



Appeal Decision

Site visit made on 15 October 2025

by **David Murray** BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2025

Appeal Ref: APP/P1560/W/25/3369307

Saxons, 105 Holland Road, CLACTON-ON-SEA, CO15 6HB

- 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 FGH (Essex) Ltd against the decision of Tendring District Council.
 - The application Ref is 24/01261/FUL.
 - The development proposed is the erection of 6 bungalows following previously approved demolition of existing house.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 6 bungalows following previously approved demolition of existing house at Saxons, 105 Holland Road, CLACTON-ON-SEA, CO15 6HB in accordance with the terms of the application, Ref 24/01261/FUL, and the plans submitted with it, subject to the conditions set out in the attached Schedule.

Main Issues

2. The main issues are:
 - The effect on the character and appearance of the area; and
 - The effect on the living conditions of the occupiers of the adjacent bungalows in Lyon Close and No. 107 Holland Road.

Reasons

Background

3. The appeal site comprises a large, detached house set in a large garden which has a frontage to Holland Road. Part of the garden also fronts a neighbouring street, Southcliff Park. The area around the appeal site is primarily residential with mostly detached properties of varying styles although there is a large three storey care home, Haven Lodge (also referred to as Middlesex House), with an array of small bungalows around it off Lyon Close which adjoins the site to the west.
4. It is proposed to demolish the existing property Saxons and erect six detached bungalows. Two would front Southcliff Park; two would front Holland Road and there would be a driveway between these two properties leading to two bungalows to the rear.
5. The Council confirms that the site lies within a Strategic Urban Settlement where there is a general presumption in favour of new development subject to other

policies and detailed site specific issues. Permission to demolish Saxons already exists and the appellant says that this permission has been started. The principle of the demolition is therefore not before me. I also note that planning permission has already been granted for two bungalows off Southcliff Park with a scheme that is similar to part of the current appeal scheme. I have therefore paid most attention to the form of the development proposed off Holland Road and the relationship with the properties in Lyon Close and No.107.

Effect on character and appearance

6. The Council refers to the Garden Areas of Special Character of Clacton-on-Sea which have a special Arcadian character. However, the Council appears to accept that this area lies to the south of Holland Road and the appeal site lies almost adjacent to it but not within it. Neither have I seen a map showing the area to which Local Plan – (Section 2) Policy PPL12 applies. I have therefore considered this issue on the site's individual merits and in relation to the other policies in the development plan mentioned below.
7. In terms of the local character, this is formed by the existing development along Holland Road. On the southern side of this road in the vicinity of the appeal site there are groups of semi-detached houses and flats together with an open amenity area with mature trees. To the east of this there is the side elevation of a detached property which fronts Albany Gardens West; a detached house and then a bungalow. On the appeal site side of Holland Road there is a two storey flatted development with an open grassed area to the front on the eastern side of Southcliff Park and then the chalet bungalow of No.107 on the opposite corner. On the western side of the appeal site is the three storey complex of Middlesex House which is enclosed at the sides by small bungalows at Lyon Close in an open landscape setting.
8. The local area in which the appeal site is located does not have a clear pattern of family houses which front the highway, with large plots and deep gardens, as the Council suggests. The two bungalows proposed on the Holland Road frontage would have high pitched roofs and their scale and design would fit in with the scale and appearance at No. 107 and the bungalows at Lyons Close. The proposed access between them is relatively narrow and would not appear as an intrusive feature in the street scene.
9. The siting of the bungalows on plots 1 and 4 would be slightly in front of a building line established by No. 107 but there would be a hedge to the front of the new dwellings and the general arrangement of the siting and scale of the new properties would not be over-prominent in the local frontage.
10. Overall, I am satisfied that the number, scale and design of the units proposed would not have a cramped and incongruous appearance in the street scene and would accord with the requirements of Policies SP7 and SPL3 of the Council's Local Plan as the proposal would maintain the local character and appearance of the area. It would also accord with Policies LP3 and LP4 in terms of achieving an appropriate standard of density.
11. Although not a policy mentioned in the reasons for refusal, there would be a minor conflict with Policy LP8 which relates to backland residential development. However, given that it has been accepted that Saxons may be demolished and my conclusion

that the proposed scheme would sit comfortably in the street scene, a limited conflict with this policy is outweighed by these other factors.

