
Appeal Decision

Site visit made on 26 May 2020

by O S Woodward BA(Hons.) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 June 2020

Appeal Ref: APP/P1560/W/20/3245149

Site to the rear of St. Michaels House, Brightlingsea Road, Thorrington, Colchester, Essex CO7 8JJ

- 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 and Mrs Howe against the decision of Tendring District Council.
 - The application Ref 19/00431/OUT, dated 13 March 2019, was refused by notice dated 26 July 2019
 - The development proposed is a detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with only access applied for in full. All other matters are reserved. An indicative layout plan has been provided showing that the proposed house would be sited in a similar location to an existing outbuilding, which would be demolished along with some trees. I have taken this into account as an indicator of the potential layout and siting of the proposed dwelling, but it is important to clarify that this level of detail is indicative only and has not been applied for in full. This is reflected throughout my decision.
3. The examination of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (emerging LP) is at a relatively early stage, particularly pending further work in relation to Garden Communities. The policies of the emerging LP therefore have limited weight at this time.

Main Issues

4. The main issues are:
 - the effect of the development on the character and appearance of the area; and
 - whether the development would accord with relevant local policies and national legislation with regard to location and access to local services and facilities.

Reasons

5. The site is land associated with the dwelling 'St. Michaels House'. It comprises an access track from Brightlingsea Road which runs alongside the southern boundary of the house and its main garden, land to the rear which includes a triple garage, a

fairly large outbuilding, and then a very large garden area further to the rear beyond a dense tree line. It is proposed to erect a detached dwelling on the land.

Character and appearance

6. This part of Brightlingsea Road is characterised by linear residential development along the road frontage. Houses are sited adjacent to one another, fronting onto the road, along a long stretch of the road in either direction from the site. There are a number of buildings and structures, some fairly substantial, within the rear gardens to the houses. However, none of these appear to be in residential use and they are ancillary buildings to the main houses along the road.
7. There is a care home set back from Brightlingsea Road further to the north, but this feels disconnected from the main run of houses along the road in the vicinity of the site, and is a development of clearly different character to a proposed dwelling within an existing rear garden. There is also a house located on the access road to the care home set-back from the main road, but this is fairly divorced from the appeal site, and it is set in the context of the access to the care home, rather than to the rear gardens of the houses fronting Brightlingsea Road.
8. The pattern in the vicinity of the site is one of a linear development of main houses along the road with haphazardly sited ancillary buildings and structures to the rear. Therefore, the introduction of a house, as opposed to an ancillary structure, behind the existing main dwelling rear building line would be out-of-keeping with the character of the area. This would be the case in the indicative location submitted by the appellant. It would remain the case whatever plausible future siting, layout or size of house were proposed within the application site, because the only parts of the site of sufficient size to accommodate a house are located significantly behind the rear building line of the houses fronting the road.
9. If at the reserved matters stage the house were to be proposed in the position as indicated by the appellant then this would involve the demolition of an existing, fairly substantial outbuilding. This is a building clearly ancillary to the main house and is entirely appropriate in this rear location. It is of similar character to the many other outbuildings along this part of Brightlingsea Road. Although a replacement dwelling would likely be a more attractive structure in its own right, it would introduce a typology of development that would be out of keeping with the character of the area in this rear location.
10. The proposed access, which has been applied for in full, is to use the existing, fairly long driveway that runs along the side elevation and garden boundary of the host property. There is some dispute over the width of the driveway but on the basis of the drawings and what I observed on site, I am satisfied that this would be of sufficient width to accommodate vehicles. The driveway would provide safe and practical access, because the number of vehicle movements would be low and it would utilise the existing access point to the main road. However, the use of this driveway to access an independent residential unit to the rear would be out of character with the area, where access to dwellings is taken directly from the road and any existing driveways are to ancillary buildings to the rear. It would also run along the entire length of the existing main rear garden of the host property, contributing to the awkward relationship to the host property.
11. It is likely that a suitable soft landscaping scheme could be proposed to mitigate the likely loss of some existing trees and vegetation, and it is possible that this could even enhance the landscaping of the site. However, this would not overcome the fundamental concerns with the siting and layout of the proposal.

