therefore is not comparable to the appeal before me. The appellant has stated that other options suggested by the Council, such as a rear extension, would not be possible as the garden size would be reduced. However, whilst this might be so, the harm arising from the scale and siting of the proposal would be significant and weighs heavily against the development.
 8. For the reasons above the proposed development would be harmful to the character and appearance of the area. This would be contrary to saved Policy QL9 of the Tendring District Local Plan 2007 and draft Policy SPL 3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017) which seek to ensure new development protects or enhances local character and makes a positive contribution to the quality of the local environment. It would also conflict with the design objectives of the National Planning Policy Framework. Whilst the draft plan has unresolved objections, insofar as Policy SPL 3 is broadly consistent with the adopted Local Plan Policy QL9 and the NPPF, I give it significant weight.

Other Considerations

9. The appellant has stated that the proposal is supported by occupiers of the neighbouring properties, and that there are no issues in relation to other matters such as highways, ecology, heritage or drainage. However, these factors carry neutral weight and would not overcome the identified harm.
10. In reaching my recommendation I have had full regard to the personal circumstances that have led to the need for the development. However, whilst I am sympathetic to these circumstances, the harm to the character and appearance of the area would be significant and would not be outweighed by these considerations. I also note the prior discussions held with the Council but from what I have seen and read I am in no doubt that the proposal would be unacceptable for the reasons given. This does not therefore alter my recommendation.

Conclusions and Recommendation

11. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal is dismissed.

Emma Worby

APPEALS PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

P J Davies INSPECTOR