Effect on living conditions

12. The Council refers to the relationship proposed with the new bungalow on plot 2 with the two bungalows in the adjoining part of Lyon Close which are said to have a limited rear garden at about 10m long. The Council refers to various windows being about 1m from the party boundary. However, while the gap is not dimensioned, it appears to be over 2m wide on the layout plan SAX-01-A. Further, the internal layout plan of plot 2 shows a single bedroom window and an ensuite bathroom window on this side elevation and not a set of French doors as the Council submits.
13. At the visit I noted that there was natural vegetation of trees and shrubs at the rear of the Lyon Close properties as well as a high boundary fence. Having regard to all of these factors I am satisfied that the proposed bungalow on plot 2 would not have an enclosing or dominating effect on the existing bungalows. Moreover, it has not been shown that any noise and activity arising from these new dwellings will be any more than that normally associated with a residential use in a residential area.
14. In terms of the relationship with the rear aspect of No.107 the objection is about the garage proposed to the rear of plot 4 and the Council also refers to the new bungalow on plot 5 being 22m away from the rear elevation of this property. The proposed garage would be far enough away and of a moderate height and would not result in the visual enclosure of No. 107. Likewise the bungalow on plot 5 is also far enough away so as not to harm the outlook from the existing property and it appears to be sited in a position already accepted by the Council.
15. Overall on this issue, I find that the layout and design of the bungalows and garages proposed would not have an overbearing or harmful relationship with the neighbouring properties in Lyon Close or No.107 and the living conditions of the occupiers of these properties would be maintained. There is no conflict with part (c) of Policy SPL3.

Other Matters

16. A neighbour raises objection to the loss of the existing large garden which is said to be a wildlife habitat for muntjac and other species. However, the appeal site does not have any special designation as being of value for wildlife or ecology. I also note that the Council's specialist's assessment of the submitted Preliminary Ecological Appraisal concluded that there was no objection to the proposal subject to the imposition of conditions. On the evidence available the concern about the impact on wildlife is not a determinative issue.

Planning balance

17. On the main issues I have found that the bungalow development proposed would fit in with the prevailing form of the local street scene and would maintain rather than harm the character of the area. Neither would the proposal harm the living conditions of the occupiers of existing neighbouring properties.
18. There would be a limited conflict with Policy LP8, as part of the proposal can be read as backland development, but even so, I am satisfied that the general density

of development proposed is not uncharacteristic of the area. Moreover, part 11 of the National Planning Policy Framework (the Framework) indicates in paragraph 129 that planning decisions should support development that makes efficient use of land taking account of the desirability of maintaining an area's prevailing character.

19. Overall I find that the proposal accords with the development plan and national guidance when these are both read as a whole and this is not outweighed by any other consideration. The appeal should therefore be allowed.

Conditions

20. The Council recommends that 20 conditions be imposed on a permission and these will be considered under the same numbering. The Council's reasons for the suggested conditions, the policy basis for them, and notes to aid discharging them, are set out in the Council's Statement. I have also taken account of the appellant's submissions on these conditions as put forward in their Final Comments.
21. In addition to the statutory condition on the commencement of the development (No.1) it is necessary to specify the plans that are approved for clarity and the development should proceed in accordance with them. Condition No.2 is therefore necessary. In order to secure mitigation of the effects on the protected Essex Habitats Sites condition No.3 is necessary so as to meet the requirements of the adopted Disturbance and Avoidance Mitigation Strategy.
22. Suggested condition No.4 is tantamount to being a duplication of condition No.16 and is unnecessary. Condition No.5 relates to the implementation of the Construction Method Statement and is necessary to maintain the character and amenity of the area and the living conditions of neighbours. In order to encourage the use of sustainable infrastructure it is reasonable to have the measures agreed under the specified schemes implemented and I will impose condition No.6. Likewise condition No.7 is necessary in case there are items of archaeological importance within the site that need to be recorded.
23. Conditions 8 to 14 all relate to highway matters and are necessary in the interests of highway safety. Condition No.15 requires the implementation and maintenance of the approved landscaping details and this is necessary to maintain the appearance of the area. I will also impose the first part of condition No.16 about the implementation of the mitigation and enhancement of ecological aspects. However I agree with the appellant that the last two sentences of the proposed one are excessive and would be difficult to implement and enforce. I will therefore delete these aspects. Conditions No.s 17 and 18 are also necessary for the maintenance and enhancement of biodiversity and I will impose them.
24. Finally, recommended conditions 19 and 20 seek to remove various 'permitted development rights'. National guidance is that such conditions should be avoided unless there is clear justification for them. The Council's submissions do not detail exceptional justification, but for condition No.18, about preventing additional walls and fences and the like, there is local justification for these to be restricted in front of the elevation of any of these properties which front a highway or the internal driveway so as to maintain the appearance of the area. I will therefore impose this condition in a varied form. Likewise, condition No.20 seeks to control alterations to the roofs of dwellings. Given that the bungalows have high pitched roofs, alteration to the roofs or the addition of fenestration at first floor level may cause overlooking

