



TENDRING DISTRICT COUNCIL

Planning Services

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

AGENT: Mr James Thomas
JAT Designs
4 Bata Avenue
East Tilbury
Tilbury
RM18 8SD

APPLICANT: Mr John Coley
C and B Developments
5 Bartley Road
South Benfleet
Essex
SS7 4DB

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 20/00019/FUL

DATE REGISTERED: 2nd January 2020

Proposed Development and Location of Land:

**Proposed 3 bedroom bungalow to land to the side of 85 Salisbury Road.
85 Salisbury Road 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 The National Planning Policy Framework ("the Framework") 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 COM1 of the Tendring District Local Plan states that development involving buildings or spaces to which the public will have access as visitors, customers or employees will not be permitted if the design and layout does not provide safe and convenient access for people of all abilities. In particular, to ensure an inclusive environment development shall provide; entrances which can be easily and safely accessed by all users including those with mobility and sensory impairments, safe and convenient access to the development for people of all abilities from parking areas, drop off points and adjoining public spaces and clear signposting of accessible facilities and routines to accessible entrances.

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.

Policy HG6 of the Tendring District Local Plan states that diversity will also be sought in smaller schemes if it can be achieved without detriment to the character of the surrounding area.

Policy HG14 of the Tendring District Local Plan 2007 states that proposals for detached, semi-detached and end terraced dwellings, including extensions to these dwellings over 4 metres in height, will be required to retain appropriate open space between the dwelling and the side boundaries of the plot, to ensure that new development is appropriate in its setting and does not create a cramped appearance.

The proposed dwelling is situated 1 metre away from the neighbouring boundary to the north east with Princes Road and 1.5 metres to the south western boundary. Due to the narrow plot width, it is considered that the proposed dwelling creates a cramped appearance that is not appropriate in its setting, and which appears out of character in terms of its siting to the serious detriment of the immediate street scene, character of the area and to the detriment of the amenities of neighbouring properties.

The proposed dwelling, by virtue of its main entrance being situated on a narrow side access passageway, is also considered to compromise easy and safe access by all users, including those with mobility and sensory impairments.

The proposal is therefore contrary to the aims of the afore-mentioned national and local policy.

DATED: 17th March 2020

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 February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG6 Dwelling Size and Type

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
 - COM1 Access for All
 - COM6 Provision of Recreational Open Space for New Residential Development
 - EN6 Biodiversity
 - EN11A Protection of International Sites European Sites and RAMSAR Sites
 - EN11B Protection of National Sites SSSI's, National Nature Reserves, Nature Conservation Review Sites, Geological Conservation Review Sites
- Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)
- LP1 Housing Supply
 - LP2 Housing Choice
 - LP4 Housing Layout
 - SPL1 Managing Growth
 - SPL2 Settlement Development Boundaries
 - SPL3 Sustainable Design
 - PPL4 Biodiversity and Geodiversity
- Local Planning Guidance
- Essex County Council Car Parking Standards - Design and Good Practice

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.