



TENDRING DISTRICT COUNCIL

Planning Services

Council Offices, Thorpe Road, Weeley, Clacton-on-Sea, Essex CO16 9AJ

APPLICANT: Mr & Mrs K Green
35 St Andrews Road
Weeley
Clacton On Sea
Essex
CO16 9HR

AGENT:

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 18/00395/FUL

DATE REGISTERED: 12th March 2018

Proposed Development and Location of Land:

**Proposed detached bungalow and associated parking and access.
35 St Andrews Road Weeley Clacton On Sea Essex**

THE TENDRING DISTRICT COUNCIL AS LOCAL PLANNING AUTHORITY **HEREBY REFUSE PLANNING PERMISSION** in accordance with the application form, supporting documents and plans submitted for the following reason(s)

- 1 Paragraph 8 of the National Planning Policy Framework 2019 (NPPF) sets out the overarching objectives for achieving sustainable development, one being the environmental objective which requires the planning system to contribute to protecting and enhancing our natural, built and historic environment. Furthermore, Paragraph 127 of the NPPF requires that development should respond to local character and history, and reflect the identity of local surroundings. It goes onto say that local distinctiveness should be promoted and reinforced. In addition, adopted Tendring District Local Plan (2007) Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. Again these sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Furthermore, saved Policy HG13 of the adopted plan states that development of backland sites will be refused where the proposal would (iv) result in tandem development using a shared access and (vii) be out of character. Furthermore, saved Policy HG14 of the adopted plan seeks to ensure that new development is appropriate in its setting and does not create a cramped appearance.

The application proposes the erection of a 2 bedroom detached bungalow located to the rear of existing properties all of which front or address St Andrews Road. The angled position of numbers 35 and 37 are an exception in the street scene with the remainder of St Andrews Road being characterised by linear development, the majority of which are semi-detached chalet style dwellings. Whilst it is recognised that the development to the east has resulted in the creation of dwellings in a setback position in relation to the properties in St Andrews Road, these are part of a comprehensive development for dwellings all with road frontages and would not be considered 'backland' development

that would justify approval the approval of a dwelling in this position. St Andrews Road and the new St Andrews Close take on their own character and are not comparable for the purposes of assessing this application.

The development will result in a long narrow access to the rear of number 35 and 37. The subdivision of the site results in 2 small contrived areas of garden to serve the donor dwelling as well as a cramped frontage and poor outlook for the proposed dwelling fronting on to the boundary fence of number 35. The backland siting of the proposed dwelling is wholly out of character and harmful in its setting. The footprint of the dwelling, layout and siting in close proximity to the side and front boundaries creates a cramped appearance being out of character with the scale, design and spacing of dwellings in the locality. Overall, the development will appear overly cramped and wholly out of keeping to the severe detriment of the character of the area.

The scale, siting and layout of the proposed development is therefore contrary to the aims of the aforementioned national and local plan policies.

- 2 Paragraph 127 of the National Planning Policy Framework states that planning should always seek to secure a good standard of amenity for all existing and future occupants. In addition, Policy QL11 of the adopted Tendring District Local Plan (2007) states that amongst other criteria, development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. Emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017 supports these objectives. In addition, saved Policy HG13 of the adopted plan states that development of backland sites will only be permitted where the proposal would (ii) not result in an unreasonable loss of amenity to existing dwellings. Furthermore, saved Policy HG14 of the adopted plan seeks to ensure that new development safeguards the amenities and aspect of adjoining residents. In addition, saved Policy HG9 of the adopted local plan provides minimum private amenity space standards requiring 75 square metres for dwellings with 2 bedrooms and 100 square metres for dwellings with 3 or more bedrooms.

The proposed development would result in a poor standard of amenity for the occupants of the donor dwelling, proposed dwelling and neighbouring dwelling at number 33 St Andrews Road. In terms of amenity space, the proposed dwelling would be served by a private garden area that accords with minimum standards, however, as mentioned above, the tree would be a dominant feature in the private amenity space and cause shading for much of the garden. The resultant garden area for the donor dwelling would again comply with minimum standards but result in 2 small pockets of unconnected garden with the northern section being dominated by the bulk of the roof of the new dwelling. Furthermore, the siting of the proposed dwelling in close proximity to its front and side boundaries would result in a poor standard of outlook and level of daylight to the internal accommodation. The proposed bungalow is considered to be of an acceptable design in itself but does not reflect the style or scale of dwellings in the locality demonstrating its contrived design in an attempt to minimise the impact on neighbouring amenity. The proposed dwelling is positioned in close proximity to the shared boundary with number 33 St Andrews Road. Whilst it is recognised that the dwelling has a hipped roof arrangement, the dwelling would result in 8 metres of built form along this neighbouring boundary dominating the garden of number 33 and resulting in an unneighbourly and oppressive relationship. The hipped roof and orientation of the plot means that there will be no material loss of light and the single storey nature means that there will be no loss of privacy to number 33. However, the depth, height and siting of the proposed dwelling together with the proximity to the boundary is unacceptable.

The development will therefore be materially harmful to residential amenities and create a poor standard of amenity for existing and future occupants contrary to the aims of the aforementioned national and local policies.

DATED: 15th May 2020

SIGNED:



Graham Nourse
Acting Assistant Director
Planning Service

IMPORTANT INFORMATION :-

The local planning authority considers that the following policies and proposals in the development plan are relevant to the above decision:

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

HG3 Residential Development Within Defined Settlements

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG13 Backland Residential Development

HG14 Side Isolation

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

EN6 Biodiversity

EN1 Landscape Character

EN11A Protection of International Sites European Sites and RAMSAR Sites

COM6 Provision of Recreational Open Space for New Residential Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SPL2	Settlement Development Boundaries
SPL3	Sustainable Design
LP3	Housing Density and Standards
LP4	Housing Layout
LP8	Backland Residential Development
CP1	Sustainable Transport and Accessibility
PPL3	The Rural Landscape
PPL4	Biodiversity and Geodiversity
HP5	Open Space, Sports & Recreation Facilities

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the former agent and applicant for the application. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

The attached notes explain the rights of appeal.

NOTES FOR GUIDANCE

WHEN PLANNING PERMISSION IS REFUSED OR GRANTED SUBJECT TO CONDITIONS

APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within the set time frame as outlined below:
 - a. If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Householder Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
 - b. If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Planning Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
 - c. If you want to appeal against your local planning authority's decision on a development which is not caught by a. and b. above then you must do so within **6 months** of the date of this notice. A **Planning Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
- Appeals must be made using the relevant form (as detailed above) which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate>. **Please note, only the applicant possesses the right of appeal.**
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted permission for the proposed development or could not have granted it without the conditions imposed having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

ENFORCEMENT

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder or minor commercial appeal) of the date of this notice, whichever period expires earlier.