

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	12/09/2022
Planning Development Manager authorisation:	AN	14/9/22
Admin checks / despatch completed	ER	15/09/2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	15/09/2022

Application: 21/02060/FULHH **Town / Parish:** Harwich Town Council

Applicant: Mrs Wendy Lidgate

Address: 9 Fronks Road Dovercourt Harwich

Development: Proposed rear balcony and alterations for private use

1. Town / Parish Council

Harwich Town Council
13.01.2022

Harwich Town Council has no objection to this application.

2. Consultation Responses

Essex County Council
Heritage
01.04.2022

The application is for proposed rear balcony and alterations for private use.

The proposed site is in close proximity to Grade II Listed War Memorial at the junction between Fronks Road, Marine Parade and Lower Marine Parade. It is part of a late 19th century terrace of four houses which, despite the numerous alterations, positively contributes to the local character of and distinctiveness.

Being at the end of terrace, 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, therefore the rear elevations of these houses is highly visible along the sea side.

I cannot support the proposed development which will introduce an incongruous and intrusive element not in keeping with the local character of the area which forms the setting of the War Memorial. As such, the proposal fail 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.

3. Planning History

13/00663/FUL	Proposed residential dwelling house.	Approved	15.08.2013
16/00611/FUL	Proposed residential dwelling house.	Approved	30.06.2016

16/00979/DISCON	Discharge of conditions 3 (materials), 4 (hard and soft landscaping) and 14 (construction method statement) of planning permission 13/00663/FUL.	Approved	19.07.2016
21/02060/FULHH	Proposed rear balcony and alterations for private use	Current	

4. Relevant Policies / Government Guidance

National Planning Policy Framework July 2021 (NPPF)

National Planning Practice Guidance (NPPG)

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

Status of the Local Plan

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site refers to 9 Fronks Road, Dovercourt which is a two and a half storey terraced property part of a terrace of four properties. The application site is located within the settlement development boundary of Dovercourt. Adjacent to the application site is a Grade II Listed War Memorial which is at the junction between Fronks Road, Marine Parade and Lower Marine Parade.

Proposal

This application seeks planning permission for the proposed rear balcony and alterations for private use. The alterations include PV panels to the rear roof plane, alterations to the rear patio and steps with French doors to replace the existing window to serve the proposed balcony.

Assessment

The main considerations for this application are the design and appearance including heritage impact, impact upon neighbouring amenities and representations.

1. Design and Appearance

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 proposed balcony is located to the rear of the host dwelling, however as the application is located on a corner plot, the proposed balcony will 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.

The proposed solar panels although visible to the streetscene are considered minor additions to the roof form and are not considered to cause any visual harm to the character of the area.

The alterations to the rear steps will seek the change in direction of the steps from projecting out from the east to the proposed steps projecting out to the south. There may be limited views of the steps from the street scene and due to the minor nature of the proposal, it is not considered to cause any significant impact upon visual amenity.

2. Impact upon Neighbouring Amenities

The NPPF, at paragraph 130 states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Adopted Policy SP7 of the Tendring District Local Plan 2013-2033 requires that all new development protects the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking.

The proposed dwelling is located on a corner plot and therefore there are no neighbouring dwellings to the east of the application site.

The proposed balcony will be visible to the neighbouring dwelling to the west, however the balcony incorporates the implementation of a 1.8 metre obscure screen which will prevent any overlooking onto neighbouring amenities.

Due to the minor nature of the solar panel to the rear roof plane, it is not considered to cause any impact upon neighbouring amenities.

Although the change in direction of the steps will be visible to the neighbouring property it is not considered to cause any significant harm to their amenity.

3. Heritage Impact

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.

Paragraph 194 of the National Planning Policy Framework ("the Framework") requires applicants to describe the significance of any heritage assets affected. This requirement is reflected by Policy PPL9 of the Tendring District Council Local Plan 2013-2033. The policy also confirms that the development should be of a scale, design and use that respects the listed building and its setting.

The application site is located to the north east of a Grade II Listed War Memorial. As a result Place Services Historic Environment Team have been consulted on this application and have stated that the application site occupies a prominent position and that there is a significant drop in levels above Lower Marine Parade and therefore the rear elevation is highly visible.

The team are not in support of the proposed balcony as it will introduce an incongruous and intrusive element 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.

4. Other Considerations

Harwich Town Council has no objection to this application.

No letters of representation have been received.

6. **Recommendation**

Refusal - Full

7. **Reasons for Refusal**

- 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.

8. Informatives

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.

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO