

Appeal Decision

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

Decision by R C Kirby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2021

Appeal Ref: APP/P1560/D/20/3264722

141 Kings Parade, Holland-on-Sea, Clacton on Sea, CO15 5JL

- 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 Mick Rugg against the decision of Tendring District Council.
 - The application Ref 20/01275/FUL, dated 14 September 2020, was refused by notice dated 10 November 2020.
 - The development proposed is an outbuilding creating garage and workshop (following demolition of garage).
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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 No. 139 Kings Parade, in relation to outlook.

Reasons for the Recommendation

Character and Appearance

4. The appeal site is occupied by a single storey detached dwelling with a small garage to the side and rear of the host property. It is located within a row of dwellings and flatted blocks along Kings Parade which have good sized rear gardens and is within a residential area on the seafront. The proposal would introduce an outbuilding to the rear garden of the property comprised of a garage and a workshop in a roughly L-shaped layout.
5. The floorspace covered by the proposed outbuilding would be significant and would be similar in size to the host dwelling, which is of modest size and height. Although single storey in nature, the proposal's pitched roof would have a significant height and its overall size and bulk would result in an over

- dominant feature in this rear garden environment, which would visually compete with the host property.
6. Moreover, the proposal would result in an outbuilding within the rear garden environment which would be significantly at odds in terms of its size with nearby outbuildings.
 7. I acknowledge that due to the location of the proposed outbuilding to the rear of the appeal property, that it would have limited visibility from Kings Parade. However, there would be some views from the driveway and it would be highly visible from surrounding dwellings, thereby its presence would be likely to reduce the appreciation nearby occupiers have of the quality of the environment within which they live.
 8. Therefore, I conclude that the proposed development would harm the character and appearance of the area, which would be contrary to Policies QL9 and QL11 of the Tendring District Local Plan (2007). These collectively require new development to make a positive contribution to the quality of the local environment and ensure that the scale and nature of the development is appropriate to the locality. Policy QL10 of the Tendring District Local Plan (2007) is not relevant to this main issue as it relates to the functional requirements of the development.

Living Conditions

9. The proposal would sit directly adjacent to the boundary with the rear garden of the neighbouring property, No. 139 Kings Parade and would extend approximately 12 metres along the party boundary. Due to the height and scale of the proposed outbuilding its roof would be visible above the existing fence line and, whilst the pitch would slope away from the party boundary, it would result in a significant sense of enclosure to the rear garden of No. 139. This would make the use of this area by the property's occupiers less pleasant than it is now.
10. The appeal proposal and its relationship to the rear garden of No. 139 is materially different to the outbuilding to the rear of No. 139 and the garden of No. 137. As such this example does not justify harmful development as proposed.
11. Consequently, the proposed outbuilding would result in harm to the living conditions of the occupiers of the neighbouring dwelling and would be contrary to Policy QL11 of the Tendring District Local Plan (2007) which requires development to not have a materially damaging impact on the amenities of occupiers of nearby properties. The proposal would also be contrary to emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017) which has the same requirements.

Other Matters

12. The appellant has stated that the proposal is required to ensure there is safe, secure and covered vehicle parking on the property and includes space for their hobby within the workshop. However, it is likely that a different designed building could accommodate these needs. This matter does not outweigh the harm outlined above.

13. It is also noted that the proposed outbuilding would be similar to an outbuilding that could be built under permitted development rights. However, as the appellant states, the proposal would be greater in height than what is allowed under permitted development rights and therefore it would not be directly comparable to the proposal before me.
14. Reference is made to the adjoining block of flats. However, the scale of this building bears no resemblance to the appeal property or the proposal and its presence does not provide justification for the proposal.
15. The lack of representations from nearby neighbours or statutory consultees is a neutral factor which neither weighs in favour of or against the proposal.

Conclusion and Recommendation

16. For the reasons given above and having had regard to all other matters raised, the proposal would conflict with the development plan taken as a whole, and I recommend that the appeal should be dismissed.

Emma Worby

APPEAL PLANNING OFFICER

Inspector's Decision

17. 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