



Appeal Decision

Site visit made on 24 November 2025

by T Bennett BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th November 2025

Appeal Ref: APP/P1560/W/25/3371821

Land to the rear of 88 Lee Road, Dovercourt, Essex CO12 3SB

- 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 T Hay against the decision of Tendring District Council.
 - The application Ref is 25/00205/FUL.
 - The development proposed is one bedroom bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted a draft block plan which amends the layout of the site, including the placement of an open car parking space along the boundary with No 90. I am aware that the Council did not find this revised plan acceptable. Furthermore, as no elevation plans reflecting the draft block plan have been submitted, I cannot be certain what the elevations would look like. For clarity and fairness, I have based my decision on the original drawings upon which interested parties were consulted.
3. I am aware of a previous appeal decision¹ at the appeal site and I have had regard to this in my decision.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and,
 - the living conditions of the neighbouring occupiers at No 90 Lee Road (No 90) with particular regard to outlook.

Reasons

Character and appearance

5. The appeal site fronts Langley Close, a residential cul-de-sac comprising a mix of one and two storey properties and a block of flats. Properties have relatively wide facades and are typically set back from the highway and set in from one of their side boundaries to accommodate uncovered vehicular parking. With the exception of Nos 37 and 39, the properties on Langley Close are constructed in similar materials with the bungalows displaying a consistency in eaves height.

¹ Ref: APP/P1650/W/22/3303621

Collectively, these features give the properties a unified character and appearance, with the established pattern of development contributing positively to a sense of spaciousness within the close.

6. As identified by the previous Inspector, the appeal site is uncharacteristically narrow. The front elevation of the proposed bungalow would span the entire width of the plot, with minimal setback from either side boundary. This, combined with the depth of the dwelling would make it appear visually cramped within its plot. This would be harmfully at odds with the prevailing pattern of development and would erode the general sense of spaciousness. The covered carport would also appear incongruous given the lack of any similar feature on the other dwellings in the close.
7. Moreover, the dwelling's position, set very close to the front boundary, forward of the neighbouring dwelling, and featuring noticeably higher eaves compared to the other modern bungalows in the close would harmfully increase its prominence, exacerbating the dwellings incongruity within the streetscene.
8. I note that the appellant has sought to make amendments to the design to overcome previous concerns, including the use of external materials that match the surrounding dwellings and altering the roof form. However, these factors do not sufficiently mitigate against the harm identified.
9. I acknowledge the appellant's design rationale for incorporating the carport to increase the width of the dwelling and prevent it from appearing squat. Nevertheless, while the design has evolved, the proposed scheme remains unacceptable for the forementioned reasons.
10. On this issue, I conclude that the proposal would harm the character and appearance of the area. It would therefore conflict with Policy SP7 of the Tendring Local Plan: Section 1 (2021) (LP1) and Policy SPL3 of the Tendring Local Plan: Section 2 (2022) (LP2). Taken together, amongst other matters, these seek development of a high standard of design, which relates well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials and that it responds positively to local character and context to preserve and enhance the quality of existing places and their environs.

Living conditions

11. One of the flank elevations of the proposed bungalow would be located very close to the shared boundary with No 90 and project considerably above it. Given the depth of the proposed dwelling, it would extend almost the entire length of the shared boundary visible from the rear of No 90. Due to the combination of height, depth and proximity to the boundary, the proposal would be highly visible and would have a significant overbearing effect. This would result in a strong sense of enclosure for the occupiers of No 90 when utilising their outdoor space, and would harmfully impact the outlook from the rear habitable rooms. This would be to the detriment of their living conditions.
12. Although the Inspector in the previous appeal raised no concerns regarding the living conditions of the occupiers at No 90, that was not identified as a main issue in that appeal. In any case, each appeal must be determined on its own merits. The proposed dwelling in this appeal is materially different to that considered

previously, having both a greater height and a closer proximity to the shared boundary.

13. Whilst the occupiers of No 90 have not objected, this does not in itself mean that the proposal is acceptable in planning terms. The National Planning Policy Framework (the Framework) seeks to create places which promote health and well-being, with a high standard of amenity for existing and future users. As occupants change over time, it is appropriate to secure by design acceptable living conditions for all users.
14. For the above reasons, I conclude that the proposed development would not provide acceptable living conditions for the occupiers of No 90 Lee Road with regard to outlook. It would therefore conflict with Policy SPL3 of LP2, insofar as it seeks development to be designed to ensure adequate outlook for future and existing residents and to not have a materially damaging impact on the amenity of occupiers of nearby properties. It would also conflict with the Framework which seeks a high standard of amenity for existing and future users.

Other Matters

15. The appeal site lies within the zone of influence of the Stour and Orwell Estuaries Special Protection Area (SPA) and Ramsar site. Given that the proposal is for additional housing, there is a reasonable likelihood that these European Sites would be accessed for recreational purposes by future occupants of the development. Therefore, in combination with other developments, likely significant effects cannot be ruled out.
16. The Conservation of Habitats and Species Regulations 2017 (as amended) requires the decision maker to undertake an Appropriate Assessment (AA) where there are likely significant effects from the proposal, either alone or in combination with other plans or projects. However, regulation 63(1) indicates the requirement for an AA is only necessary where the competent authority is minded to give consent for the proposal. Therefore, in view of my overall conclusions resulting in my decision to dismiss the appeal, it has not been necessary to address this matter in any further detail.
17. While the planning officer may have indicated a favourable outcome in discussions during the application process, this has had no bearing on my decision. The officer report and decision notice clearly articulate the Council's concerns, and I have determined the appeal on its merits based on the submissions before me.

Planning Balance and Conclusion

18. The proposed dwelling would make a positive contribution to the supply of housing in the local area. It would make an efficient use of urban land in an accessible location, with economic and social benefits arising from the construction phase and from future occupiers of the dwelling. However, given the scale of the development, such benefits would be limited.
19. Although housing is supported in principle in this location, this is subject to consideration against other relevant local plan policies. I have found the development would cause harm to the character and appearance of the area and the living conditions of neighbouring occupiers, in conflict with Policy SP7 of LP1 and Policy SPL3 of LP2, to which I given significant weight. It would also conflict

with the Framework which seeks to achieve well-designed places with development that adds to the overall quality of the area, is sympathetic to local character and has a high standard of amenity for existing and future users.

20. This leads me to the overall conclusion that the appeal scheme would not accord with the development plan considered as a whole and I find that the adverse impacts of the proposal outweigh the benefits identified.
21. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

T Bennett

INSPECTOR