



Appeal Decision

Site visit made on 17 October 2022

By Terrence Kemmann-Lane JP DipTP FRTPI MCI

an Inspector appointed by the Secretary of State

Decision date: 2 November 2022

Appeal Ref: APP/P1560/W/22/3298238

Plot 6, Land rear of Holly Lodge, Betts Green Road, Little Clacton, CO16 9NH

- 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 Sorrell against the decision of Tendring District Council.
 - The application Ref. 21/01856/FUL, dated 26 October 2021, was refused by notice dated 18 March 2022.
 - The development proposed is the erection of one cottage style dwelling (variation to design of dwelling as approved under 18/00872/DETAIL and 20/01073/DETAIL).
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Decision

1. The appeal is allowed and planning permission is granted for the erection of one cottage style dwelling (variation to design of dwelling as approved under 18/00872/DETAIL and 20/01073/DETAIL) at Plot 6, land rear of Holly Lodge, Betts Green Road, Little Clacton, CO16 9NH in accordance with the terms of the application, Ref 21/01856/FUL, dated 26 October 2021, subject to the conditions set out in the schedule at the end of this decision.

Application for costs

2. An application for costs was made by Mr Sorrell against Tendring District Council. This application is the subject of a separate Decision.

Main Issue

3. The issue in this case is the effect of the proposed development on the character of the locality, its street pattern and its setting in terms of the height of the dwelling proposed.

Reasons

4. The essential criticism of the proposal in the refusal reason can be condensed to: the resultant dwelling, due to its increased height and massing, would appear at odds with the prevailing character of the locality and be incongruent with the backland setting of the development, bearing in mind the bungalows to the south on Harwich Road. Thus it would not protect or enhance local distinctiveness, and would fail to improve the character of the area or respect existing street patterns and would be unsympathetic to local character.
5. The site is situated immediately to the rear of Holly Lodge on the southwest side of Betts Green Road, which is a private unadopted road. The site is part of a development which is underway implementing the permitted scheme for the

erection of 7 dwellings. On the opposite side of Betts Green Road are several bungalows, a recent development of two chalet properties and 7 large detached dwellings. To the north-west, the rear of the site faces out onto open farmland. To the south-east, a number of properties fronting Harwich Road are two storey dwellings, including Nos. 93 to 109, with Nos. 85 to 91 being bungalows. A good number of the bungalows have dormer windows allowing for accommodation in the roof. Drawing No. 0952_A_SC_219 Proposed building heights drawing shows the distribution of dwelling storey heights.

6. The appeal scheme is to amend the design of the dwelling on Plot 6 to a property of 1½ storeys by including accommodation within the roof space. The position of the dwelling remains as approved. The height of the building would be raised by 1.7m, to a ridge level of 7.1m. An increase in the roof pitch would enable three bedrooms to be provided within the roof space together with a bathroom and two en-suite facilities. In July 2021, planning permission was granted for the same design of cottage style dwelling, as now proposed, to be erected on plot 1 (reference 21/00289/FUL).
7. As can be seen from my description in paragraph 6 above, the character of the locality is very mixed, including substantial 2 storey houses, bungalows and chalet style dwellings. The proposal would obviously not have any effect on the street pattern, and I cannot see any justification for claiming that there would be harm to its setting arising from the increase in proposed height, since the setting includes a good number of dwellings of similar height, and plot 1 will have the same design. The appeal site, plot 6, is to the north-west of plot 3, while plot 3 is immediately to the north-west of Nos. 89 and 91 Harwich Road. These 2 Harwich Road dwellings are part of a row of bungalows, but in my judgement looking across from Harwich Road, the additional height of the proposed chalet on plot 6 would not be perceived as anything out of the ordinary situated, as plot 6 is, behind plot 3. The fact that plot 6 is next to open countryside does not appear to me to be germane to the issue, since the large detached 2 storey dwellings on Betts Green Road also look across, and back onto, open countryside.

Conclusions

8. I conclude that the development will reflect the scale and mix of development found in the locality, with no harmful effect on the character of the area, its street pattern and its setting in terms of the height of the dwelling proposed. Therefore I will allow the appeal.

