



Appeal Decision

Site visit made on 27 October 2024

by A Hartley, LLB(Hons), Solicitor, MBA

an Inspector appointed by the Secretary of State

Decision date: 26 November 2024

Appeal Ref: APP/P1560/D/24/3348465

Glendoveer, Wix Road, Bradfield, Essex CO11 2UX

- 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 Mark Newson against the decision of Tendring District Council.
 - The application Ref is 24/00495/FULHH.
 - The proposed development is for a new garage structure with double pitch roof.
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Decision

1. The appeal is dismissed.

Preliminary Issues

2. The description of development is taken from the appeal form and decision notice as it more accurately describes the proposal than the description on the application form.
3. For the avoidance of doubt, notwithstanding the appellant's reference to a willingness to discuss an alternative flat roof design, no amended plans have been submitted. I have considered this appeal on the basis of the plans submitted with the planning application reference 24/00495/FULHH.

Main Issues

4. The effect of the proposal on (i) the character and appearance of the host dwelling and the surrounding area and (ii) the setting of the listed buildings Thatched Cottage and The Brambles.

Reasons

Character and Appearance

5. The appeal property is a two storey detached dwelling set back from the road frontage. It lies within a predominantly residential street where similar detached dwellings are set back significantly from the road. The majority of dwellings have open frontages, with some fencing, gates and hedging evident. The dwellings situated at the corner of Wix Road and The Street (Orchard House and 9 Wix Road) have outbuildings within their frontage, which are of a smaller scale than the appeal proposal. There are two dwellings in close proximity to the appeal site that differ in character and appearance – Thatched Cottage and The Brambles. Thatched Cottage is sited well back from the

- highway with a frontage unencumbered by built development. The Brambles is directly opposite the appeal site and is built closer to the highway, with only a small front garden area enclosed by a low hedge, fence and gate.
6. The appeal proposal would introduce built development within the open frontage of the host dwelling in a position close to the highway. Notwithstanding the current extent of boundary planting or any further supplemental planting, the permanent built development proposed would be at odds with the predominant character of Wix Road. The scale, massing, design and position of the proposed garage would appear incongruous in the streetscene. The large extent of built development proposed at the frontage would not appear subservient to the host dwelling and therefore would have a negative impact on the character and appearance of the host dwelling and the surrounding area.
 7. My attention has been drawn specifically to planning permission reference 20/01260/FULHH relating to a cartlodge at 9 Wix Road that has been constructed. I find that due to the corner position, scale, context and relationship with the frontage buildings at Orchard Cottage, the cartlodge does not create the harm to the open frontage further along Wix Road that would be caused by the appeal proposal.
 8. My attention has been drawn to the fact that there are no permitted development restrictions applying to the appeal site. I have insufficient information to determine the extent of any genuine fall back position in terms of permitted development. In any event, I find that the appeal proposal would be more harmful than a more limited extent of built development that might be allowed under permitted development. I have therefore given very limited weight to this issue.
 9. I find that due to its prominence in the street scene, scale, height and bulk, the appeal proposal would harm the character of the host dwelling and would not respond positively to the local character and context, failing to preserve and enhance the quality of the surrounding area.
 10. Consequently, it would conflict with policy SP 7 (Section 1) (2021) and policy SPL 3 (Section 2) (2022) of the Tendring District Local Plan 2013-2033 (LP), which require new development to meet high standards of design and respond positively to local character.
 11. The appeal proposal would also conflict with paragraph 135 of the National Planning Policy Framework (the Framework) as it would not be sympathetic to local character.

Heritage Assets

12. Thatched Cottage is a circa C17 (or earlier) one storey cottage with attics and one eyebrow dormer. It is timber framed, brick faced with weather boarded returns. It has a hipped thatched roof with off centre right and left external red brick chimney stacks. The Brambles is a one storey cottage with attic and two gabled dormers. It is circa C17/18, timber framed with rough render and red plain tiled roof with red brick chimney stack. It also features a brewhouse/backhouse chimney to the rear.
13. The position of Thatched Cottage provides a sense of spaciousness around the listed building. The position of The Brambles is such that dwellings on the

opposite side of the highway are set back, maintaining an open setting. The openness of their setting contributes positively to the way in which both listed buildings are seen and appreciated..

14. The listed buildings' significance is informed by their architectural and historic interest as buildings dating back several centuries with the survival of key features. The setting of the listed buildings also contributes to their significance, and I have had special regard to preserving their setting as required by the statutory duty set out in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
15. The appeal proposal would be in close proximity to the two Grade II listed buildings and it is considered it would be within their setting. The proposed development, by virtue of its height, scale and position would cause harm to their setting by introducing built development in close proximity in an area that is predominantly open in character. The proposal would also reduce the available public vantage points of Thatched Cottage from Wix Road, and thus would harm the positive contribution this provides. This would fail to preserve the setting of the listed buildings.
16. The presence of high hedges, trees and foliage at the appeal site, in themselves, make a negative contribution to the setting of the listed building by impacting on openness. Reinforcement of the planting to screen the proposed built development would only increase this impact to the detriment of the setting of the listed buildings
17. I find that this level of harm to the architectural and historic significance of the designated heritage assets, would by virtue of its nature and extent amount to a level of harm that in terms of the Framework would be less than substantial.
18. In line with the Framework, I attach great weight to the conservation of the designated heritage assets. Although the appellant has referred to the need for further storage space, this does not constitute a public benefit. From the evidence before me I find no public benefits have been identified by the main parties. In the context of paragraph 208 of the Framework the identified harm is unjustified.
19. I therefore find that the appeal proposal would cause unjustified harm to the significance of the identified designated heritage assets, through development within their setting. As such, there would be a detrimental effect on the setting of the listed buildings Thatched Cottage and The Brambles.
20. Consequently, the proposal conflicts with policy PPL 9 of the LP as it fails to protect the setting of the listed buildings.

Other Matters

21. I note that a previous planning application was refused and that the appellant is dissatisfied with their subsequent communication with the Council. This is not within the scope of this decision.
22. The absence of restrictive covenants within the deeds or a national landscape designation are not relevant to the consideration of this appeal. I have considered the proposal against the relevant development plan policies and planning legislation.

23. An alternative siting was suggested in the Heritage Officer's consultation response. However, I have only considered the merits of the appeal proposal before me.
24. There is support from neighbours and the Parish Council and Councillors, however this does not of itself justify the identified harm caused by the appeal proposal.

Conclusion

25. For the above reasons, the proposal conflicts with the development plan taken as a whole and with the provisions of the Framework. There are no material considerations that would justify a decision other than one in accordance with the development plan. Accordingly, the appeal should be dismissed.

A Hartley

INSPECTOR