
Appeal Decision

Site visit made on 14 June 2021

by Tim Wood BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29/06/2021

Appeal Ref: APP/P1560/W/20/3263586

3 Frobisher Road, Dovercourt CO12 3UF

- 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 C T Properties against the decision of Tendring District Council.
 - The application Ref 20/00136/FUL, dated 21 January 2020, was refused by notice dated 21 May 2020.
 - The development proposed is the erection of a new 3 bedroom detached bungalow and garage.
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Decision

1. The appeal is allowed and planning permission is granted for a new 3 bedroom detached bungalow and garage at 3 Frobisher Road, Dovercourt CO12 3UF in accordance with the terms of the application, Ref 20/00136/FUL, dated 21 January 2021, subject to the conditions set out in Schedule 1 of this decision.

Main Issue

2. The main issues in this appeal are the effects of the proposal on the character and appearance of the area and on the living conditions of residents.

Reasons

3. The appeal relates to this open section of land which sits adjacent to Low Road. It is within the ownership of No 3 Frobisher Road and, combined with adjacent garden areas, forms an open-plan area which is separated from the dwellings by the private drive. The land is separated from the main Low Road by a substantial hedge.
4. The property would sit forward of Nos 1 and 3 Frobisher Road but on a similar line as the adjacent No 7 Frobisher Road, No 2 Frobisher Road and a large number of other bungalows that I saw adjacent to Low Road. Within the context that I saw, the proposal would sit in a very similar situation to numerous others and so could not be considered as out of character. In addition, the submitted documents indicate that the proposal would be at a density and would be provided with amenity space which are consistent with the Council's requirements. Whilst the Council has made reference to the appeal site forming amenity land of wider benefit, the appellant has confirmed that it has always been the front garden area associated with No 3.
5. In relation to the proximity of the proposed dwelling to the existing house at No 3, this would be around 10m or a little over. Whilst this would represent a

change in outlook for residents at No 3, it would be similar to a number of other instances in the area where properties face each other across a narrow road/private drive. I consider that this would be sufficient to protect the character of the area and the living conditions and privacy of residents. The proposed distance between the new bungalow and Nos 1 and 7, within this enclave would be greater than with No 3 and sufficient to protect the living conditions of those neighbouring residents.

Conditions

6. I have had regard to the advice in the NPPF and national Planning Practice Guidance in relation to the use of conditions in planning permissions. The Council has submitted a schedule of preferred conditions which I shall use as the basis of my consideration. In some instances I have modified the wording of the suggested conditions so that they comply with the advice referred to above. I shall include a condition which identifies the approved drawings for the sake of certainty. So that the development has an acceptable effect on the area, I shall include conditions relating to landscaping, restrictions on boundary treatments, and restrictions on extensions and buildings which may otherwise be permitted development; the latter being necessary due to the likely effects of additional development on the character and appearance of the area. I shall include a condition which restricts the timing of the removal of any existing vegetation so that nesting birds are protected. A condition restricting any planting within 1m of the private drive and its visibility splay is necessary to preserve vehicle and pedestrian safety.
7. I shall include a condition which requires a Construction Method Statement so that the construction process is suitably controlled and minimises its effects on the surroundings. So that a suitable drive is provided, I shall include conditions relating to the provision and surfacing of the drive and conditions to ensure the suitable drainage of the drive/ hard-surfaced areas are necessary. In order that the new residents are provided with suitable parking spaces, I shall include conditions which require the provision of the space/garage prior to first occupation of the dwelling, their continued availability and the minimum dimensions of the parking space. I do not consider it necessary to include a condition which specifies the minimum size of the garage as this is indicated on the drawings.

Conclusions

8. I have concluded that the proposal would not have any unacceptable effects on the character and appearance of the surrounding area nor on the living conditions of existing and future residents. There is no conflict with the Council's relevant policies in respect of these matters. Therefore, the appeal is allowed.

ST Wood

INSPECTOR

SCHEDULE 1: CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 19/11/0050 Revision A.
- 3) No above ground works shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include for; the retention of the existing southern boundary vegetation; all boundary treatments and any proposed changes in ground levels; and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 - Trees in Relation to Design, Demolition and Construction."
- 4) All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs within the retained or new planting which within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.
- 5) Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no provision of fences, gates, walls or other means enclosures, shall be erected on any boundary of the site or forward of the dwelling hereby approved except in accordance with drawings showing the design and siting of such enclosures which shall previously have been submitted to and approved, in writing, by the Local Planning Authority by way of a planning application.
- 6) No unbound material shall be used in the surface treatment of the vehicular accesses within 6 metres of the highway boundary.
- 7) Prior to occupation of the development the vehicular parking and garage as shown the approved plan shall be constructed, surfaced and maintained free from obstruction within the site at all times and shall be kept available for parking.
- 8) Notwithstanding the provisions of Schedule 2 Part 1 Classes A, B, C, D and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no extensions, additions, porches or alterations to the dwellings or their roofs shall be carried out and no outbuildings, enclosures, swimming or other pools shall be erected except in complete accordance with details which shall previously have been approved, in writing, by the Local

Planning Authority following the submission of a planning application for such development.

- 9) All new driveways and parking areas shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellings.
- 10) Prior to the commencement of development, a Construction Method Statement shall be submitted to and approved in writing by the local planning authority. The Construction Method Statement shall provide for:
 - safe access to/from the site;
 - the parking of vehicles of site operatives and visitors;
 - the loading and unloading of plant and materials;
 - the storage of plant and materials used in constructing the development;
 - wheel washing facilities;
 - measures to control the emission of dust and dirt during demolition and construction;
 - a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - details of hours of deliveries relating to the demolition and construction of the development;
 - details of hours of site clearance or construction;
 - a scheme to control noise and vibration during the demolition and construction phase, including details of any piling operations.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 11) The removal of any vegetation shall only be carried out outside of the bird nesting season (March to August inclusive).
- 12) There shall be no discharge of surface water onto the Highway from the private drive.
- 13) Prior to the occupation of the proposed dwelling, the existing private drive shall be re-instated to a suitable standard for its entirety once the building works and the proposed modified road has been completed, to the written satisfaction of the Local Planning Authority.
- 14) Any new boundary planting shall be planted a minimum of 1 metre back from the private road and any visibility splay.
- 15) The vehicular parking space shall have minimum dimension of 2.9 metres x 5.5 metres.