of the adjacent properties or may harm the appearance of the properties in the street scene. It is therefore reasonable and necessary as an exception that this condition is imposed.

Conclusion

25. For the reasons given above the appeal should be allowed.

David Murray

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun not later the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the drawings/documents listed below (including materials details) and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard.

SAX-01 A - Site Layout Plan - Received 04.09.2024; SAX-02-B - Type A (Plots 1 & 4) Proposed Floor Plans and Elevations - Received 26.09.2024; SAX-03-B - Type B (Plots 2 & 3) - Proposed Floor Plans and Elevations – Received 26.09.2024; SAX-04-B - Type D (Plots 5 & 6) ; Proposed Floor Plans and Elevations – Received 26.09.2024; SAX-05-B - Garages (Plots 2, 3 & 4) - Proposed Floor Plans and Elevations – Received 26.09.2024; SAX-06 - Hard and Soft Landscaping Plan - Received 20.08.2024; Broadband Details - Received 20.08.2024; Construction Method Statement - Received 20.08.2024; Energy Statement - Received 20.08.2024; Charging Specification - Received 20.08.2024; Preliminary Ecological Appraisal (Hybrid Ecology, January 2024 Version 1) – Received 20.08.2024; Bat Survey (Hybrid Ecology, July 2024) - Received 20.08.2024.

- 3) Prior to commencement, detailed proposals addressing the mitigation of the development's impact on protected Essex Habitats Sites have been submitted to and received written approval from the Local Planning Authority. Such proposals must provide and secure mitigation in accordance with the joint Habitats Regulations Assessment Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) or demonstrate mitigation measures of an equivalent effectiveness to the satisfaction of the Local Planning Authority. For any on site mitigation proposals approved, it shall be carried out in full prior to first occupation and thereafter shall be maintained as approved.
- 4) The development shall be carried out in accordance with the Construction Method Statement - Received 20.08.2024 accompanying the application. The approved scheme shall be implemented in its entirety on commencement of development and shall operate as may be approved at all times during construction.
- 5) The scheme for the provision and implementation of water, energy and resource efficiency measures for the lifetime of the development shall be implemented in accordance with the approved details: Broadband Details - Received 20.08.202; Energy Statement - Received 20.08.2024; EV Charging Specification - Received 20.08.2024 The scheme shall be fully implemented prior to the first occupancy of the development unless otherwise agreed in writing by the Local Planning Authority. The scheme shall be constructed and

the measures provided and made available for use as may be agreed and thereafter shall be maintained.

