
Appeal Decision

Site visit made on 14 April 2021

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 May 2021

Appeal Ref: APP/P1560/W/20/3248868

31 Harwich Road, Lawford, Essex, CO11 2LS

- 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 Andrew Smith against the decision of Tendring District Council.
 - The application Ref. 19/01361/OUT, dated 6 September 2019, was refused by notice dated 9 January 2020.
 - The development proposed is described as “an outline application at this stage to erect 4 houses on land to the rear of the applicant. The development would include landscaping and site clearance (redundant sheds and extensive areas of hardstanding). The houses would use the existing access that serves the site.”
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal is in outline with all matters reserved, although the description of development refers to use of an existing access. A site layout plan is marked as indicative, and I have taken that into account in my assessment, particularly as the plan, question 7 of the application form and the Planning Statement all suggest buildings of different size and form.
3. In January 2021, and after the appeal was lodged, the Council adopted the ‘Tendring District Local Plan 2013-2033 and Beyond; North Essex Authorities’ Shared Strategic Section 1 Plan’ (TDLP 1), and this supersedes some of the more strategic policies in the Tendring District Local Plan 2007 (LP 2007). Policies QL1 and QL9 of the LP 2007 have been superseded by Policies SP3 and SP7¹ of the TDLP 1, and although they are not referred to in the reasons for refusal, I have taken them into account as they are now adopted policies dealing with largely the same matters as those which they replace. As a result of the adoption of the TDLP 1, the Council reports a housing land supply in the order of 6.5 years.
4. Having regard to paragraph 48 of the National Planning Policy Framework (the Framework), I have given limited weight to the emerging policies referred to in the decision notice, as the Council advises that all TDLP Section 2 policies are

¹ According to ‘Appendix A: List of policies superseded by Section 1 of the Plan’ of TDLP 1

still under consideration as part of the Examination process, and it is not clear the extent to which any objections to its policies are unresolved.

5. The appellant was invited to comment on the changing status of the Local Plan, and I have taken the response into account in my assessment.

Main Issues

6. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

7. The appeal site is located on Harwich Road, the southern side of which is characterised by mixed commercial and residential property at this point. A distinctive feature in the street scene is sporadic pairs of former 'growers' cottages' which front the road, and with glasshouses and other outbuildings to the rear. These dwellings do not form a continuous ribbon and are interspersed with business uses. The appellant advises that the area is characterised by its depth of development, but dwellings form a linear pattern fronting the road, and any perceived depth of development arises from the extensive outbuildings set further back into the landscape.
8. The appeal site contributes to this character, with driveways leading past a pair of cottages to a surfaced area with a mix of outbuildings, glasshouses, containers, caravans, vehicles and other equipment. The site is between a railway line and buildings connected with a garden centre. However, the site is outside of the settlements of Lawford and Ardleigh (as defined in the LP 2007), and is set within a wider semi-rural landscape, and Policy EN1 of the LP 2007 seeks to protect the quality of the district's landscape and its distinctive local character, including the settings and character of settlements.
9. The current structures on site have limited visual impact on the street scene as a result of their modest height and screening, but in any event, glasshouses and other outbuildings are a typical feature of the landscape at this point. In this context, I do not find that replacing these buildings and other structures with a courtyard of dwellings would be a significant enhancement to the environment as suggested by the appellant. Whilst the site may constitute previously-developed land, a significant portion is undeveloped and open hardstanding. The indicative site layout plan shows only one way in which the site could be developed, but introducing four dwellings with their associated curtilages and domestic paraphernalia would have a material adverse effect on its character and appearance.
10. A development of four dwellings would be out of character with the area, being out of keeping with the linear form of housing along Harwich Road, in conflict with the aims of LP 2007 Policy HG13 (vii). I note that the appellant does not consider the site to be 'backland', but I find Policy HG13 to be relevant given the definition in its supporting text, which includes land generally behind the line of existing frontage development with little or no frontage to a public highway; but I agree that section (vi) does not apply, as the site is not on the edge of a defined settlement. Whilst glasshouses and other buildings may extend beyond the rear of this site, dwellings would nevertheless appear incongruous between the frontage houses and a large glasshouse that would be

retained on the adjacent land in the appellant's ownership², and depending on their size and scale, they could be more apparent in views from the road, in gaps between planting³.

11. Although this is an outline application with all matters reserved, on the basis of the information provided I am not convinced that development of the site with four dwellings could meet the requirements of TDLP 1 Policy SP 7, which amongst other criteria requires all new development to respond positively to local character and context to preserve and enhance the quality of existing places and their environs.
12. The appellant has drawn attention to an appeal allowed at 43 Harwich Road⁴, but this related to a single dwelling fronting the road, next to neighbouring houses. The Inspector found that it would not harm the character of the area as it was "part of an established ribbon development of residential and commercial properties along Harwich Road". In addition, there was no dispute that the Council could not demonstrate a 5-year housing land supply, and the decision was taken prior to the adoption of Section 1 of the TDLP. For these reasons, I give the other appeal decision only limited weight.
13. The appellant advises that, regardless of the housing supply position, the proposal should be permitted based on the significant environmental benefits that would accrue. However, as noted by the appellant, the buildings and caravans are not highly prominent in the street scene, and therefore I do not consider the existing development to be so harmful to the character of the area that it would warrant replacement with an alternative group of buildings that have the potential to be more visually intrusive.
14. I therefore conclude that the proposal would detract from the character and appearance of the site and wider area in conflict with LP 2007 Policies HG13 (vii) and EN1, TDLP 1 Policy SP 7, but also the spatial strategy set out in TDLP 1 Policy SP 3, which confirms that existing settlements will be the principal focus for additional growth, and that development will be accommodated within or adjoining settlements; and with the design aims of the Framework, which amongst others seeks to ensure that developments are sympathetic to local character, the surrounding built environment and landscape setting.

Other Matters

15. In its appeal statement, the Council confirmed that a completed unilateral undertaking (UU) had been provided which would secure financial contributions towards open space improvements at School Lane, Lawford, and recreational disturbance mitigation from visitors to the Stour and Orwell Estuaries Ramsar and SPA sites. The Council confirmed that on the basis of the UU, it would no longer wish to defend the second and third reasons for refusal. As I am dismissing the appeal for other reasons, it has not been necessary for me to consider these matters in any further detail.

² Paragraph 5.2 of the Planning Statement confirms that only one of the redundant glasshouses is to be removed; the larger of the two is outside of the appeal site and not indicated for removal on the indicative site layout plan.

³ It is unclear if the Highway Authority recommendation of a 2.4m by 120m visibility splay, rather than 90m, will have any implications for roadside screen planting

⁴ APP/1560/W/18/3218683

Balancing Exercise and Conclusion

16. The appeal site is located outside of any settlement limit defined in the development plan, and is within a semi-rural landscape where non-frontage housing is not characteristic. The site would make more effective use of previously-developed land, but it would not be within or adjoining a defined settlement. The economic and social objectives of sustainable development would be met, but overall the proposal would conflict with the environmental objective due to its adverse impact on the natural and built environment. The Council advises that it can currently demonstrate a five-year supply of deliverable housing sites, and there is no evidence before me to question this position. Whilst this in itself is not reason to resist development, it does mean that the presumption in favour of sustainable development set out in paragraph 11 d) of the Framework is not engaged, and for the reasons outlined above the proposal would not warrant a grant of planning permission on its own merits.
17. For the above reasons, I conclude that this appeal should be dismissed.

H Lock

INSPECTOR