



TENDRING DISTRICT COUNCIL

Planning Services

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

AGENT: Mr Ben Willis
Vision Design & Planning
Consultants
151 Felixstowe Road
Ipswich
Suffolk
IP3 8EB

APPLICANT: Mr & Mrs Hennan
Flemish House
59 Second Avenue
Frinton On Sea
Essex
CO13 9LY

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 18/01322/FUL

DATE REGISTERED: 31st August 2018

Proposed Development and Location of Land:

**Erection of a detached one and a half storey dwelling.
Flemish House 59 Second Avenue Frinton 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 193 of the National Planning Policy Framework (2018) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraph 196 of the National Planning Policy Framework (2018) states less than substantial harm to a designated heritage asset should be weighed against the public benefits of the proposal. Paragraph 197 of the National Planning Policy Framework (2018) states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Policy EN17 of the adopted Tendring District Local Plan (2007) seeks to ensure that developments within a conservation area preserves and enhances the conservation area setting. Policy PPL8 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017) seeks to ensure that any new development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area, especially in terms of: any important views into, out of, or within the Conservation Area.

Saved Policy FW5 of the Tendring District Local Plan (2007) requires new development in the Avenues to have particular regard to the special character and appearance of the area, including the scale, aspect and design of adjoining buildings. This policy also identifies density as a matter to be taken into account and states that development which would result in a reduction in the spacious character of the area will be refused planning

permission. The pre-amble of the policy also goes on to state that as the spacious scale of buildings and extensive plot frontages and sizes contribute to the special character of the Avenues, residential densities that may be suitable for infill housing developments elsewhere will be inappropriate in this area.

The application site falls within the Frinton-on-Sea Conservation Area and also within The Avenues Area of Special Character. The site at present is an attractive area of garden which compliments the setting of Flemish House, which is a non-designated heritage asset located within a designated heritage asset (Frinton-on-Sea Conservation Area). The site provides good separation between Flemish House and the neighbouring dwelling, contributing towards the open spacious character of the development in the immediate area.

The proposed dwelling, including the removal of several trees, would severely compromise the spacious setting of Flemish House which makes a major contribution to the special character of this part of Second Avenue, created by large dwellings set in spacious mature gardens and would be detrimental to the visual amenities of the area. The proposed reduction in the plot width of the existing dwelling site and the plot width of the proposed dwelling site would create inappropriate plot widths within this part of Second Avenue and would adversely affect the special character of the area.

Therefore, whilst the harm to the character and appearance of the Frinton-on-Sea Conservation Area as a whole is less than substantial, there is significant harm to the spacious setting of Flemish House, a non-designated heritage asset. Given the Council is able to demonstrate a five year supply of housing land, there are no special public benefits as a result of one additional dwelling that outweigh this identified harm.

The proposal would therefore be contrary to the above national and local policies.

DATED: 18th December 2018

SIGNED:

Catherine Bicknell

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

EN17 Conservation Areas

FW5 'The Avenues' Area of Special Character

HG3 Residential Development Within Defined Settlements

HG9 Private Amenity Space

- HG14 Side Isolation
- QL1 Spatial Strategy
- 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
- Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)
- LP1 Housing Supply
- LP4 Housing Layout
- SPL1 Managing Growth
- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design
- PPL3 The Rural Landscape
- PPL8 Conservation Areas
- PPL12 The Gardens Area of Special Character, Clacton-On-Sea

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 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.
- 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.