



AGENT: Stour Valley Design
Swan Corner
Mill Lane
Bradfield
Essex CO11 2UT

APPLICANT: Mrs Wendy Lidgate
9 Fronks Road
Dovercourt
Harwich
Essex
CO12 3RJ

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 21/02060/FULHH **DATE REGISTERED:** 15th December 2021

Proposed Development and Location of Land:

**Proposed rear balcony and alterations for private use
9 Fronks Road Dovercourt Harwich 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 Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context. Policy SPL3 of Section 2 of the 2013-33 Local Plan also requires, amongst other things, that the development respects or enhances local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features. Paragraph 130 of the Framework requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.

The host dwelling is part of a late 19th century terrace of four houses which, despite the numerous alterations, positively contributes to the local character and distinctiveness. Being at the end of terrace, it occupies a prominent and elevated position at the junction between Fronks Road and Lower Marine Parade and facing the adjacent greenspace comprising a Grade II Listed War Memorial.

The proposed balcony is located to the rear of the host dwelling and would be visible to Fronks Road, Marine Parade and Lower Marine Parade. The application seeks to introduce an inappropriate feature in the streetscene, which although located to the rear is visually prominent. The balcony is considered to be too large in terms of its width and depth and introduces an awkward side overhang addition which is considered poor design. The balcony will appear bulky, dominant and not in keeping with the host dwelling, and would also set an undesirable precedent to the detriment of the character of the area.

The proposed balcony is therefore contrary to Policy SP7 and SPL3 of the Local Plan 2013-2033.

- 2 Paragraph 202 of the Framework adds 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 securing its optimum viable use.

Policy PPL9 of the Tendring District Council Local Plan 2013-2033 confirms that the development should be of a scale, design and use that respects the listed building and its setting.

Number 9 Fronks Road occupies a prominent position at the junction between Fronks Road and Lower Marine Parade and facing the Grade II Listed War Memorial. There is a significant drop of ground levels above Lower Marine Parade and therefore the rear elevations of these houses is highly visible along the seaside. The proposed balcony is an incongruous and intrusive element which is not in keeping with the local character of the area which forms the setting of the War Memorial.

As such the proposal fails to make a positive contribution to the local character and distinctiveness, as set out in Paragraph 197c of the NPPF and does not preserve those elements of the setting that make a positive contribution to the identified heritage asset.

DATED: 15th September 2022

SIGNED:



Graham Nourse
Assistant Director

IMPORTANT INFORMATION :-

The local planning authority considers that the following policies and proposals in the development plan are relevant to the above decision:

National:

National Planning Policy Framework July 2021 (NPPF)

National Planning Practice Guidance (NPPG)

Local:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

SPL3 Sustainable Design

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.