

Appeal Decision

Site Visit made on 22 June 2021 by Emma Worby BSc (Hons) MSc MRTPI

Decision by R C Kirby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 July 2021

Appeal Ref: APP/P1560/W/20/3257915

57 Tower Estate, St Osyth CO16 8NG

- 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 E White against the decision of Tendring District Council.
 - The application Ref 19/01813/FUL, dated 27 November 2019, was refused by notice dated 26 June 2020.
 - The development proposed is a replacement dwelling following the demolition of existing.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues in the appeal are:
 - the effect of the proposed development on the character and appearance of the surrounding area,
 - the effect of the proposed development on the living conditions of the occupiers of the neighbouring dwellings, in relation to outlook and light.

Reasons for the Recommendation

Character and Appearance

4. The appeal property is a single storey detached dwelling located within the centre of the Tower Estate. It is situated within a row of five other single storey detached dwellings along with a vacant plot adjacent to the appeal site. Dwellings in the area are varied in design and there are a number of three storey dwellings opposite the site. The proposed development would replace the existing single storey dwelling with a three storey detached dwelling including an integral garage.
5. The appeal site is designated a plotland site by the Council. Policy HG20 of the Tendring District Local Plan (2007) seeks to control the size of replacement dwellings and both parties agree that the proposal would exceed the tolerances permitted by this policy.

6. The appellant states that this policy has no equivalent in the Tendring District Council Local Plan 2013-2033 and Beyond Publication Draft (2017) and that it is out of date. Be that as it may, the Tendring Local Plan forms the development plan for the area and it is clear that the purpose of Policy HG20 is to protect the character and appearance of the area which is consistent with the aims of the National Planning Policy Framework. Accordingly, I do not agree that this policy is out of date.
7. Although the site is not within open countryside, the proposed increase in the height of the dwelling, would appear as a dominant and incongruous addition when compared with the other low level dwellings in the row of which it forms part. Due to the proximity of the dwellings to one another, the increase in size of the appeal property would increase the cramped nature of the site and row of dwellings to the detriment of the character and appearance of the area. The proximity of 3 storey dwellings nearby does not alter my conclusion as the appeal site does not relate spatially or visually to these properties.
8. Furthermore, the appellant has stated that the occupiers of the neighbouring dwellings may consider a similar type of development for their own property to enhance the character of the area. However, there is no evidence to demonstrate this or guarantee that the replacement of neighbouring properties would be implemented or granted planning permission, and therefore it is given little weight.
9. Consequently, as the proposed development would harm the character and appearance of the area it would conflict with Policies HG20, QL9 and QL11 of the Tendring District Local Plan (2007). These policies seek to control the size of replacement dwellings and require new development to relate well to its surroundings with the scale of the development appropriate to its locality. It would also be contrary to Policy SPL3 of the Tendring District Council Local Plan 2013-2033 and Beyond Publication Draft (2017), which has similar requirements, along with the design objectives of the National Planning Policy Framework. Policy QL10 of the Tendring District Local Plan (2007) is not relevant to this main issue of the appeal.

Living Conditions

10. The appeal property and the adjacent dwelling, No.56, are in close proximity with one another, however the proposed dwelling has been set in by 1 metre at first and second floor level to increase the separation distance between the two dwellings. Although the proposal would significantly increase the height of the appeal property, the footprint would remain the same and the impact on outlook from the windows of No.56 would be minimal because of this. For the same reasons, the proposal would not affect the sunlight which this neighbouring property receives. The dwellings along this row do not have a private garden or any designated outdoor amenity space and therefore the proposal would not impact upon any outdoor spaces which the neighbouring occupiers may use.
11. The neighbouring plot at No.58 is currently vacant and although the Council state that there is an extant permission for a replacement dwelling on the site, documents provided by the appellant show that this was refused planning permission. The next property along, No.59, would be a sufficient distance from the proposal to prevent any significant impact on the occupier's outlook.

12. Therefore, the proposal would not harm the living conditions of the adjacent neighbouring occupiers and would not conflict with Policy QL11 of the Tendring District Local Plan (2007) which seeks to ensure that development will not have a materially damaging impact on the amenities of occupiers of nearby properties. It would also meet the requirements of paragraph 127 of the National Planning Policy Framework in relation to neighbouring amenity.

Other Matters

13. The appellant has stated that the proposed replacement dwelling would maximise the use of the land and provide a suitably sized family dwelling whilst also providing on-site parking by way of an integral garage. Although these benefits are noted, they are not sufficient to overcome the harm found.

Conclusion and Recommendation

14. Although the proposed development would not harm the living conditions of neighbouring occupiers, it has been found that the proposal would result in harm to the character and appearance of the area. Overall, the proposal would conflict with the development plan taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan.
15. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Emma Worby

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis I agree that the appeal should be dismissed.

RC Kirby

INSPECTOR