



TENDRING DISTRICT COUNCIL

Planning Services

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

AGENT:	Mr Paul Newbould - Planning and Building Design Services 78 King's Avenue Holland-On-Sea Clacton-On-Sea Essex CO15 5EP	APPLICANT:	Mr and Mrs R Roye 17 Kelvin Court Fourth Avenue Frinton-On-Sea Essex CO13 9DT
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TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 21/00403/FUL **DATE REGISTERED:** 24th February 2021

Proposed Development and Location of Land:

**Erection of attached garage, garden room and porch. Proposed first floor extension to form habitable space in roofspace and internal and external alterations
Beccles Rainham Way 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. 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. Emerging 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 in the Frinton Park area of the Frinton and Walton Conservation Area. It is recognised that Frinton Park largely centres on the Modern Movement houses and the masterplan drawn up by Oliver Hill. Warley Way and the

immediate area has fewer of the Modern Movement style houses than the area nearer to the seafront however is included in the conservation area owing to being part of the original street plan which is considered part of the historic environment.

Beccles is a detached bungalow which follows the form of a majority of the bungalows in the immediate vicinity. There is just one individual house on the northern side of Rainham Way within the conservation area. This area of the conservation area is considered to have neutral features. The application site is prominent along Rainham Way as the road bends at this point, with one elevation facing onto Warley Way resulting in three of its four sides being publically visible.

The proposed half round dormer window on the south west roof slope alone appears unobtrusive and will not have a significant impact on the character of the existing dwelling, however coupled with the further proposals considered below, the half round dormer results in this element of the design opposing other features which does not achieve a harmonious overall appearance.

The proposed first floor extension introduces a number of new inappropriate forms by way of increased eaves height, two pitched roof dormers and pitched roof porch. The increased eaves height on this northern section of the existing bungalow creates a contrived first floor which does not accord with the existing and remaining single storey structure of the dwelling. The dormer windows which sit directly on the eaves, are close to the ridge and placed in close proximity to each other are considered poor in design terms and fail to satisfactorily relate to the existing dwelling. The porch itself is unassuming, however its proposed forward facing position draws attention to the incompatibility of this first floor extension giving rise to its prominence in the street scene. The first floor extension leads to an appearance that unbalances the dwelling and conflicts with the predominant single storey nature of this part of the conservation area.

For the reasons set out above, the poor design and form of the proposal together with its over dominant nature and siting, fronting Rainham Way, 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 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. There are no public benefits to outweigh the identified harm to the heritage asset.

DATED: 18th June 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

HG9 Private Amenity Space

EN17 Conservation Areas

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

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.

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.