



TENDRING DISTRICT COUNCIL

Planning Services

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

AGENT:	Mr David Taylor - AFT Design (Architects) 8 Buckingham Square The Quay Burnham On Crouch United Kingdom CM0 8AS	APPLICANT:	Mr and Mrs J Trigg 4 Cliff Way Frinton On Sea Essex CO13 9NL
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TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 21/00482/FUL **DATE REGISTERED:** 8th March 2021

Proposed Development and Location of Land:

**Erection of roof extension to form additional floor and creation of roof terrace
4 Cliff Way Frinton On Sea Essex CO13 9NL**

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 Local Planning Authority has a statutory duty to preserve or enhance the character and appearance of Frinton and Walton Conservation Area under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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.

The adopted Tendring District Local Plan (2007) "saved" Policies QL9, QL10 and QL11 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 area of a suitable scale, design and materials. Draft Policy SPL3 of the Tendring District Local Plan 2013 - 2013 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.

The application site is located facing the sea and comprises one of the original modern movement houses on the Oliver Hill planned estate of Frinton Park. 4 Cliff Way makes a considerable contribution to the street scene and the Conservation Area by way of its modern movement design and architectural details in a prominent position on the sea front signifying its consideration as a non-designated heritage asset.

The proposal seeks to construct a second floor extension which is 11.98 metres in width, 4.995 metres in depth with a terrace area of approximately 42 square metres. The scale of the proposal is such that it dominates the dwelling and its angular design detracts from the curves of the original dwelling. The parapet wall will be raised thereby impacting on the height relationship of the neighbouring properties of 5 and 6 Cliff Way, and the Round House. The proposal introduces new materials such as the glass balustrade and aluminium framed louvre which fails to satisfactorily relate to the existing dwelling or the neighbouring dwellings of numbers 5 and 6 Cliff Way and the Round House to the detriment of the conservation area.

4 Cliff Way is a private dwelling and the proposal seeks to extend the dwelling for private use. There is no public benefit that outweighs the harm in this case. The significance of 4 Cliff Way as a non-designated heritage asset lies in its architectural interest and research would also likely highlight attributes of local historic interest. The position of 4 Cliff Way in an elevated sea front position within the Conservation Area and the setting of the Listed Building of the Round House bring together the setting within which 4 Cliff Way makes a significant contribution.

For the reasons set out above, the scale, size and over-dominant form of the proposed extension together with the design and appearance will result in an unacceptable and unduly prominent form of development to the serious detriment of visual amenity which would harm the character and appearance of the non-designated heritage asset of 4 Cliff Way and of the Conservation area and conflict with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and the aforementioned Development Plan Policies.

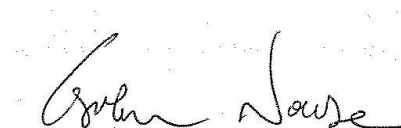
- 2 The adopted Tendring District Local Plan (2007) "saved" Policy QL11 seeks to ensure that all new developments will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties. Draft Policy SPL3 of the Tendring District Local Plan 2013 - 2013 and Beyond Publication Draft (June 2017) echoes these sentiments.

The proposal provides a living area and bathroom at second floor level and provides a roof terrace to the front. The proposal includes four rear facing windows, one long high level south side facing window and a wall of glazed doors facing the front. Although the second floor extension is set in from the rear elevation of the house, the rear facing windows will allow direct overlooking to the rear of the properties and private sitting out areas in the gardens of properties in Waltham Way which is considered unacceptable. It is acknowledged that first floor rear facing windows already exist however these serve bedrooms and are less likely to be occupied during the day. In addition, the proposed terrace, although at the front will allow views to the north eastern side, towards 5 Cliff Way and overlooking of the first floor private terrace of this property.

For the reasons set out above, the direct overlooking will be materially damaging to the occupiers of nearby properties and in conflict with the aforementioned Development Plan Policies.

DATED: 28th May 2021

SIGNED:



Graham Nourse
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

Adopted Tendring District Local Plan 2007 (part superseded)

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG14 Side Isolation

EN17 Conservation Areas

EN23 Development Within the Proximity of a Listed Building

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) (Section 1 adopted on 26th January 2021)

SPL3 Sustainable Design

PPL8 Conservation Areas

PPL9 Listed Buildings

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.