



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: 08 January 2021

Appeal Ref: APP/P1560/W/20/3254376

6 Maltings Road, Brightlingsea, COLCHESTER, CO7 0RG

- 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 Bruce B Ltd against the decision of Tendring District Council.
 - The application Ref 19/01513/OUT, dated 9 October 2019, was refused by notice dated 5 February 2020.
 - The development proposed is the construction of a detached bungalow.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. This is an outline application with all matters other than access reserved for later approval.
3. There is some inconsistency in the documentation with regard to the number of bedrooms in the proposed bungalow and host bungalow. For clarification purposes, it would appear that the proposed bungalow is intended to have three bedrooms although, as this is an outline application, I take this to be indicative. It would appear that the host property has two bedrooms.

Main Issues

4. The main issues in this case are the effects of the proposed bungalow on:
 - The character and appearance of the area around Maltings Road, and
 - The living conditions of the occupiers of 6 Maltings Road and neighbouring properties by way of noise and disturbance.

Reasons

5. The appeal site is the rear garden to No 6 Maltings Road. No 6 is a small detached bungalow situated on the southern side of the road. The houses on this side of the road are set well back from the road and have very long back gardens that back onto a school and its playing fields. To the south-west of the appeal property is a small residential development on Sarre Way, which consists of two-storey houses. The houses on the north side of Sarre Way back onto the appeal site. Maltings Road itself is characterised by detached and semi-detached bungalows.

6. At the time of my visit, that part of the rear garden to No 6 immediately to the rear of the bungalow was fenced off and separated from the driveway serving the property and the rest of the curtilage. The driveway leads to a double garage part way down the length of the plot and up against the boundary with No 8. The rest of the rear garden, beyond the garage was largely overgrown.

Character and Appearance

7. The proposed new dwelling would be sited to the rear of the existing bungalow beyond the site of the existing garage. The current access to the property would serve the new dwelling and the existing bungalow would have a new access created to serve a parking area to the front of the building. It would appear that the existing garage would be demolished and replaced by two uncovered parking spaces. The driveway would have a turning area beyond the parking spaces. There would be a low fence between the driveway serving the new dwelling and the remaining front garden at the existing bungalow.
8. Policy QL9 of the Council's Local Plan (LP), which relates to the design of new development, 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 certain criteria are met. These include that new buildings maintain or enhance local character and distinctiveness, and that the development relates well to its site and surroundings, particularly in relation to its siting.
9. Policy HG13 of the LP relates specifically to backland residential development. Proposals for the residential development of "backland" sites will be permitted where all of a number of specified criteria are met. These include that: where a proposal includes existing private garden land it should not result in unreasonable loss of amenity to existing dwellings; a safe and convenient means of vehicular and pedestrian access/egress can be provided that is not likely to cause undue disturbance to neighbouring residents; the proposal does not involve "tandem" development using a shared access; and the proposal would not be out of character with the area.
10. In this case, the distinctive character of the immediate surroundings along Maltings Road is one of bungalows in large plots. Those bungalows on the southern side of the road, including the appeal site, are set back from the front boundary and have very long rear gardens. This creates an open, spacious feel, and the proposed bungalow would appear relatively cramped on its plot, whilst creating a similarly cramped nature for the existing bungalow on the remainder of the plot. This would be uncharacteristic of the area. It would not relate well to the surroundings, and it would conflict with Policy QL9 of the LP.
11. The justification for Policy HG13 of the LP notes that backland development in the quiet "back garden zone" may result in loss of seclusion and privacy which cannot merely be preserved by preventing direct overlooking. Moreover, in judging whether or not a loss of garden area would leave existing adjoining dwellings with acceptable private amenity space, the Council will have regard to the existing character of the area in terms of space about buildings. Finally, a proposed access should avoid excessive disturbance to neighbouring residents through, for example, an access drive passing unreasonably close to an adjoining dwelling.

12. In this case, the proposed dwelling would not result in tandem development, since it would have its own separate access. However, it would be out of character with the area and, with regard to access matters, I have further concerns on this matter, and on the potential for disturbance, which I will deal with below.
13. The separation of the accesses for the existing bungalow and the new dwelling would result in a somewhat unsatisfactory re-arrangement of the street frontage of the existing property. In order to meet requirements for visibility splays, the two accesses would be sited very close together and would occupy a large proportion of the frontage, leaving little effective room for any planting, and emphasising the cramped nature of the development. Moreover, the separation of the access to the new dwelling from the curtilage that would remain for the existing bungalow, would require high fencing around the side of No 6 and its allocated private amenity area. The existing bungalow is small, and the neighbouring bungalow at No 8 appears to extend well beyond the rear elevation of No 6. Because of this, along with the need for the high fencing, I consider this would result in a somewhat oppressive feel for the occupants of the existing bungalow, especially compared with the current open, spacious nature of the plot and the other plots along this side of the road.
14. In conclusion on this matter, I find that the proposal would fail to maintain or enhance local character and distinctiveness, and that the development would not relate well to its site and surroundings. It would be out of character with the area and would conflict with Policies QL9 and HG13 of the LP.

Living conditions

15. The proposed new access, by virtue of the need to provide visibility splays, would effectively be angled across the current front garden area, and would cut across a small part of the front elevation of the existing bungalow. In addition, the bungalow would have a tandem arrangement of parking in order to provide for the two vehicles required by the Council's parking standards. This tandem arrangement would appear to require vehicles to park right up to a window in the front elevation of the house. Whilst it would appear, therefore, that the required number of spaces for both dwellings could be accommodated on the site, the amount of vehicular movement generated in such close proximity to the front and side of the existing bungalow by two accesses to two separate properties, would be likely to cause undesirable noise and disturbance to the occupants of the bungalow.
16. The submitted plans show a rumble strip on the driveway alongside the bungalow. This may act to reduce vehicle speeds, but it may also result in additional noise in very close proximity to the side elevation of the existing bungalow. I accept that acoustic fencing can be provided to shield the properties on Sarre Way from excessive noise, but this would not, in my opinion, be desirable with regard to the existing bungalow, since such high and dense fencing would add to the oppressive sense of enclosure outlined in paragraph 13 above.
17. On this issue, I conclude that the proposal would result in loss of amenity by way of undue disturbance to the occupants of the existing bungalow. It would therefore conflict with Policy HG13 of the LP.

Conclusion

18. I find that the proposed dwelling would be harmful to the character and appearance of the surrounding areas along Maltings Road, and that it would be harmful to the living conditions of the occupiers of the existing bungalow by way of noise and disturbance. Accordingly, I dismiss the appeal.

J D Westbrook

INSPECTOR