



Appeal Decision

Site visit made on 3 October 2023

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2023

Appeal Ref: APP/P1560/W/22/3310750

Land off Clay Hall Crescent, Clacton-on-Sea, Essex CO15 6EY

- 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 P Bartholomew on behalf of Bilaman Ltd against the decision of Tendring District Council.
 - The application Ref 22/00538/FUL, dated 23 March 2022, was refused by notice dated 6 June 2022.
 - The development proposed is erection of a bungalow and associated parking.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effects of the proposal on:
 - the character and appearance of the area; and
 - the living conditions of Nos 31 and 33 Wyndham Crescent, with particular regard to outlook and sunlight.

Reasons

Character and appearance

3. The appeal site is an irregular shaped plot located at the end of a row of bungalows at Clay Hall Crescent and behind dwellings at Wyndham Crescent. The area surrounding the appeal site has a spacious, suburban character comprised predominantly of single-storey dwellings. Mature trees within gardens and at the adjacent recreation ground contribute greenery to the area's character.
4. The front of the appeal site comprises an area of mown grass and the rear section consists of overgrown vegetation and trees. Whilst the appeal site is undeveloped land with no specific use, it contributes positively to the character of the area through providing a green, soft landscaped edge to development at Clay Hall Crescent and creates separation from development at Wyndham Crescent.
5. Development of the site, including the proposed bungalow and areas of hardstanding to provide car parking and turning space, would result in a loss of this open space associated with the row of existing bungalows and would have an adverse visual impact on the spacious and green character of the area.

6. Dwellings in the area follow a uniform, linear pattern of development. The bungalows at Clay Hall Crescent front onto one side of the road. However, the proposed dwelling would be perpendicular to existing dwellings. The proposal would not therefore form a seamless and integral part of the Clay Hall Crescent development, but as a result of its orientation would appear out of keeping with the established layout of development in the area.
7. The proposed bungalow would be similar in scale and design to adjacent dwellings and the appellant asserts the site is of sufficient size to accommodate the proposal. However, through its siting at the end of the row, close to No 1 Clay Hall Crescent, the proposed development would have a cramped appearance. Consequently, the proposal would not provide an attractive stop end to the built form but would appear incongruous within the street scene.
8. For these reasons, the proposal would harm the character and appearance of the area. The proposal would therefore conflict with Policy SP7 of the Tendring District Local Plan North Essex Authorities' Shared Strategic Section 1 Plan 2021 (LP1), which requires all development to meet high standards of urban design and respond positively to local character and context. In addition, the proposal would be contrary to Policy SPL3 and Policy LP4 of the Tendring District Local Plan Section 2 2022 (LP2) which together require development proposals to maintain or enhance local character and distinctiveness, relate well to its site and surroundings, ensure a positive contribution towards the district's sense of place and deliver new dwellings with a well-considered site layout.
9. The proposal would not therefore reflect paragraph 130 of the National Planning Policy Framework (the Framework) which requires developments be visually attractive, sympathetic to local character, and establish or maintain a strong sense of place.

Living conditions

10. The proposed bungalow would be sited very close to the rear boundary of Nos 31 and 33 Wyndham Crescent. The rear gardens of Nos 31 and 33 are modest in depth, providing limited separation between the proposed development and the rear elevation of Nos 31 and 33.
11. The proposed bungalow's blank side wall and gable would be clearly visible above the height of the fence from the rear of Nos 31 and 33. Due to its height and proximity to the boundary, the proposed bungalow would appear overbearing and visually dominant from the back gardens and rear rooms of Nos 31 and 33, and therefore would harm outlook for occupants of those dwellings.
12. The siting of the proposed bungalow close to the boundary and broadly west of Nos 31 and 33 would result in a loss of sunlight in the afternoon and evenings, particularly within the rear gardens of those dwellings.
13. The proposal would therefore adversely affect outlook and result in a loss of sunlight, thus harming the living conditions of the occupants of Nos 31 and 33 Wyndham Crescent.
14. For these reasons, the proposal would conflict with LP1 Policy SP7 and LP2 Policy SPL3 which require development to protect and not have a materially damaging impact on the amenity of occupiers of nearby properties.

15. In addition, the proposal would not accord with paragraph 130 of the Framework which requires decisions provide a high standard of amenity for existing users.

Other Matters

16. The appeal site is within the zone of influence of the Colne Estuary SPA and Ramsar and the Essex Estuaries SAC which are European sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations). Where a proposal is likely to have a significant effect on European sites, Regulation 63 of the Habitats Regulations requires the competent authority to carry out an Appropriate Assessment (AA). However, AA is only necessary where the competent authority is minded to give consent for the proposal. Since I am dismissing the appeal on the basis of identified harm to character and appearance and living conditions, it is not necessary to address the proposed development's effects on European sites in further detail.

Conclusion

17. For the reasons set out above, having regard to the development plan taken as a whole and all other relevant material considerations, I conclude the appeal should be dismissed.

E Dade

INSPECTOR