



Appeal Decision

Site visit made on 20 May 2025 by E Nutman BA (Hons)

Decision by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2025

Appeal Ref: APP/P1560/D/25/3362573

25 Station Lane, Dovercourt, Harwich, Essex CO12 3QL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs Mark and Kate Rutter against the decision of Tendring District Council.
- The application Ref is 24/01638/FULHH.
- The development proposed is described as 'front & rear extensions & roof extension + detached double garage with solar garden above for private use'.

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are the effect of the proposed development on:
 - i) the character and appearance of the area; and
 - ii) the living conditions of occupiers of 23 Station Lane, 27 Station Lane and Quinta La Mere, with particular regard to outlook and privacy.

Reasons for the Recommendation

Character and Appearance

4. 25 Station Lane is a detached split-level dwelling which presents as being two-storey to the front and single storey to the rear. It sits at an elevated position on Station Lane. Station Lane is narrow and the properties along it look out towards the River Stour estuary. There is variety in the size, position and architecture of dwellings on Station Lane, including a mix of gabled and hipped roof forms. Even so, the dwellings on Station Lane have a prevailing two storey scale when seen from the road and where dwellings have accommodation in the roof space, this is usually discreet and more often served by modest window detailing. The dwellings also have an overriding traditional appearance including in terms of their elevational treatment and roof materials.
5. Neighbouring dwellings to one side of the appeal site sit at a similar raised level, including at 23 Station Lane (No 23). Some of the dwellings sited at this ground level have structures to their frontage such as a garage, carport and/or terraced

area. To the other side of the appeal site, the dwelling at 27 Station Lane (No 27) sits closer to road level and significantly forward of the appeal dwelling. Even accounting for the variety in design and position of buildings, there is general order to the built environment particularly in terms of roof level development and the general consistency in the scale and traditional appearance of the dwellings along Station Lane.

6. I accept that even though they have similar profiles to their front elevations, there are differences between the fenestration on the appeal dwelling and the immediate neighbouring dwelling at No 23. There are also other gabled forms in the vicinity, and the ridge height of the extended dwelling would be broadly comparable to that of some of the other dwellings on Station Lane. Therefore, any loss of symmetry with No 23, would not in itself be harmful.
7. However, the extensively glazed front gable, would significantly pronounce the presence of roof level accommodation, making it appear visually dominant. Furthermore, the roof would be covered in uncharacteristic metal sheeting, and the shallow pitch of the side dormer would conflict with the steeper pitch of the main roof. Together, these elements would result in a disjointed and top-heavy appearance, which would be significantly at odds with the perceived scale and material palette of other dwellings on Station Lane.
8. The appellant suggests that they could consider alterations including a 'lesser increase in roof height', a change to the proposed roofing material and a reduction in the extent of glass at loft level on the front elevation. However, there is no alternative scheme before me and the drawings provided are specific in these respects. Consequently, I have assessed the scheme on the basis of the drawings provided, which for the reasons set out would be harmful. Even though there is already extensive glazing to the first floor front elevation, and the extent of PVC cladding would be reduced when compared with the existing situation, this does not justify the unsympathetic design of the proposed scheme.
9. The proposed garage would be highly visible within the street scene due to its proximity to the front of the site. Even so, it would be low in height and would be seen in the context of some of the other properties along Station Lane with structures located towards the front boundary. It would also be set back in relation to the large dwelling at No 27. Consequently, it would not appear unduly prominent or discordant with the existing character of the street scene. Nevertheless, this does not overcome the harmful effects identified in respect of the extensions to the dwelling.
10. To conclude, the proposed development would have a harmful effect on the character and appearance of the area. In that regard, it would conflict with Policy SP 7 of the Tendring District Local Plan Section 1 (2021) (LPS1) which requires that all new development must meet high standards of urban and architectural design which responds positively to the local context and character.

