



Appeal Decision

Site visit made on 14 November 2023

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th December 2023

Appeal Ref: APP/P1560/W/23/3317679

151 and 153 Wivenhoe Road, Alresford, Essex CO7 8AQ

- 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 Brown against the decision of Tendring District Council.
 - The application Ref 22/01505/FUL, dated 6 September 2022, was refused by notice dated 26 January 2023.
 - The development proposed is erection of two detached single storey dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the surrounding area; and
 - the living conditions of neighbouring occupiers, with particular reference to noise and disturbance.

Reasons

Character and appearance

3. The area surrounding the appeal site comprises a mix of mainly traditional houses facing Wivenhoe Road and more modern residential cul-de-sacs. The latter generally have access roads positioned between the houses on Wivenhoe Road and this relationship between frontage and back-land plots contributes to the character of the area. The neighbourhood is verdant, but garden dimensions vary significantly from plot to plot.
4. The new dwellings would be close to other more modern homes. They would be sited perpendicular to the principal ribbon of development along Wivenhoe Road, like nearby houses on St Peters Mews. The garden sizes of the new and host dwellings would be comparable to many others in the area. The proposed entrance to the site between 153 and 155 Wivenhoe Road would not detract significantly from the appearance of that street. In these respects, the proposal would be consistent with the character and appearance of the area.
5. However, the new shared driveway would be much narrower than the access roads at either St Peters Mews or Munson Gardens. It would curve behind No 153 to reach the new dwellings situated in tandem behind No 151. The layout of the bungalows themselves would be dominated by parking and vehicular circulation space. The resulting cramped and awkward arrangement would contrast markedly with the more spacious and regular layout of the cul

de sacs nearby. For these reasons, the proposed layout would relate poorly to the surroundings of the site, jarring with its context.

6. I acknowledge the access road at St Peters Mews needs to accommodate a higher level of traffic than would be likely to result from the two homes proposed in this appeal. I also note the Inspector in the appeal for that development¹ found an acceptable relationship between Wivenhoe Road and the back-land development proposed in that case. However, he also observed that the host dwelling there occupied a wider than average plot, which is not the case in this instance. In addition, he found the proposed layout of the houses, around a central landscaped area and with ample space for soft landscaping between the plots, would not be cramped. Consequently, the circumstances at St Peters Mews are not directly comparable to those before me. In any event, I am required to determine this appeal on its own merits.
7. For the above reasons, I conclude the proposal would have a harmful effect on the character and appearance of the surrounding area. This is contrary to Policy SP7 of the Tendring District Local Plan 2013-2033 and Beyond (TDLP) Section 1 2021 (TDLP1) and Policies SPL3, LP4 and LP8 of the TDLP Section 2 2022 (TDLP2). Together, these Policies require development to enhance the quality of existing places and relate well to its surroundings; and to avoid tandem back-land development using a shared access. It is also contrary to the National Planning Policy Framework (the Framework), where it seeks development that adds to the overall quality of the area.

Living conditions

8. The new driveway would run along the full length of the remaining rear garden of 153 Wivenhoe Road and its curved route would result in a narrowing of the garden at its foot. The new visitor parking spaces and turning area would also be located close to the end of this garden. Given the length of the narrow driveway, drivers would be likely, on occasions, to reverse to allow cars to pass. Furthermore, the narrow width of the entrance to the driveway means cars would pass very close to the side of the house at No 153.
9. Taking all this together, the proposed access layout would dominate No 153 and be likely to cause considerable noise and disturbance to its occupants. There would also be moderate disturbance to the occupants of No 155, bearing in mind the new drive would be relatively close to the side of that dwelling and garden as well. This harm would be notwithstanding the modest volume of traffic likely to be generated by the new dwellings, and it would occur even with low speeds on the driveway.
10. I acknowledge the occupants of No 153 could chose to extend a driveway to the rear of that house and park cars behind it or introduce a workshop for home repairs in the rear garden. Nonetheless, such activity would be within the control of the occupants of No 153, which would not be the case with the vehicle manoeuvres generated by the proposed development. The intensity of noise and disturbance caused by those manoeuvres would also be greater because of the cramped and awkward layout described above.
11. I note other back-land developments for more than two houses have been permitted in the Tendring area. However, I am not aware of the full

¹ Appeal reference APP/P1560/W/16/3161493

circumstances in those cases. On the limited information before me about the Kirby Cross example, that development appears to have a straight and relatively wide access route leading to a cul de sac arranged around a central turning area. Consequently, its effects on the living conditions of neighbouring occupiers are not directly comparable to those from the appeal scheme.

12. For the above reasons, I conclude the proposal would have a harmful effect on the living conditions of neighbouring occupiers, with particular reference to noise and disturbance. This is contrary to Policies LP8 and SPL3 of TDLP2, which resist unacceptable levels of noise and nuisance, and long and narrow driveways in back-land development. It is also contrary to the Framework, where it requires a high standard of amenity for existing users.

Other Matters

13. The proposal would create dedicated off-street parking for No 153, where there is none at present. However, there is little evidence of significant public issues associated with the current arrangement, such as demand for on-street parking or highway safety, that might be addressed or eased as a result of the development. Consequently, I accord this benefit limited weight.
14. The proposal would create two bungalows suitable for different types of occupant, thereby helping to meet identified local housing needs. This, as a matter of principle, would be consistent with the Framework, which seeks to increase the supply of housing and supports housing developments in rural areas that reflect local needs. The creation of two dwellings would also support local economic growth during construction and through future occupiers' use of local services and facilities, which would support the Framework's economic objectives for rural communities. I also note the environmental and biodiversity gains proposed by the appellant. Nevertheless, given only two dwellings are proposed, these benefits would be modest, and I ascribe them limited weight.
15. Individually or cumulatively, the benefits of the proposal identified above would not outweigh the harms to the character and appearance of the surrounding area and to the living conditions of neighbouring occupiers I have found.
16. The Council accepts the principle of new housing within the settlement of Alresford and that the proposal would not result in fragmented parcels of land. It identifies no conflict with the Alresford Neighbourhood Plan. It has also raised no concerns with the size of external amenity space for the new and host dwellings, or with other effects on the living conditions of neighbouring occupiers. On the evidence before me, I see no reason to disagree with these conclusions. However, compliance with the development plan in these regards is a neutral factor. Even if there would be adequate provision for emergency access, this is also a neutral factor that would not weigh in favour of the scheme.
17. The site is within the Zone of Influence of a number of European designated sites. I note the appellant's willingness to provide mitigation if planning permission were granted. However, as I am dismissing the appeal for other reasons it has not been necessary for me to address this matter further.

Conclusion

18. I have found the proposal conflicts with the development plan read as a whole. No other material considerations, including the Framework, have been shown to indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

C Carpenter

INSPECTOR