
Appeal Decision

Site visit made on 23 March 2020

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 April 2020

Appeal Ref: APP/P1560/W/19/3241250

Land adjacent to 84 Spenser Way, Jaywick, Essex CO15 2QU

- 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 CL Developments against the decision of Tendring District Council.
 - The application Ref 19/00995/FUL, dated 27 June 2019, was refused by notice dated 28 August 2019.
 - The development proposed is described as a '1 bedroom bungalow'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site encompasses a parcel of land between 82 and 84 Spenser Way (Nos 82 and 84). Spenser Way is a residential street located towards the edge of a large housing estate. The estate has a layout based on a perimeter block structure with houses tending to be set in discernible building lines behind front gardens and overlooking the street. Many properties have reasonably generous gardens to the rear and parking to the front and/or side. Bungalows appear to be the most common house type in the area but there are several semi-detached and chalet style dwellings. Plot sizes are not uniform in Spenser Way or the estate more generally, but they are similar in depth and width and the properties often have some space to the side boundaries. This gives a pleasant rhythm and harmony to the street scene.
4. The proposed dwelling would be clearly visible in the street scene, sit unusually on the side boundary with No 82 and occupy a plot that would be notably narrower than those nearby. In addition, the dwelling would be discordantly small, but its side elevations would be close to those of Nos 82 and 84. The property would therefore span nearly the entire frontage of the plot. The narrowness of the front elevation would emphasise the narrowness of the plot. The dwelling would therefore appear cramped, having been squeezed into the available space rather than being a natural and harmonious infilling. The car dominated frontage and lack of soft landscaping would further stress this, as would the position of No 84 in a relatively diminutively sized plot.

5. The proposal would not be without merit because it would have a single storey scale in keeping with other properties nearby and the position of the front elevation would respect the perimeter block structure and building line of the street and wider estate. However, any semblance of harmony with the pattern and form of development nearby would be undone by the unusually small size of the property and plot, as well as the awkward height of the eaves, which would be notably taller than those of the other properties in the street. The hipped roof and overall building height would respond to nearby properties, but this feature, taken with the other positive aspects of the design, would not result in an overall appearance that would sufficiently mitigate for the limitations I have already identified.
6. The proposed bungalow would replace the existing flat roofed garage, a building of very limited architectural value. However, it has a subservient scale and appearance and garages are not uncommon in the street. The proposed dwelling would be larger than the existing garage and thus more prominent. It would also appear harmfully cramped and out of place for the reasons given. Accordingly, the presence of the garage does not justify the harmful impacts the appeal scheme would have.
7. There are modest bungalows set within narrow plots locally and at other settlements in the locality, such as Holland-on-Sea. Nevertheless, the appeal site is not seen in the context of the examples provided by the appellant, such as the properties in Meadow Way, Brighton Road, Park Square and Hereford Road. Notwithstanding this, the small bungalows in these streets are generally a coherent part of the street scene often being a repeated house type set in groups. The properties are also largely set in from the side boundaries. As such, the appeal scheme would be materially different to these examples and therefore not justified by them. Similarly, The Acorns is a comprehensive development with bungalows sitting comfortably in plots that are larger than that proposed and set back from the street scene of Spenser Way.
8. In conclusion, the proposed development would significantly harm the character and appearance of the area. This would be contrary to saved Policy QL9 of the LP, which seeks to secure development that protects or enhances local character by relating well to its surroundings in relation to siting, massing and design. As a material consideration, the Council has referred to draft Policy SPL3 of the emerging Local Plan Publication Draft 2017. This policy has similar aims to those of Policy QL9 of the LP and therefore the conflict with this draft policy is a matter of some limited weight against the proposal.
9. The Council has also mentioned Policies QL10 and QL11 of the LP in its first reason for refusal, but these policies do not appear directly relevant to its concerns, as they relate to functional design requirements and the environmental impacts of a proposal, as opposed to the impact on the character and appearance of the area.

Other Considerations

10. The proposal would be at odds with the development plan for the reasons already given. A development should be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (the 'Framework') is a material consideration of significance.

11. The Council are currently unable to demonstrate a five-year housing land supply. In such circumstances Paragraph 11 of the Framework states that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when considered against the policies in the Framework taken as a whole.
12. As an adverse impact, the proposal would significantly harm the character and appearance of the area. This would be at odds with Policy QL9 of the LP, which is consistent with Paragraph 127 of the Framework. The conflict with these local and national policies is an adverse impact of significant weight against the proposal.
13. Conversely, the proposal would deliver several benefits. It would contribute to the local housing land supply at a point in time when there is a housing land supply shortage. However, the appellant has not disputed the Council's proposition that the shortfall is only modestly below where it needs to be. Moreover, the results of the Housing Delivery Test demonstrate the Council has recently increased supply and it has submitted a draft Local Plan for examination. It is therefore making positive steps to address the shortfall. In this context, the modest contribution to housing supply from a single dwelling would be of limited weight as a benefit.
14. Evidence has not been provided to suggest local services, facilities or clubs are suffering for lack of patronage and therefore the modest support to the local economy and community provided by the development would also be of limited weight. The proposal would also result in some short lived benefits to the construction industry and the Council's draft Housing Strategy¹ indicates that the provision of a one-bedroom bungalow could be beneficial to the elderly population of the district, but that would only be the case if occupied by someone of this age bracket. However, as only a single dwelling is proposed the benefits would be moderate.
15. Thus, the adverse impacts of the appeal scheme would significantly and demonstrably outweigh the moderate benefits when assessed against the policies in the Framework taken as a whole. This does not indicate a decision should be taken other than in accordance with the development plan.

Other Matters

16. Given my overall conclusion that the appeal should fail, there would be no future occupants that could increase recreational disturbance at a Special Protection Area. Accordingly, it is unnecessary for me to consider this matter further. There were no objections to the proposal from interested parties, but I have come to my own conclusions for the reasons given.

Conclusion

17. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Graham Chamberlain
INSPECTOR

¹ Draft Housing Strategy 2019-2024 Tendring District Council Delivering Homes to Meet the Needs of Local People