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# Appeal Decision

Site visit made on 25 October 2022

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

**an Inspector appointed by the Secretary of State**

**Decision date: 8th December 2022**

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**Appeal Reference: APP/A1530/W/22/3300770**  
**Land at 'Hazelmere', Chapel Lane, Tiptree CO5 0HR**

- 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 A Davis against the decision of Colchester Borough Council.
  - The application (reference 220018, dated 5 January 2022) was refused by notice dated 14 April 2022.
  - The development proposed is described in the application form as "development of 2 detached bungalows each with a single garage and retention of existing two storey dwelling".
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## Decision

1. The appeal is dismissed.

## Main issues

2. The first main issue to be determined in this appeal is the effect of the proposed development on the character and appearance of the surroundings. The second is the effect of the proposed development on the residential amenities of neighbours (whether unacceptable harm would be caused by disturbance), while the third is whether the scheme would provide satisfactory living conditions for occupiers of the proposed new bungalows.

## Reasons

3. The appeal site is located in a built-up area of Tiptree, where the development is mainly residential in nature, although there is a church at the corner of Chapel Lane, which is a cul-de-sac. The through route changes its name from Newbridge Road to Chapel Road at the junction. Newbridge Road is a busy route but Chapel Lane is a narrow unmade road serving a small number of dwellings and a garden of rest that forms an open space within Chapel Lane itself.
4. There is a group of four dwellings at the north-eastern end of Chapel Lane, of varying styles and sizes. Two are modest bungalows but 'Hazelmere' is a substantial two-storey house, like its immediate neighbour, 'Ivy Cottage'. Both of these are more modern buildings, although their finishes differ. Opposite the dwellings at the end of Chapel Lane, there is a small area of open space but it is associated with the residential development to the south-east and is

- effectively separated from the lane by a mature hedge and trees. These soften the appearance of the streetscene, which is suburban in character, but they maintain a sense of enclosure along the lane.
5. The plot of land at 'Hazelmere' is larger than those of its neighbours, since it opens up towards the rear, behind the adjoining site to the south-west. The house at the front of the plot has an attractive garden but the rear part of the site is more commercial in character, with an outbuilding and some open storage. It is partly laid to grass but partly finished with gravel. This area is described as a "yard" in the appellant's submissions, although it appears to be a fairly low key use, under the same control as the house itself.
  6. It is now proposed to construct two detached bungalows at the end of the existing garden, each with a single garage. An improved driveway would provide access alongside the existing house at 'Hazelmere', which would be retained.
  7. 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 and encouraging economic activity. It is aimed at achieving good design standards generally, by adding to the overall quality of the area and being visually attractive and sympathetic to local character and history, although it is also recognised that appropriate change may include increased densities. Good design includes protecting existing residential amenities and providing good standards of accommodation in new dwellings, of course.
  8. These policies are reflected in the Development Plan. Various policies point out the need to build more new homes and make it clear that higher densities and a diversity of provision are desirable in principle. These include Policies H1, H2 and H3 in the 'Local Development Framework Core Strategy' and Policy SP1 in the 'North Essex Authorities Shared Strategic Section 1 Plan', which sets out a "Presumption in Favour of Sustainable Development". Other Policies focus on the importance of good design, including Policies ENV1 and UR2 in the 'Core Strategy' and Policies DP1, DP12 and DP16 in the 'Local Development Framework Development Policies', which include some specific space and amenity criteria.
  9. The Council's Supplementary Planning Document on "Backland and Infill" is also relevant, though it does not have the same force as Policies in the Development Plan.
  10. The vehicular access to the proposed new bungalows would run alongside the existing house, but whereas the site as a whole is in the same ownership at present, the occupants of the new bungalows would not necessarily be connected with those in the existing house. There would be a degree of disturbance due to the movements to the rear of the existing house that would have significant effect on living standards, for both 'Hazelmere' and 'The Haven', which also adjoins the driveway.
  11. The new bungalows themselves would be relatively small, compared with the existing house, but they would provide a reasonable standard of internal living space. Their gardens, however, would be overly cramped in their context. The "protected outdoor spaces" would be rather small in their suburban context

- (notwithstanding any formal criteria) and the new dwellings would be located close to their site boundaries with a poor outlook from habitable rooms, especially in the case of Plot 2. Specifically, the proposals would conflict with Policy DP16, referred to above.
12. The access to the site would also be cramped in character, comprising a driveway between a close-boarded fence and a wall, terminating in a turning area that would be laid out close to the new dwellings. Indeed, it would be immediately adjacent to the proposed bungalow on Plot 1 and close to a bedroom window of the bungalow on Plot 2.
  13. In addition, I have formed the opinion that the new dwellings would be significantly overlooked by neighbouring houses. A degree of overlooking is very common in urban and suburban areas but, in this case, I am convinced that the level of intrusion would give rise to unsatisfactory living conditions for occupiers of the new bungalows. This further demonstrates that the scheme would amount to an overdevelopment of the site.
  14. In short, the scheme would be cramped in character and appearance, thus having a harmful impact on the general character of the surroundings, even though the new plots would be visually secluded. It would cause disturbance to neighbours at 'Hazelmere' and 'The Haven', due to a new level of activities that would be unrelated to the existing house, and it would fail to provide satisfactory living conditions for occupiers of the proposed new bungalows, due to the relatively small size and the awkward layout of the two new plots.
  15. Evidently, the appeal site lies within an established urban area, which is "sustainable" in planning terms, and the proposed development would add to the local stock of housing. Nevertheless, I am convinced that the benefits of the scheme are decisively outweighed by the objections that have been identified and that the scheme before me would conflict with both national and local planning policies (including the Development Plan). It follows that this appeal ought not to be allowed and, 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