
Appeal Decision

Site visit made on 9 January 2023

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 2 February 2023

Appeal Ref: APP/P1560/D/22/3309888
143 Fronks Road, Harwich, CO12 4EE

- 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 and Mrs Marcus Clarke against the decision of Tendring District Council.
 - The application Ref. 22/00692/FULHH dated 21 April 2022, was refused by notice dated 18 August 2022.
 - The development proposed is demolition of outbuilding and formation of new carport/garage with annexed accommodation in roof space over garage accessed from main curtilage, formation of 2 No dormers to existing house frontage.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of outbuilding and formation of new carport/garage with annexed accommodation in roof space over garage accessed from main curtilage, formation of 2 No dormers to existing house frontage at 143 Fronks Road, Harwich, CO12 4EE in accordance with the terms of the application, Ref 22/00692/FULHH, dated 21 April 2022, subject to the following 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 approved drawings Nos. BN 326 P100, BN 326 P101 and BN 326 P102.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) There shall be no removal or reduction in height of trees, bushes or hedging plants on the northern boundary of the curtilage of the dwelling with Fronks Road without approval in writing of the local planning authority which may include any requirement for replanting or additional planting.

Main Issue

2. The main issue in this case is the effect of the proposals on the appearance of the existing dwelling and the immediate area.

Reasons

3. There are 2 separate elements to the appeal proposal. The main element is the new carport/garage with annexed accommodation in roof space over garage, which is a separate structure to the house. The second element is the formation of 2 No dormers to existing house frontage. I will deal with each of these elements separately.

New carport/garage with annexed accommodation in roof space over garage

4. The appeal dwelling is a large detached house set on a wide plot. The plot is irregular in shape, with the easternmost building set reasonably close to the back edge of the footway, whilst at the western end the forwardmost part of the dwelling is set well back into the site. As a result, the proposed development is on the building line of the adjacent houses to the west. The boundary with the highway is marked with a brick wall surmounted with railings, behind which is a high hedge, 2m or more in height. At the western end of the frontage, behind which the carport/garage is proposed, there is a clump of trees/bushes that rise to a height above the ridge of the existing garage on the site.
5. At present, when the site is viewed from across the road, opposite the entrance, little can be seen of the existing garage, whilst an oblique view from across the road at the eastern end of the site reveals just the roof of the existing garage, seen against the side elevation of the house at No.145. Incidentally, this roof has a short ridge, and is not in the form of a pyramid as shown on the 'Existing Block Plan' and referred to in the officer's report.
6. The effect of the proposed carport/garage/annexe from the eastern view would be that a higher roof would be seen, and of greater length. This would extend across the whole of the side of No.145, and into the area of sky between that house and the dormer windows on the appeal property. The roof of the proposal within this view would include the proposed dormer windows in the southern half of the roof slope. Thus, the view would be of a relatively small additional building form, overlaying what is seen at present of the neighbouring house. That house would continue to appear above the roof of the proposed development. I consider that the proposed development would not be unduly intrusive in this view. As far as the view from directly across Fronks Road from the entrance is concerned, I consider that there would be little material impact.
7. It is true that the relationship of the proposal with the north-west corner of the house is a little unfortunate, but this part of the proposed development is a car port open to the south and east, so that there would be no great closure to the existing accommodation.
8. The officer's report takes issue with the proposed dormers in the annex/car port in the following way "*The dormer windows which sit directly on the eaves, are close to the ridge and placed in close proximity to each other are considered poor in design terms and fail to satisfactorily relate in size and scale to the extended and altered outbuilding*". The Essex Design Guide sets out what is acceptable design in relation to dormers, saying that they should be a minor incident in the roof plane, not over-dominant in their composition and

should not be located close to verges or hips. Their purpose should be to light the roof space not gain extra headroom.

9. This is no doubt good general advice, but in the present proposal, the dormers repeat the feature from the roof of the dwelling, although with a little more separation between them. I regard this as a satisfactory relationship, providing a degree of cohesion and breaking down the scale of the roof of the annexe.
10. My assessment set out in the above paragraphs takes into account the softening of the planting along the frontage, together with the fact that more usual frontage development on the appeal site would involve the house extending across the site behind a much shallower building line. The appellant points out that the hedging provides a good level of screening that assists in mitigating any impact on the street scene, and that this landscaping can be ensured by condition. I consider that such a condition could be attached to a permission that would require the council's approval to any removal or reduction of the existing planting along the frontage. In light of my reasoning above, and with the imposition of the condition just mentioned, the proposed development would not be harmful to the appearance of the existing dwelling or the immediate area when seen from public viewpoints.

Formation of 2 No dormers to existing house frontage

11. The officer's report dealt with these 2 dormers as follows: "*The proposed flat roof dormers to the front roof slope are smaller than the existing pitched roof dormers and fit suitably in their proposed location maintaining the symmetry of this part of the existing dwelling. The proposed dormers will not have a significant impact on the character and appearance of the existing dwelling or the immediate area*". I do not quarrel with this assessment.

Conclusion

12. Having taken account of all matters, and in view of my reasoning above, I conclude that the effect of the proposals is not harmful to the appearance of the existing dwelling or the immediate area. Therefore, they do not contravene Policy SPL3 or Policy SP7 of the local development plan or the advice in the National Planning Policy Framework. For these reasons I will allow the appeal.

Conditions

13. The statutory condition that provides a time limit on the start of development must be imposed. In addition, the council has suggested conditions in the event that the appeal is upheld. I have considered these in the light of Planning Practice Guidance (PPG). I consider that these conditions should be imposed for the following reasons: condition 2 is required for certainty and avoidance of doubt as to the development permitted, and condition 3 is to ensure that the appearance of the development permitted integrates with the existing in a visually satisfactory manner. I am also imposing a fourth condition for the reason I have set out in paragraph 10 above.

Terrence Kemmann-Lane

INSPECTOR