



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: 28th November 2025

Appeal Ref: APP/P1560/W/25/3372397

102 Holland Road, Little Clacton, Essex CO16 9RU

- 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 Richard Hart against the decision of Tendring District Council.
 - The application Ref is 25/00564/FUL.
 - The development proposed is the demolition of existing dwelling to facilitate the erection of two detached dwellings including access from Holland Road.
-

Decision

1. The appeal is dismissed.

Main Issues

2. 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 100 Holland Road and the living conditions of the future occupiers of the proposed dwellings with particular regard to light and outlook.

Reasons

Character and appearance

3. Holland Road is characterised by linear residential development with properties in the vicinity of the appeal site setback from the road behind areas of hardstanding in deep plots, largely maintaining a similar building line. Properties vary in scale and form with many spanning almost the full width of their respective plots.
4. The appeal site currently contains a modest-sized, two-storey dwelling located centrally within a large plot on the southern side of Holland Road, reflecting the building line of the properties to the west. A significant separation distance exists between the flank elevations and the neighbouring shared boundaries to the east and west. However, this extensive distance is not typical of the prevailing pattern of development on Holland Road.
5. The existing dwelling would be demolished and the plot would be split into two smaller plots, each containing a single-storey dwelling. The footprint of each dwelling would be large, and the properties would extend beyond the rear elevation of nearby properties. However, with the exception of Nos 104 and 106, this would not be by a substantial amount. Given the proposed single-storey form with pitched roofs and hipped element at the rear, the increased depth would not

appear unduly prominent from the rear of nearby properties. This includes Nos 104 and 106, which have deep rear gardens and are set a noticeable distance away from the boundary of No 102, with a garage occupying the intervening space.

6. Considering the above, and given the deep plots and variety of property types and styles along the road, I find that the deeper footprints of the dwellings would not have a harmful effect on the character and appearance of the area.
7. Although the dwellings would span almost the full width of their respective plots, this would not be an unusual arrangement within the street. Both dwellings would be single-storey with steep pitched roofs, sloping away from their boundaries; therefore, space would be noticeable at roof level between the dwellings. The proposed dwellings would also be set back from the highway, maintaining the front building line of the dwellings to the west and the spacious setback typical of the other dwellings in the street. Whilst the frontage of the properties would consist mainly of hardstanding, I observed this to be a typical feature of properties on Holland Road. Consequently, I do not consider the proposal would have a cramped, overdeveloped and harmfully urbanised appearance within the street scene.
8. For the reasons above, I conclude that the proposal would not be harmful to the character and appearance of the area and would accord with Policy SP7 of the Tendring District Local Plan Section 1 (2021) (LP1) in so far as it requires all development to respond positively to local character and context. In addition, the proposal would accord with Policies SPL3, LP3 and LP4 of the Tendring District Local Plan Section 2 (2022) (LP2) which together, require development proposals to maintain or enhance local character and distinctiveness, relate well to its site and surroundings and ensure a positive contribution towards the district's sense of place and achieve an appropriate housing density. The proposal would also accord with the National Planning Policy Framework (the Framework) which require developments to be sympathetic to local character.

Living conditions

9. Regarding the effect of the proposal on the occupiers of No 100, the side elevation of the property on plot 2 would be located a short distance from the side elevation of No 100, spanning its entire length. Along this elevation at No 100 are three windows serving bedrooms which face towards the existing boundary fence. The outlook from and light received by these windows is therefore already impacted.
10. The proposal, however, would introduce a dwelling significantly closer to No 100 compared to the existing dwelling at the appeal site. This would result in a change to the outlook and light received for the occupiers of No 100. The depth of the extension and the height of the pitched roof, in combination with its close proximity to the shared boundary, would have a significantly greater physical presence than the existing boundary fence. This would result in a visually dominant form of development which would have an unavoidable enclosing effect on the outlook from the bedroom windows, and would further reduce the light received by these rooms. Overall, the close presence of the proposed dwelling would have a materially harmful effect over and above the existing situation for the occupiers at No 100.

11. Turning to the future occupiers of the proposed dwellings, the submitted plans show that the window of bedroom 2 in each of the properties would directly face the side boundary. As the separation distance is limited, the view from the window would be directly towards the boundary at close range. This would provide a very poor outlook for the occupants of bedroom 2 and would restrict the amount of light received. This would be to the detriment of the living conditions of the future occupiers.
12. The appellant states that both existing and new development in the area has a similar relationship, with windows positioned close to side boundaries. Although the neighbouring property has bedroom windows facing the side boundary, I am not persuaded that such an arrangement should be encouraged or that it justifies the proposed arrangement. Furthermore, I have limited details of which new properties the appellant is referring to, nor do I have any information on the internal layout of the properties. I therefore cannot be sure the circumstances are comparable.
13. Whilst the proposed arrangement of bedroom 2 may meet building regulations for the floorspace-to-light ratio, conformity with Building Regulations is a separate matter from planning and does not guarantee its acceptability in planning terms, which is assessed under a different framework.
14. I therefore conclude, on this issue, that the proposal would cause significant material harm to the living conditions of existing and future occupiers in respect of outlook and light. This would be contrary to LP1 Policy SP7, which amongst other matters, requires new development to protect the amenity of both future and existing residents and LP2 Policy SPL3, which amongst other matters, seeks well designed buildings to ensure adequate outlook and daylight. It would also conflict with the Framework which seeks proposals that secure a good standard of amenity for existing and future occupants.

Other Matter

15. The appeal site lies within the zone of influence of the Colne Estuary Special Protection Area (SPA) and Ramsar site and the Essex Estuaries Special Area of Conservation (SAC). The Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) indicates that residential development in this location is likely to have a significant effect on the site resulting from increased recreational visitor pressure from new housing development within this zone.
16. The Council thus requires mitigation measures to be secured for new dwellings within the zone. The Council consider that this could be addressed by a suitably worded planning condition securing a planning obligation.
17. Where a proposal is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, the Conservation of Habitats and Species Regulations 2017 requires that the competent authority carries out an Appropriate Assessment (AA) before any grant of planning permission. However, regulation 63(1) indicates that the requirement for an AA is only necessary where the competent authority is minded to give consent for the proposal. As I am dismissing the appeal on other grounds, I do not need to consider this matter further or whether a planning condition would adequately mitigate the proposal's effect.

Planning Balance

18. I have found that the proposal would not adversely affect the character and appearance of the area. However, an absence of harm is of neutral weight.
19. The proposal would provide a net gain of one dwelling, making a very small but nonetheless useful contribution towards increasing the district's housing stock against any anticipated shortfall and would represent an efficient use of land in an accessible location. However, given the limited scale of the proposal, any benefits would be very modest and overall, I attribute limited weight to these benefits.
20. I have found that the scheme would have a significant adverse effect on the living conditions of existing and future occupiers, and I give significant weight to the conflict identified with Policy SP7 of the LP1 and Policy SPL3 of the LP2 and the provisions of the Framework, which seek to secure well-designed places by ensuring development provides a high standard of amenity for existing and future users.
21. The evidence indicates that the Council can currently demonstrate a 5-year supply of housing land. Even if this were not the case, the adverse impact of the development to the living conditions of existing and future occupiers with regards to outlook and light, significantly and demonstrably outweighs the benefits when assessed against the policies in the Framework taken as a whole. Therefore, the presumption in favour of sustainable development does not apply.

Conclusion

22. For the above reasons, 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, the appeal is dismissed.

T Bennett

INSPECTOR