Conditions

9. The Council has suggested a number of conditions in the event that the appeal is upheld. I have considered these in the light of Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG I have amended some of the text.
10. The appellant comments that the council's proposed condition 3, relating to external facing and roofing materials is unnecessary as full details were included with the application. However the indication of materials is not sufficiently detailed and I regard it as a necessary condition. It is also contended that the removal of GPDO rights is unnecessary in view of the scale and character of the site. I see that this condition only refers to the provision of

fences, walls or other means of enclosure, erected forward of the front elevation. I also see that a similar condition was imposed on the approval of details under reference 18/00872/DETAIL (although that condition also referred to means of enclosure on the north-western boundary of the site). I consider that, to ensure conformity with the total development, this condition is necessary to maintain control in the interests of the appearance and character of the development of which the permitted dwelling is a part.

11. The conditions I am imposing are necessary for the following reasons: condition 2 is required for certainty and avoidance of doubt as to the development permitted (I have corrected the drawing numbers and descriptions); condition 3 is to ensure that the appearance of the development permitted integrates with the existing in a visually satisfactory manner; condition 4 is to ensure satisfactory surface water drainage to minimise the risk of surface water flooding; condition 5 is to ensure that the existing landscaping is protected and retained in the interests of biodiversity, and the appearance and character of the area; condition 6 is to protect a tree of importance to the appearance of the development; condition 7 is to maintain the appearance and character of the overall development; condition 8 ensures the implementation of the approved landscaping scheme and its maintenance in the interests of the appearance and character of the surrounding area; condition 9 is in the interests of biodiversity; condition 10 is in the interests of sustainable development and to minimise the risk of surface water flooding; conditions 11 and 12 are to ensure adequate driveways and space for parking off the highway is provided in the interest of highway safety; condition 13 ensures appropriate cycle parking is provided in the interest encouraging sustainable modes of travel; condition 14 is in the interests of the living conditions of residents and highway safety.
12. I do not see the need for a condition dealing with sight lines at the entrance to the overall development of which the appeal dwelling is part since the overall scheme has been commenced with a commitment to the access requirement.

Terrence Kemmann-Lane

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in strict accordance with the following approved plans: 0952_A_SC_210 Location plan, 0952_A_SC_212/B Proposed site plan, 0952_A_SC_213/B Proposed floor plans, 0952_A_SC_214/B Proposed elevations, 0952_A_SC_215/B Proposed elevations, 0952_A_SC_216/A Proposed landscape plan, and 0952_A_SC_217 Proposed block plan.
- 3) Prior to the commencement of any above ground works, precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in the construction of the development hereby permitted shall be submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development.
- 4) No part of the development shall be occupied or brought into use until the agreed method of surface water drainage approved under 21/00440/DISCON has been fully installed and is available for use.
- 5) The development shall be carried out in accordance with the Tree Survey and Tree Constraints Plan (Drawing No. 6183-D) dated 4.09.17 unless otherwise agreed in writing by the Local Planning Authority.
- 6) All hard surface areas within the root protection area of the retained Oak tree adjacent to the access shall be constructed using no dig technology.
- 7) Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no provision of fences, walls or other enclosures, shall be erected forward of the front elevation of the dwelling hereby approved.
- 8) All changes in ground levels, hard landscaping, planting, seeding or turfing shown the approved landscaping details 0952_A_SC_216/A shall be carried out 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 agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.
- 9) The development hereby approved shall be carried out in strict accordance with the Preliminary Ecological Appraisal and Great Crested Newt Survey dated 30th July 2018 and the Mitigation and Enhancement details - Timetable for Implementation and Proposed Ecological

Enhancement Plan drawing ref. PA-40 as previously approved under application reference 18/00872/DETAIL.

- 10) 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.
- 11) Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres in accordance with the EPOA Parking Standards.
- 12) The development shall not be occupied until such time as the road, turning, driveways and garages have been provided in accordance with the approved plans and shall be retained in this approved form thereafter.
- 13) Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.
- 14) The Construction Method Statement shall be adhered to throughout the construction phase of the development unless otherwise agreed in writing by the Local Planning Authority.

End of Schedule