



TENDRING DISTRICT COUNCIL

Planning Services

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

AGENT:	Chris Morris Design Ltd Bentley House Forge Lane Great Bentley Colchester Essex CO7 8GD	APPLICANT:	Mr Barrowcliff and Mrs Warner 515 Main Road Harwich Essex CO12 4HS
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TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 19/01819/FUL **DATE REGISTERED:** 29th November 2019

Proposed Development and Location of Land:

**Proposed two storey side extensions and single storey rear extension to form bedrooms, dining area, kitchen and garage.
515 Main Road Harwich Essex CO12 4HS**

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 The National Planning Policy Framework ("the Framework") 2019 attaches great importance to the design of the built environment and confirms good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings. Paragraph 130 of "the Framework" states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Policy QL9 (ii) of the Tendring District Local Plan states that all new development should make a positive contribution to the quality of the local environment and protect or enhance local character by ensuring the development relates well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials. Policy QL11 (i) states that all new development should be compatible with surrounding land uses and minimise any adverse environmental impacts, by ensuring that the scale and nature of the development is appropriate to the locality. Emerging" Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) carries forward the sentiments of these saved policies stating that all new development must make a positive contribution to the quality of the local environment and protect or enhance local character.

In this instance the proposed extensions would double the footprint of the existing dwelling and would represent bulky intrusive additions that would be unsympathetic to the form and character of the property. In particular the windows cutting through the eaves of the proposed two-storey side additions would be at odds with the character of the existing property.

Furthermore, the two-storey side extensions would erode the open spacing around the dwelling enclosing the distance to adjoining properties adversely impacting upon the spacious appearance of the dwelling within the street scene.

Overall the proposed extensions are disproportionate to the size and form of the existing dwelling and would result in harm to the character and appearance of the existing property and its setting within the street scene. The development proposals are therefore considered to be contrary to the aforementioned national and local planning policies.

- 2 The National Planning Policy Framework ("the Framework") 2019 at Paragraph 192 requires the Local Planning Authority, when determining applications for development, to take account of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 193 of "the Framework" 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 196 of the "the Framework" requires that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The adopted Tendring District Local Plan 2007 Saved Policy EN23 states that proposals for development that would adversely affect the setting of a listed building, including group value and long distance views will not be permitted. These sentiments are carried forward in Policy PPL9 of the emerging Local Plan Publication Draft 2017.

The significant enlargement of the dwelling would have an adverse impact upon the adjacent listed buildings, particularly 505-511 Main Road, as the proposed building will almost completely infill the space between the buildings, detracting from its setting. The prominence of the extended dwelling would detract from the manner in which Number 505-511 is experienced, appreciated and understood.

Therefore the proposal would detract from the setting and significance of two designated heritage assets. This harm should be considered in the context of paragraph 196 of the "the Framework" and the great weight noted in paragraph 193. In addition, no Heritage Statement has been provided and as such the application is not compliant with paragraph 189 of the "the Framework", which confirms that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.

In this case there are no public benefits to outweigh the identified harm and consequently the development is contrary to the aforementioned policies.

DATED: 10th February 2020

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 February 2019

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

EN1 Landscape Character

EN23 Development Within the Proximity of a Listed Building

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

SPL3 Sustainable Design

PPL9 Listed Buildings

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(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.