

Appeal Decision

Site visit made on 16 March 2022

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date:

4th April 2022

Appeal Reference: APP/P1560/W/21/3282299

Land at 25 James Gardens, St Osyth CO16 8QD

- 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 Miss Foster against the decision of Tendring District Council.
 - The application (reference 21/00351/FUL, dated 17 February 2021) was refused by notice dated 12 May 2021.
 - The development proposed is described in the application form as “subdivision of site, erection of one detached bungalow, amended vehicular access and associated works”.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue to be determined in this appeal is the effect of the proposed development on the character and appearance of the surroundings.

Reasons

3. The appeal site is located in a suburban area in the eastern part of St. Osyth, between the B1027 Bypass Road and Clacton Road. James Gardens is a small cul-de-sac off Manfield Gardens, where there is a mix of two-storey houses and bungalows. The cul-de-sac is closely built-up and it curves round to create some awkwardly shaped plots at the bend in the road. There are two-storey houses at the end of the road, on the turning head, while around the curve in the road, the dwellings are mainly in the form of bungalows, with one two-storey house sited well back on the outside of the curve.
4. Number 25 James Gardens is a bungalow, with an attached garage, that is sited on the inside of the curve in the road, with an enclosed garden behind and beside the bungalow and garage. In addition, there is a grassed open space between the bungalow and the footpath beside the road. At the time of the site visit, a caravan was parked on the grass alongside the bungalow. Like other buildings in the cul-de-sac, number 25 is constructed mainly of facing brickwork with a pitched roof, in a conventional form.

5. It is now proposed to subdivide the site, in order to erect a detached bungalow, amending the existing vehicular access and undertaking various associated works. The proposals are shown on drawing number FJG-01C.
6. The 'National Planning Policy Framework' emphasises the aim of "achieving well designed places" in the broadest sense (notably at Section 12), while making effective use of land (which may include increased densities) and encouraging economic activity. It is aimed at achieving good design standards generally, which includes the aim that new development ought to be sympathetic to local character and history.
7. An emphasis on the importance of good design is also to be found in the Development Plan. Policies QL9 and QL11 of the 'Tendring District Local Plan 2007' emphasised that new buildings should be well designed in themselves and should make a positive contribution to the local environment, enhancing local character. The Policies are taken forward in the new 'Tendring District Local Plan', for example at Policy SPL3, and they are not contentious.
8. The proposed subdivision of the existing site would create a new plot, occupying up part of the existing enclosed garden, together with the grassy area at the side. The proposed new bungalow would be relatively small, with a combined kitchen and living room and one double bedroom. It would be designed in a traditional style, of brickwork with a pitched roof, that would not be alien to the design of other nearby buildings, in principle.
9. The existing vehicular access would be modified to form a twin crossover to both the existing and new bungalows and the new bungalow would be located on the inside of the bend in the road. Its rear garden would be somewhat restricted and the new bungalow would be located close to the footpath, although a reduced area of open space would be on the frontage.
10. Thus, the new bungalow would erode the openness of the street pattern, intruding into the streetscene in James Gardens. The new building would significantly change the existing green open space and would create a cramped environment on the bend in the road, amounting to an overdevelopment of the site that would be plainly harmful to the character and appearance of the surroundings.
11. In considering the scheme, I have taken account of the errors made by the Council, in determining the application, but the broad objections that I have identified remain, in spite of the incorrect measurements given. Critically, the proposed bungalow would be significantly nearer to the roadway than existing buildings, at its closest point, creating a prominent feature on the bend in the roadway.
12. Moreover, I am conscious that each proposal must be considered on its own merits and that other sites referred to in the submissions are of limited relevance to this appeal, especially where they relate to domestic extensions rather than to the creation of a new independent dwelling (as in this case).
13. Evidently, the appeal site lies within an established urban area, which is "sustainable" in planning terms, and the creation of a new dwelling weighs in favour of the proposal. Nevertheless, I am convinced that the harm that would be done to the setting of the streetscene and the character of the surroundings

more generally would clearly and decisively outweigh the benefits of the project.

- 14 Hence, I have concluded that the scheme before me would conflict with both national and local planning policies (including the Development Plan) and that it ought not to be allowed. Although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.

Roger C Shrimplin

INSPECTOR