



TENDRING DISTRICT COUNCIL

Planning Services

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

AGENT: Wright Ruffell Cameron
Beaver House
Plough Road Centre
Plough Road
Great Bentley
Essex CO7 8LG

APPLICANT: Mr L Parker
26 Frinton Road
Kirby Cross
Frinton On Sea
Essex
CO13 0LE

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 19/01801/FUL

DATE REGISTERED: 26th November 2019

Proposed Development and Location of Land:

**New dwelling.
26 Frinton Road Kirby Cross 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 Paragraphs 127 and 170 of the NPPF state that developments should add to the overall quality of the area, be visually attractive as a result of good architecture and be sympathetic to local character, including the surrounding built environment.

Saved Policies QL9, QL10 and QL11 of the adopted Tendring District Local Plan (2007) seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward within Policy SPL3 of the emerging Local Plan. Saves Policy HG13 (Backland Residential Development) of the adopted Tendring District Local Plan (2007) requires that the proposal would not be out of character with the area or set a harmful precedent for other similar forms of development.

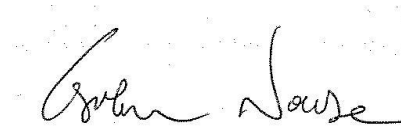
Development in the area is laid out in a very typical linear form, albeit with varying degrees of set-back from the back edge of the pavement; this facilitates off-street parking for the majority of the dwellings in the area. The proposed siting of this dwelling in the rear garden of the host dwelling defines the plot as a backland site. In this instance, the location of the proposed dwelling - being located deeply within the plot behind the existing building, in conjunction with the relative intensity of the existing residential use is deemed to undermine the established character of the area. The resulting plot(s) do not accord with the established pattern of site layout in the area and a new dwelling in this location would be incongruous to this. The new plot having an extremely long, narrow access to it and the existing plot reduced in size significantly. The two, smaller dwelling plots appear cramped as a result of the fragmentation of the established garden.

In regards to the size of the proposed dwelling; whilst there are many examples of single storey bungalows in the area (including the new development to the rear), their footprints are considerably larger than that proposed and whilst Nos. 18 and 20 Frinton Road have a similar small footprint, they are both two-storey dwellings. As such the parameters of the dwelling do not accord with any of the dwellings in the area. In regards to the resulting plot sizes; it is acknowledged that the new development to the rear has a number of plots which would be of a comparable size; notwithstanding this - these plots should be viewed in the context that they are part of a much larger estate layout where all of the plots are relative to one another. As such the resulting plot sizes do not accord with those typical to the character of Frinton Road.

Overall the development does not add to the overall quality of the area, be visually attractive as a result of good architecture or be sympathetic to local character, including the surrounding built environment. Further, it does not make a positive contribution to the quality of the local environment and character, by being well designed, nor does it relate satisfactorily to its setting and is therefore contrary to the aforementioned national and local planning policies.

DATED: 15th May 2020

SIGNED:



Graham Nourse
Acting Assistant Director
Planning Service

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

- | | |
|-------|---|
| QL1 | Spatial Strategy |
| QL9 | Design of New Development |
| QL10 | Designing New Development to Meet Functional Needs |
| QL11 | Environmental Impacts and Compatibility of Uses |
| EN6 | Biodiversity |
| EN11A | Protection of International Sites European Sites and RAMSAR Sites |
| HG1 | Housing Provision |
| HG9 | Private Amenity Space |

HG13 Backland Residential Development
 LP1 Housing Supply
 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
 HP5 Open Space, Sports & Recreation Facilities
 PPL4 Biodiversity and Geodiversity

Local Planning Guidance

Essex Design Guide

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.

Legal Agreement Informative - Recreational Impact Mitigation

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

The Highway Authority observes that there are 3 No. Personal Injury Collisions recorded in the vicinity of the proposed development site.

Access for a fire fighting appliance is required in accordance with Approved Document B. At 2.4m wide, the width of the access is significantly narrower than the minimum required under Building Regulations Approved Document B.

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.