The Planning Inspectorate

Appeal Decision

Site visit made on 3 December 2020

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2020

Appeal Ref: APP/P1560/W/20/3254626
70 Bedford Road, Holland-On-Sea, CLACTON-ON-SEA, CO15 5LE

- 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 L Swift against the decision of Tendring District Council.
- The application Ref 20/00370/FUL, dated 9 March 2020, was refused by notice dated 5 May 2020.
- The development proposed is the construction of a detached 1 bedroom bungalow.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effects of the proposed bungalow on:

   - The character and appearance of the area around Bedford Road and Queensway, and
   - The living conditions of the occupiers of both No 70 Bedford Road and the proposed bungalow by way of amenity space.

Reasons

3. The appeal site comprises the rear garden area of No 70 Bedford Road. No 70 is a bungalow which occupies a corner plot at the junction of Bedford Road with Queensway. At the time of my site visit, part of what was once the front/side garden to No 70, which wrapped around the junction frontages, was fenced off with a 1.8m high fence having a curved top. The rear garden to No 70 was fenced off from the rest of the property, and the frontage of the fenced off area to Bedford Road was open behind temporary security fencing.

4. The proposed development would involve the construction of a small one-bedroom bungalow on the rear garden area of No 70. The bungalow would have a small garden and parking area to the front, with a small private amenity space to the side, behind the parking area. The bungalow would be sited around 1 metre from the rear boundary and 1 metre from the boundary with the host property. The remainder of the host property would have its own separate garden and parking area to the front and small private amenity spaces to each side. The larger private amenity area would use the space currently fenced off between the bungalow and the boundary with Queensway.

Character and appearance

5. Policy QL9 of the Council's Local Plan (Adopted 2007) (LP) indicates that all new development should make a positive contribution to the quality of the local environment and protect or enhance local character. Planning permission will only be granted if, amongst other things, new buildings are well designed and maintain or enhance local character and distinctiveness, and the development relates well to its site and surroundings, particularly in relation to its siting, height, scale, massing, form, design and materials.

6. Three of the four corner plots at the junction of Bedford Road and Queensway are occupied by bungalows of similar design, scale and character to the appeal property. They have long narrow plots, with open front/side gardens, although No 70 now has a high fence, apparently relatively newly constructed, to part of its Queensway frontage. All three bungalows have their private rear garden area alongside the Bedford Road frontage. All three have pavement crossovers at the rear of the site to provide vehicular access to parking spaces/garages.

7. The fourth corner plot, diagonally opposite to the appeal property, is a different shape from those of the bungalows on the other three corners. It is occupied by a pair of semi-detached houses that are set further back from the Queensway frontage than the bungalows on the other three corners. The corner plot here (No 61) therefore has a fence around both road frontages since, unlike the bungalows, it has its main private amenity area to both the side and rear.

8. The prevailing character of the area around Bedford Road and Queensway is one of detached dwellings, most of them bungalows, with good sized rear gardens. The proposed bungalow would be a small one-bedroom dwelling that would be set with a front elevation further forward on its plot than those of the existing bungalow at No 70 and the neighbouring dwellings to the east. It would, therefore, on this basis, be more prominent in the street scene. Moreover, it would have only a small private amenity area to the eastern side and would be set close to its boundaries to the south and west. I consider that the proposed bungalow would appear uncharacteristically cramped on its plot, harmful to the general character and appearance of the surrounding area which is otherwise relatively spacious and open.

9. From the submitted plans it would appear that the existing bungalow at No 70 would need modification in the form of removal of the western front bay window in order to create sufficient room for parking to the front. The siting of this parking area would also be uncharacteristic of the area, being very close to the road intersection. The removal of the bay window would result in an unbalanced appearance to the bungalow, and the scale and siting of the parking area would, in itself, be harmful to the degree of uniformity in the nature and design of the bungalows within their corner plots.

10. In conclusion on this issue, I find that the generally cramped appearance of both the existing bungalow on its reduced plot and the proposed bungalow on the rear garden area, would be harmful to the character and appearance of the area around Bedford Road and Queensway. The development would not maintain or enhance local character and distinctiveness, and it would not relate well to its site and surroundings. It would, therefore, conflict with Policy QL9 of the LP.

Living conditions

11. Policy QL10 of the LP indicates that all new development should meet functional requirements. Planning permission will only be granted if the certain criteria are met, such as a requirement that provision is made for functional needs, including private amenity space.

12. Policy HG9 of the LP indicates that private amenity space shall be provided to new dwellings in accordance with the following standards: For a two-bedroom house - a minimum of 75 square metres, and for a one-bedroom house - a minimum of 50 square metres.

13. The submitted plans indicate that the proposed one-bedroom bungalow would have an amenity space of 54 square metres. However, this would appear to relate to all amenity space. The effective and useable private amenity space would appear to be significantly below this figure. Similarly, the effective and useable private amenity space in total for the existing two-bedroom bungalow would appear to be below the required standards given in Policy HG9.

14. In conclusion on this issue, I find that the proposed development would fail to provide adequately for the functional private amenity needs of the occupants of both bungalows, and that the required private amenity space standards would not be met. It would be harmful to the living conditions of both dwellings by and it would, on this basis, conflict with Policies QL10 and HG9 of the LP.

Other Matters

15. The Tendring District Local Plan (2013-2033 and Beyond) is at Publication Draft stage. This plan has not yet been adopted but is at a stage of development where it can be afforded moderate weight. Policy SPL3 of this plan continues the thrust of Policies QL9, QL10 and HG9 of the LP, as outlined above.

16. The Council contends that a proportionate financial contribution has not been secured in accordance with the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) requirements. As submitted, therefore, there is no certainty that the development would not adversely affect the integrity of Habitats sites. I note this point, which could presumably have been dealt with, if necessary, by way of the completion of a suitable agreement. This does not affect my conclusions on the main issues above.

Conclusion

17. I find that the proposed development, by virtue of its cramped appearance in the street scene, would fail to maintain or enhance local character and distinctiveness and, in addition, it would not relate well to its site and surroundings. The cramped nature of the development would be exacerbated by the inadequate provision of private amenity space for the occupiers of each dwelling. The proposal would, therefore, be harmful to the character and appearance of the surrounding area and to the living conditions of the occupiers of each bungalow. Accordingly, I dismiss this appeal.

J D Westbrook

INSPECTOR