- 6) No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a Written Scheme of Investigation (WSI) which has been submitted by the applicant, for approval by the Local Planning Authority. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in 1 above, and any subsequent mitigation has been agreed. The applicant will submit a final archaeological report or (if appropriate) a Post Excavation Assessment report and/or an Updated Project Design for approval by the Local Planning Authority. This shall be submitted within 6 months of the date of completion of the archaeological fieldwork unless otherwise agreed in advance by the Local Planning Authority.
- 7) Prior to the occupation of the development, the Holland Road access at its centreline shall be provided with a minimum clear to ground visibility splay with dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the nearside edge of the carriageway in accordance with the details shown on approved drawing no. SAX-01 A – Site Layout Plan - Received 04.09.2024. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.
- 8) Prior to the occupation of the development, a minimum Size 5 vehicular turning facility (8m x 8m) in accordance with the details shown on approved drawing no. SAX-01 A -Site Layout Plan - Received 04.09.2024 shall be constructed, surfaced, and maintained free from obstruction within the site at all times for that purpose.
- 9) Prior to the occupation of Plots 1 to 4, the proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of footway /highway boundary and provided with an appropriate dropped kerb crossing of the footway, in accordance with approved drawing no. SAX-01 A - Site Layout Plan - Received 04.09.2024 and retained free of any obstruction at all times.
- 10) Prior to the occupation of Plots 5 and 6, a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary of Southcliff Park, shall be provided on both sides of the vehicular accesses in accordance with approved drawing no. SAX-01 A - Site Layout Plan – Received 04.09.2024. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.
- 11) Prior to the occupation of Plots 5 and 6, a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary of Southcliff Park, shall be provided on both sides of the vehicular accesses in accordance with approved drawing no. SAX-01 A - Site Layout Plan - Received 04.09.2024. Such visibility splays shall be retained free of any

obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access in the adjoining public highway in the interest of highway safety.

- 12) Prior to the occupation of Plots 5 and 6, each vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3.6 metres (equivalent to 4 drop kerbs), shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.
- 13) The proposed development shall not be occupied until such time as the vehicle parking areas indicated on the approved plans, have been hard surfaced, and sealed. The vehicle parking areas shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.
- 14) All new parking areas and areas of hardstanding shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area within the site area. No unbound materials shall be used in the surface treatment of the individual private driveways and throughout the development.
- 15) All changes in ground levels, soft/hard landscaping shown on the approved landscaping details drawing no. SAX-06 - Hard and Soft Landscaping Plan – Received 20.08.2024 shall be carried out in full during the first planting and seeding season (October - March inclusive) following the commencement of the development, or in such other phased arrangement as may be approved, in writing, by the local planning authority up to the first use/first occupation of the development. Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing) which die, are removed, seriously damaged or seriously diseased, within a period of 10 years of being planted, or in the case of existing planting within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and same species unless otherwise agreed in writing by the local planning authority.
- 16) All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Hybrid Ecology, January 2024 Version 1) and Bat Survey (Hybrid Ecology, July 2024) as already submitted with the planning application and agreed with the local planning authority.
- 17) Prior to occupation, a 'lighting design strategy for biodiversity' in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the Local planning Authority. The strategy shall:
 - a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites

and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

- b) show how and where external lighting will be installed (though the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to the breeding sites or resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter. No other external lighting shall be installed without the consent of the local planning authority.

- 18) Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected and Priority or threatened species, prepared by a suitably qualified ecologist shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following: a) Purpose and conservation objectives for the proposed enhancement measures; b) detailed designs or product descriptions to achieve stated objectives; c) locations of proposed enhancement measures by appropriate maps and plans (where) relevant; e) persons responsible for implementing the enhancement measures; and f) details of initial aftercare and long-term maintenance (where relevant). The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.
- 19) Other than the enclosures shown on approved landscaping details drawing no.SAX-06 - Hard and Soft Landscaping Plan - Received 20.08.2024, notwithstanding Section 55 (2)(a)(ii) of the Town and Country Planning Act 1990 as amended and the provisions of the Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 2 Minor operations, Class A (or any Order revoking and re-enacting that Order with or without modification):- no fence, gate, wall or any other means of enclosure, shall be erected forward of any front or side elevation of the dwellings hereby approved where that front or side elevation fronts the adopted highway or internal private driveway.
- 20) Notwithstanding the provisions of Classes B and C of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or the equivalent provisions of any order revoking and re-enacting that Order), there shall be no alterations or additions to the roof of the dwellings without the prior written approval of the Local Planning Authority following the submission of a planning application.

End