12. Overall, through its proposed location behind the established primary residential building line along the road, the awkward and conflicted relationship to the host property, and the long access road to an independent residential unit to the rear, the proposal would harm the character and appearance of the area and fails to comply with the relevant parts of Policies HG13, QL9, QL10 and QL11 of the Local Plan 2007 (the LP), which, amongst other things, seek high quality design that respects the local character of the area. It fails to comply with Chapter 12 of the National Planning Policy Framework (the Framework) which, amongst other things, seeks high quality design.

Location and access to local services and facilities

13. The site is outside of a defined Settlement Development Boundary. However, it lies within a long road of residential and other properties, and is not isolated. The centre of the village of Thorrington is approximately one mile walking distance, along well marked footways, so is relatively accessible by foot. The village only provides a fairly limited range of services, but it does have a post office, public house, two playgrounds and a village hall. The site is also located close to bus stops providing regular services to Clacton-on-Sea and Brightlingsea, as well as Colchester further afield. These are all large centres with a large variety of services and facilities. Evidence has been provided that the busses operate regularly, at up to every 15 minutes, Monday to Saturday. The site is relatively accessible to local centres, and there are genuine alternative transport modes to the car, including for day-to-day needs.
14. Policies HG13 and QL1 of the LP, amongst other things, seek to direct development towards defined settlements and to prevent residential development outside of the defined settlement boundaries. The proposal conflicts with these policies. However, the Local Plan was adopted in 2007 and significantly pre-dates the 2019 Framework. The elements of Policies HG13 and QL1 which set out a prescriptive restriction on residential development outside of defined settlement boundaries are inconsistent with the Framework, particularly Paragraph 78 which specifically supports development that would allow opportunities for villages to grow and thrive, especially where this would support local services. I therefore place limited weight on Policies HG13 and QL1 and the conflict with them.
15. I also place limited weight on Policy SPL1 of the emerging LP, which is in a fairly early stage in its preparation with significant unresolved objections to policies in relation to the location of housing.
16. Overall, the site is not in an isolated location and there are genuine alternatives to the car for accessing services and facilities, and the proposal would help to support those same local facilities and services. Therefore, despite the conflict with Policies HG13 and QL1 of the LP and Policy SPL1 of the emerging LP, the proposal is in an acceptable location for residential development in terms of access to local facilities and services, and complies with the Framework in this regard.

Other Matters

17. I have taken into consideration neighbouring living conditions and private outside space for the proposed and host dwellings. These matters are not in dispute, I see no reason to disagree, and the detail of the proposal in these regards could be controlled by condition or at the reserved matters stages if the proposal were otherwise acceptable.

Planning Balance

18. The Council can only demonstrate a 4.6 year housing land supply as assessed against the 'standard method' of calculating local housing need, as is required as set out in Paragraph 73 of the Framework and the Planning Practice Guidance. Paragraph 11d of the Framework is therefore engaged.
19. The proposal would result in the creation of a new housing unit, which would help the Council to meet its housing land supply. It would bring temporary economic benefit from the construction process. As established above, the site is relatively accessible to local centres, in particular Thorrington and Brightlingsea, and it would likely provide long-term economic benefit from the boost to local services from the greater occupancy on the site, as well as allowing Thorrington and Brightlingsea to grow and thrive. These factors weigh in favour of the proposal, but the benefits would be limited because only one additional residential unit is proposed.
20. The harm to the character and appearance of the area that I have identified would be particularly unsatisfactory due to the proposed location behind the established primary residential building line along the road, the awkward and conflicted relationship to the host property, and the long access road to an independent residential unit to the rear. In this respect I have found conflict with Policies HG13, QL9, QL10 and QL11 of the LP.
21. Furthermore, high quality design is a key aspiration of the Framework, which finds at Paragraph 124 that high quality buildings and places are fundamental to the aims of the planning process. This harm would therefore significantly and demonstrably outweigh the benefits of the proposal.

Habitats

22. The site falls within the Zone of Influence of the Colne Estuary Ramsar and Special Protection Area, as defined in the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy 2018-2038. Had the proposal been acceptable in planning terms, it would have been necessary for me to have undertaken an Appropriate Assessment (AA) as the competent authority. However, Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 indicates the requirement for an AA is only necessary where the competent authority is minded to approve planning permission.

Conclusion

23. For the reasons above, I conclude that the appeal be dismissed.

O S Woodward

INSPECTOR