Living Conditions

11. The existing dwelling at No 25 has windows to the side elevation facing Quinta La Mere. The appellant contends that their 'lounge and conservatory' windows already offer views into the garden of this neighbouring property. The proposed upper ground plan indicates the position of windows to the ground floor side elevation

would largely replicate the existing situation save for an additional window serving a kitchen towards the rear.

12. However, due to the more elevated position of the roof lights and balcony to the proposed roof slope facing Quinta La Mere, there would be an increased perception of overlooking when experienced from the rear garden of this neighbouring dwelling. Even if the rooflights were to be obscure glazed, this perception would be exacerbated by the overall proliferation of windows and the potential that the side balcony would be used for sitting out for prolonged periods of time. As a result, the increased perception of overlooking would be to the detriment of the quality and enjoyment of the use of the garden space at this neighbouring property. The offset position and lower ground level of No 27 is such that any effects on privacy resulting from the proposals would be more limited. However, this does not overcome the harm to living conditions at Quinta La Mere.
13. The ladder and solar garden on the proposed garage would not offer any harmful opportunities for overlooking. This is particularly the case given the intervening distances to the nearest neighbouring windows and also given the nearest neighbouring windows are to front elevations and already visible from public vantage points.
14. The single first floor rear facing window would offer an oblique view of the garden at No 23 and would be typical of a residential environment. As the rear elements of the development would only marginally extend beyond the rear wall of No. 23, there would be no material effects on outlook for occupiers of No 23. The Council's report also acknowledges that the openings to the side wall of No 23 already face onto the side wall of the appeal dwelling and I concur that there would be no significant increase in effects on outlook to that side.
15. Noting the existing relationships with the side elevation of the host dwelling, the angle of the proposed roof sloping away from the side boundaries with No 27 and Quinta La Mere, the extent of the gardens serving these neighbouring dwellings and the degree of separation to the main habitable windows serving those dwellings, the proposal would not unacceptably reduce outlook when experienced from these properties.
16. Nevertheless, I conclude that the roof lights and balcony to the side elevation of the roof slope facing Quinta La Mere would have a harmful effect on the living conditions of occupiers of this neighbouring dwelling with particular regard to privacy. In that particular regard, the proposal would conflict with Policies SP 7 of the LPS1 and SPL 3 of the Tendring District Local Plan Section 2 (2022) which seek to protect amenity including with regard to overlooking and that buildings are designed and orientated to ensure adequate privacy for future and existing residents.

Other Matters

17. I have had due regard to the Public Sector Equality Duty set out under Section 149 of the Equality Act 2010 which sets out the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I have also had regard to the provisions of the Human Rights Act 1998.

18. I understand that the extension is intended to provide a bedroom with easy access to a bathroom and toilet for the appellant's adult daughter, who has specific additional needs. It is suggested that alterations to the front garden would also result in improved disabled/elderly access to the property. I have no reason to doubt that this would be the case and that, in this regard, the proposal has the potential to be beneficial to the specified family member's quality of life and wellbeing. This is a personal circumstance to which I afford weight in favour of the appeal.
19. However, there is nothing to suggest that such needs could not be met through a design which does not result in the harm identified under the main issues. In weighing the personal circumstances in the balance, this has to be considered against the unacceptable effects of the development.
20. Overall, a refusal of planning permission is a proportionate and necessary approach to protect the wider public interest in terms of the character and appearance of the area and the living conditions of occupiers of Quinta La Mere. Furthermore, the protection of the public interest cannot be achieved by means that are less interfering of the specified family member's human rights and the personal circumstances put forward do not outweigh the unacceptable effects of the proposal.
21. The appellant suggests that planning permission has been granted at Quinta La Mere for extensions which would overlook the appeal dwelling. I have not been provided with full details of that development or the material planning considerations in that case. In any event, this is not a reason to allow a development which would be harmful for the reasons set out under the main issues.

Conclusion and Recommendation

22. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

E Nutman

APPEAL PLANNING OFFICER

Inspector's Decision

23. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

M Russell

INSPECTOR