



# TENDRING DISTRICT COUNCIL

## Planning Services

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

**APPLICANT:** Mr Melvyn Reid  
Rainbow Ranch C/o 33  
Hadleigh Road  
Frinton  
CO13 9HQ

**AGENT:**

### TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION NO:** 18/01403/FUL

**DATE REGISTERED:** 4th September 2018

Proposed Development and Location of Land:

**Proposed dormer windows, and enlargement of existing ground floor windows.**

**Land to rear of Coke Street Harwich Essex CO12 3HP**

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 Saved Policy QL11 of the Tendring District Local Plan (2007) states development will only be permitted where it will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties. Saved Policy QL9 governs the design of new development and states in particular that new development should relate well to its site and surroundings in relation to its siting, height, scale, massing, form, design and materials. Emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft echoes the sentiments of the saved policies noted above.

The National Planning Policy Framework (2018) paragraph 127 seeks to ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting.

The National Planning Policy Framework also states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

In this instance the existing building takes the form of a traditional pitched roof storage building that is clad in untreated timber. The proposed dormer window to the south facing roof slope would extend up the existing eaves line and due to its length, bulk and flat roof would dominate the roof and appear out of character on this traditional pitched roofed building. The dormer would therefore adversely harm the traditional character of the building and represent poor design.

Furthermore, whilst it is acknowledged that the applicant has stated the dormer windows would consist of opaque glazing and be non-opening, the requirements to provide the

office space with means of escape under Building Regulations would require these windows to be openable. As a result the windows would give rise to unacceptable overlooking into the rear amenity areas serving the properties to the south on Maria Street. Therefore the dormer windows, due to their proximity to the rear amenity areas serving these dwellings, would result in a significant detrimental impact upon the privacy currently enjoyed by the residents to the south.

The development would therefore be contrary to the afore-mentioned local and national planning policies.

**DATED:** 26th October 2018

**SIGNED:**




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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 July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

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

SPL3 Sustainable Design

Local Planning Guidance

Essex Design Guide

**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 reason 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.