



Appeal Decision

Site visit made on 21 September 2023

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2023

Appeal Ref: APP/P1560/W/22/3305561

Weeley House, 70 The Street, Weeley

- 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 Harry Wenden, Emily Craven, Hannah Craven & John Philips against the decision of Tendring District Council.
 - The application Ref 22/00299/FUL, dated 15 February 2022, was refused by notice dated 4 May 2022.
 - The development proposed is one detached house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A Unilateral Undertaking (UU) under s106 of the Town and Country Planning Act 1990 (as amended) has been submitted to secure contributions towards the delivery of the Essex Coast Recreational Disturbance Avoidance Mitigation Strategy 2018 – 2038 has been submitted. I will return to this issue.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site consists of part of the rear garden of Weeley House. Adjacent is a wide verge with planting and trees, next to which is a footpath and the B1441 Weeley bypass. Access to the site would be taken from the B1441, utilising a gap in the tree line. Notwithstanding this gap, the tree planting forms a strong visual edge to the built form of the settlement.
5. While dwellings are visible in glimpses, there is not an active frontage of development facing onto the B1441. A dwelling in this location would not be well related to the existing built form which faces inwards to streets within Weeley. While the proposed dwelling would be sited in such a way that landscaping could largely screen it, this would not change the fact that the proposed layout would be wholly uncharacteristic of development within Weeley.
6. The existing fence is not prominent given its set back position and the surrounding tree planting and vegetation on the verge. Given the hard urban nature of the bypass, its replacement with a landscaped boundary would have a negligible benefit and would not overcome the inherent harm to the character and appearance of the area that would arise from the proposed dwelling.

7. I have been directed to a previous decision¹ on the site. While there are differences between the proposed level of development and the detail available to assess the proposals, there are sufficient similarities for me to concur with that decision.
8. The proposed development would therefore have an adverse effect on the character and appearance of the area. It would therefore be contrary to Tendring District Local Plan 2013-2033 and Beyond Section 1 (January 2021) Policy SP 7 and Tendring District Local Plan 2013-2033 and Beyond Section 2 (January 2022) (LP2) Policy SPL 3 and LP 4 which taken together require development to be of a high standard that makes a positive contribution to quality and respects or enhances existing street patterns. It would also be contrary to paragraph 130 of the National Planning Policy Framework which requires development to add to the overall quality of the area.
9. LP2 Policy PPL 3 seeks to protect the rural landscape and as such is not directly relevant to this appeal.

Other Matters

10. There would be a benefit from the delivery of an additional dwelling and the associated economic benefits. The site is located within a settlement which provides services and facilities to meet day to day needs including access to public transport. However, these benefits would be limited given the proposal is for a single dwelling.
11. The Planning Practice Guidance² advises that “in considering whether a home is a self-build or custom build home, relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout”. There is no evidence before me that this is the case here, nor any mechanism to secure this, irrespective of the approach the Council may have taken elsewhere.
12. Weeley House is a Grade II Listed Building. The Council has not raised concerns with respect to the effect of the proposed development on its setting, consistent with the previous decision and I have no reason to find otherwise. No objections have been raised with regard to the effect of the development on highway safety, flood risk, drainage, contamination or localised biodiversity. The appearance of the proposed dwelling would be appropriate in this location. There would not be an adverse effect on the living conditions of neighbouring occupiers given the design of the proposed development and its position away from the boundaries with those properties. The proposed development would provide acceptable living conditions for future occupiers, including with respect to the provision of outdoor amenity space. However, these would be expected of any well designed development and are neutral.
13. The site is located within the Zone of Influence for the Habitats Sites within the Essex Coast Recreational Disturbance Avoidance Mitigation Strategy, which are subject to pressures from recreational disturbance. Had I been minded to allow the appeal, it would have been necessary to establish whether the proposal on its own or in combination with other projects would likely have significant environmental effects on the integrity of the Habitats Sites. However, given my findings above, it has not been necessary for me to pursue this issue further. A

¹ APP/P1560/W/17/3192362 dismissed 29 May 2018

² Self build and custom house building Paragraph: 016 Reference ID: 57-016-20210208 Revision date: 08 02 2021

finding that the proposal would not have an adverse effect on the integrity of those sites, with or without any mitigation, would be at best a neutral matter.

Conclusion

14. The proposed development would conflict with the development plan when read as a whole. There are no material considerations of sufficient weight to indicate the decision should be taken otherwise. The appeal should therefore be dismissed.

J Downs

INSPECTOR