



Appeal Decision

Site visit made on 21 February 2023

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 March 2023

Appeal Ref: APP/P1560/W/22/3307385

The Moors, The Green, Great Bentley CO7 8PG

- 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 Caro of DF Homes Ltd against the decision of Tendring District Council.
 - The application Ref 22/00286/FUL, dated 14 February 2022, was refused by notice dated 29 April 2022.
 - The development proposed is construction of three new houses, new garages and access.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not the proposed development would preserve or enhance the character or appearance of the Great Bentley Conservation Area (CA).

Reasons

3. The site is located within the CA wherein there is a statutory duty under section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
4. The substantial village green, together with the spacious linear layout of the houses fronting directly onto it, form part of the special significance of the CA and contribute towards its rural character and appearance. The houses adjacent to the appeal site have large rear gardens, in which development is limited to single storey outbuildings. The site is currently undeveloped garden land and makes a positive contribution to the CA.
5. The introduction of the two backland houses into an area where there are currently none, together with the substantial access drive, parking and turning areas associated with these, would result in an urban form of development that would fail to respect the rural character and general sense of openness that currently exists. As demonstrated by the drawing showing the proposed elevation to the village green, these new backland houses and associated development would be clearly visible through the open gaps that are to be retained between the existing and proposed frontage dwellings. Although some new tree and hedge planting is proposed this would take considerable time to become established and would only provide limited softening and screening.

6. The increased traffic using the existing access track across the village green would also detract from its rural and pedestrian friendly character and increase the likelihood of passing traffic causing damage to the track and to the village green. This would result in demand for it to become more formally surfaced and widened in the future, which would in turn cause further harm to both the character and appearance of the CA.
7. I therefore conclude that the proposed development would not preserve or enhance the character or appearance of the CA and would result in less than substantial harm to the designated heritage asset. Consequently, it would be contrary to Policy SP7, in Section 1 of the Tendring District Local Plan 2013-2033 and Beyond (January 2021) (the Local Plan), and Policies SPL3, LP4 and LP8, in Section 2 of the Local Plan, which seek to ensure amongst other things that new development responds positively to local character and protects and enhances assets of historical or natural value. It would also conflict with paragraph 130, of the National Planning Policy Framework (2021) (the Framework), which seeks to ensure development is sympathetic to local character and history, including the surrounding built environment and landscape setting.

Other Matters

8. I am aware that planning permission has been granted for a two-storey building comprising three apartments with a single storey garage block to the rear. However, this being a frontage building of similar appearance and proportions to the dwellings on either side, and with a proportionate sized single storey outbuilding to the rear, would preserve the rural character and appearance of the CA.
9. The appeal site extends well beyond the plot that currently benefits from planning permission and proposes to introduce a new backland form of development that is not typical of the area.
10. The current proposal would also result in the loss of 4 trees, which would be retained by the fallback scheme. These trees are categorised in the submitted tree report as B1/3, good condition, with an estimated remaining contribution of 30+ years. Although new replacement tree planting is proposed, this would take time to become established.
11. Whilst I accept that the existing approved development for three apartments would also intensify the use of the access across the village green, the traffic generated by three large family houses is likely to be greater than that of 3 apartments.
12. As the fallback position would result in less harm to the CA than the current proposal, I have afforded it limited weight.
13. My attention has also been drawn to a recently approved new development to the rear of the site. Work on this development had commenced at the time of my site visit. However, this site lies outside of the CA and would be accessed via an existing residential estate road. The part of the approved scheme that would be located directly to the rear of the appeal site, would be undeveloped public open space land. A further parcel of garden land to the rear of 'The Moors', would separate the appeal site from the new houses under construction. The approved dwellings to the rear would also be very generously

spaced with single storey garages between them. The extension of this new housing estate, which is outside of the CA, and served by adoptable roads, is not comparable to the appeal proposal for backland development.

14. I acknowledge that the dwellings fronting the village green vary in terms of appearance. The design of the proposed houses is not in dispute and the Council found that the proposal would not result in harm to the living conditions of neighbouring occupiers and would be acceptable in terms of highway safety. As the appeal site is deeper than most other plots in the area, the proposal would be unlikely to set a precedent for other similar developments. The appeal was accompanied by a Unilateral Undertaking to secure financial contributions towards improving public open space in the area and towards recreational disturbance, avoidance and mitigation measures in respect of the Colne Estuary Ramsar Site and Special Protection Area. However, all of these are neutral matters, which weigh neither in favour of nor against the proposal.

Planning Balance and Conclusion

15. The proposal would fail to preserve or enhance the character or appearance of the CA. Although the degree of harm to its significance would be less than substantial, paragraph 199 of the Framework requires great weight to be given to any harm to designated heritage assets.
16. In accordance with paragraph 202 of the Framework, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
17. No public benefits have been put forward by the appellant. I am aware that the proposal would make effective use of land and would make a small contribution to the supply of housing in the area. During the construction phase of the development there would be economic benefits in terms of providing temporary work for local builders and traders. There would also be benefits in terms of increased consumer spending in the local area. However, these benefits would be very modest and would not outweigh the permanent harm and loss of significance that would be caused to the designated heritage asset as a result of the proposal.
18. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

R Bartlett

INSPECTOR