



TENDRING DISTRICT COUNCIL

Planning Services

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

APPLICANT: Ms Dorne Kanareck
Apartment 801
Wantage Point
2 Junction Road
Archway
London
N19 5FF

AGENT:

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 18/00807/FUL

DATE REGISTERED: 23rd May 2018

Proposed Development and Location of Land:

**Erection of 2 no. 2 bedroom semi-detached purpose built disabled bungalows
- shared driveway with available turning points.
6 Fernwood Avenue Holland On Sea 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 58 of the National Planning Policy Framework requires that development should "respond to local character and history, and reflect the identity of local surroundings". Paragraph 60 adds that it is "proper to seek to promote or reinforce local distinctiveness". Similarly, Saved Tendring District Local Plan (2007) Policy HG13 on "Backland Residential Development" requires that proposals for residential backland development should meet all the criteria listed therein. This is carried forward into Draft Policy LP8 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Furthermore, Paragraph 17 the National Planning Policy Framework confirms that one of the core planning principles is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Saved Policy QL11 of the Tendring District Local Plan (2007) states that new development will only be permitted if, amongst other things, the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

The main character of this area is linear residential development with an established front building line. This characteristic is quite prominent and exists in the roads adjacent and the majority of this part of Holland overall. The proposal would involve "tandem" development served by a shared access. The character of the proposal would be non-frontage development of a cramped nature creating 2 additional dwellings in the rear garden of an existing property providing no private amenity space and insufficient off street parking for the donor and new dwellings.

The development of 2 dwellings in this location would result in 26 metres of built form

extending almost the full length of the garden of number 8 Fernwood Avenue resulting in a significant loss of outlook, loss of light and overshadowing to this property. Furthermore, the development would introduce 8 windows (albeit 2 being obscure glazed wet rooms) adjacent to the boundary with number 8 Fernwood resulting in a perception of being severely overlooked and a wholly unneighbourly relationship. This arrangement would also result in a very poor outlook for the future occupants of the proposed dwellings.

The proposal comprises a long and narrow driveway in close proximity to number 4 Fernwood Avenue alongside the donor dwelling approximately 3 metres in width. The development has the potential to cause undue disturbance to the existing and future occupants of the dwellings from the additional traffic movements resulting from the development in such close proximity.

Having regard to the wholly unacceptable nature of the proposal in relation to the harm to the character of the area, insufficient parking, unacceptable access arrangements, impact on neighbouring amenity and the poor standard of living and amenity for the existing and future occupants of the dwellings, the application is contrary to the aims and aspirations of the afore-mentioned national and local plan policies.


- 2 Paragraph 32 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all people. Saved Policy QL10 of the adopted Tendring District Local Plan 2007 states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate. Furthermore, saved Policy TR7 requires suitable parking to be provided in accordance with the adopted Essex County Council Parking Standards 2009.

The proposed development would be served by a narrow access of insufficient width to allow vehicles to pass. The proposal would lead to intensification of use of the site without adequate access or turning facilities leading to vehicles reversing into the highway. The development fails to provide sufficient parking facilities for the donor or new dwellings which would give rise to vehicles being left in such a manner as to cause obstruction of the highway. Furthermore, there would be an unreasonable degree of intervisibility between users of the access and those already within the highway which will constitute a danger to pedestrians and motorists.

The access, parking and turning is therefore wholly unacceptable. The proposal is contrary to the interests of highway safety therefore failing to comply with the afore-mentioned national and local plan policy.

DATED: 16th July 2018

SIGNED:



Catherine Bicknell
Head of Planning

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

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG13 Backland Residential Development

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

LP8 Backland Residential Development

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

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 Applicant. 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 reasons 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.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by the Secretary of State.

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.