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# Appeal Decision

Site visit made on 4 May 2023

**by H Lock BA(Hons) DipTP MRTPI**

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

**Decision date: 19 May 2023**

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**Appeal Ref: APP/P1560/D/23/3315589**

**White Cross Lodge, Back Lane, Great Oakley, Essex, CO12 5AR**

- 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 R Buckland against the decision of Tendring District Council.
  - The application Ref. 22/01532/FULHH, dated 12 September 2022, was refused by notice dated 7 November 2022.
  - The development proposed is new garage.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are the effect of the proposal on (1) the character and appearance of the appeal property and the street scene; and (2) the heritage assets of Great Oakley Conservation Area and the setting of Grade II listed Florence Cottage.

## Reasons

### *Character and Appearance*

3. The appeal property is located in Back Lane, a narrow road within the compact Great Oakley Conservation Area. There is a diverse mix of dwelling designs, sizes and positioning within the vicinity. This includes both historic buildings such as Grade II listed Florence Cottage opposite the site, and modern infill buildings such as the appeal property, set further back from the road.
4. Despite having a reasonably deep front garden, the dwelling has some prominence in the street scene, particularly when seen on approach along Back Lane. Although views of the property are filtered by trees and other planting, there are gaps through which it is clearly visible, and the main front gable and conservatory are notable features in the street scene.
5. The proposed garage would occupy a part of the site already used for vehicle parking. However, the replacement of this open area with a permanent addition would be far more disruptive to the front elevation of the building. Although the appellant considers that the extension would be of modest scale and visually subservient, the roof profile would not offset its significant depth forward of the

- property. I acknowledge that a good size front garden would remain, but the proposal would nevertheless be a sizeable addition to the front elevation.
6. Whilst I appreciate that the purpose of the roof design is to minimise bulk, the mix of part flat-roof and part pitched roof would detract from the appearance of the existing gable. It would appear incongruous, and the combination of a rendered gable with feature timbers, the glazed conservatory and proposed timber-clad addition would appear unduly cluttered on this prominent elevation. There are other timber clad buildings in the area, but the introduction of such material, regardless of colour, on a mostly rendered gable would be out of keeping.
  7. The proposal would be partly screened by the roadside wall and railings and the adjacent sub-station, but the siting of that structure could not provide sufficient mitigation of such a deep projection in front of the dwelling. Whilst these enclosures may screen parts of the extension, its height, form and massing would be perceived above them. As such, I do not share the appellant's assessment that these features, combined with trees and other planting, means that the development would largely be screened from view.
  8. I am mindful that the neighbouring property, The Anchorage, has a garage of similar roof design, but no details have been supplied of its planning permission and the policies against which it was assessed. However, although highly visible from the appeal site, the element of flat roof at The Anchorage is less apparent, and far less prominent, in the street scene than proposed in this case.
  9. I therefore conclude that the proposal would detract from the character and appearance of the appeal dwelling and the street scene, and would conflict with the objectives for achieving visually attractive developments that are sympathetic to local character and the surrounding built environment, set out in paragraph 130 of the National Planning Policy Framework (the Framework). It would not meet the high standards of architectural design which responds positively to local character and context required by Section 1 Local Plan<sup>1</sup> (LP1) Policy SP7, nor relate well to its site and surroundings in matters including scale, massing, form, design and materials, as required by Section 2 Local Plan<sup>2</sup> (LP2) Policy SPL3.

### *Heritage Assets*

10. In exercising planning functions there are statutory duties to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area, and of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. The Council's Great Oakley Conservation Area Review (CAR) notes the "diminutive bulk" of Florence Cottage, and that development to the south is generally of post-war bungalows in mainly attractive settings. Map 1 to the CAR identifies the space between Florence Cottage and the front of the appeal property as an 'important space'. The area of the proposal lies beyond it, but is still part of the "mainly attractive setting", and has some sensitivity.

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<sup>1</sup> Tendring District Local Plan 2013-2033 and Beyond Section 1 - North Essex Authorities' Shared Strategic Section 1 Plan, 2021

<sup>2</sup> Tendring District Local Plan 2013-2033 and Beyond Section 2, 2022

11. As set out above, the proposal would detract from the character and appearance of the host dwelling, and for the same reasons it would not preserve those of the Great Oakley Conservation Area. It would not make a positive contribution to local character and distinctiveness, as required by paragraph 197 c) of the Framework. Its scale and design, materials and finishes would not be acceptable having regard to the requirements of LP2 Policy PPL8.
12. Florence Cottage is a modest 'one storey with attics' dwelling. Although there would be a gap between that building and the proposed extension, it would unacceptably intrude into some views of that property to the detriment of its setting, and in so doing would conflict with LP2 Policy PPL9b. Regardless of other buildings closer to the listed building, there is a duty to consider the effect of this proposal on the setting. In the context of paragraph 202 of the Framework, the harm to the character and appearance of the conservation area and the setting of the listed building would be less than substantial, and towards the lower end of 'less than substantial' with regard to the effect on Florence Cottage. Nevertheless, paragraph 202 requires this harm to be weighed against the public benefits of the proposal.
13. I note the appellant's view that the provision of secure parking would be of public benefit by improving the residential amenity of existing and future occupants of the appeal property<sup>3</sup>, but I consider this to be a largely private benefit. The small level of public benefit offered by this property to the enhancement of the district's housing stock would not outweigh the identified harm. As the area of the proposed extension is already used for vehicle parking, I am not persuaded that the proposal would result in more efficient use of land.
14. I therefore conclude that the proposal would not preserve or enhance the character or appearance of the Great Oakley Conservation Area, nor preserve the setting of listed Florence Cottage. This would conflict with the statutory duties, the Framework, and LP2 Policies PPL8 and PPL9, which together seek to reinforce the national objectives in respect of the conservation of heritage assets.

## **Conclusion**

15. For the above reasons, I conclude that this appeal should be dismissed.

*H Lock*

INSPECTOR

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<sup>3</sup> Albeit the Council's report indicates that the proposal would not meet the internal space standards of a garage set out in the Essex County Council Parking Standards.