



AGENT:	Mr Jack Wilkinson - Wilkinson Planning Ltd Bury Lodge Bury Road Stowmarket Suffolk United Kingdom IP14 1JA	APPLICANT:	Mr D Baldwin - Friendly Homes Ltd Land at The Corner of Fronks Road and Beach Road Fronks Road Dovercourt Essex CO12 3RN
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TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 21/01997/FUL **DATE REGISTERED:** 22nd November 2021

Proposed Development and Location of Land:

**Proposed erection of 4 No affordable dwellings.
Land at The Corner of Fronks Road and Beach Road Fronks Road
Dovercourt 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 Paragraph 127 of the National Planning Policy Framework 2021 (NPPF) requires that developments are sympathetic to local character and maintain a strong sense of place. Policy SP7 of Section 1 of the adopted Tendring District Council Local Plan 2013-33 and Beyond seeks high standards of design which respond positively to local character and context. Policies SPL3 and LP4 of Section 2 of the adopted Local Plan require that developments deliver new dwellings that are designed to high standards which together with a well-considered site layout, create a unique sense of place.

Paragraphs 189 - 208 of the NPPF outlines policies relating to the historic environment and the key role it plays in the Government's definition of sustainable development, recognising that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, including any contribution made by their setting. Policy PPL 9 of the adopted Local Plan states that new development affecting a listed building or its setting, will only be permitted where it will protect the special architectural or historic interest, its character, appearance and fabric.

The development fails to make a positive contribution to local character and distinctiveness and does not secure opportunities to enhance or better reveal the significance of the identified heritage assets, contrary to paragraphs 197 (c) and 206 of the NPPF. The construction of the proposed new dwellings will permanently change the general character of the site and the use of land. The proposed development will sever and interrupt the visual connection and important relationship between the Grade II Listed Trinity Cottages and the Donkey House resulting in a significant impact on the

designated assets, their setting and group historical value. The development will enclose the important open and spacious character of the site and partially block views of the important principal side elevation of the cottages. The setback, siting and narrow proportions of the dwellings fails to respond to the character of Trinity Cottages or the existing pattern of development along Fronks Road. The proposed parking areas located to the rear will see a demonstrably harmful impact upon the setting of the Donkey House from the loss of greenery, excessive hardstanding, boundary fencing and overall resultant change in character. Furthermore, due to lack of information, the application fails to demonstrate how the Donkey House can be appropriately developed as a cycle store.

- 2 Paragraph 130 (f) of the National Planning Policy Framework 2021 (NPPF) states that planning should always seek to secure a good standard of amenity for all existing and future occupants. Policy SP7 of Section 1 of the adopted Tendring District Local Plan 2013-33 and Beyond requires that the amenity of existing and future residents is protected. Adopted Local Plan Section 2 Policy SPL 3 Part C seeks to ensure that development will not have a materially damaging impact on the amenities of the occupiers of nearby properties. Adopted Local Plan Section 2 Policy LP4 seeks to minimise the opportunities for crime and anti-social behaviour by ensuring good surveillance and clear definition between public and private spaces.

The proposed dwellings will extend the full length of the westerly aspect of the small private amenity space of No. 41. The depth, height and siting of the development will result in a prominent and oppressive relationship with No. 41 presenting a significant loss of outlook and afternoon sunlight. This overbearing relationship together with the density of development and associated parking areas results in an intensity of activity close to the windows and private amenity space being significantly harmful to the use of the garden area currently enjoyed by the occupiers of No. 41.

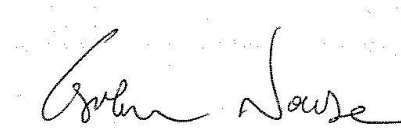
The proposed parking area is contrary to Policy LP4 due to the impractical relationship and poor connectivity with the proposed dwellings.

Additionally, the intensified use of the existing access by the traffic associated with a further 4 dwellings together with the location of the proposed parking and turning areas directly adjacent to number 1 Beach Road, would result in a harmful level of noise and disturbance to the detriment of the occupier's residential amenities.

For these reasons, the development fails to secure a good standard of amenity for existing and future occupants contrary to the above-mentioned national and local plan policies.

DATED: 5th May 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:

NPPF National Planning Policy Framework July 2021

National Planning Practice Guidance

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

SP1 Presumption in Favour of Sustainable Development

SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

SP3 Spatial Strategy for North Essex

SP4 Meeting Housing Needs

SP7 Place Shaping Principles

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP3 Housing Density and Standards

LP4 Housing Layout

LP5 Affordable and Council Housing

HP5 Open Space, Sports & Recreation Facilities

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

PPL7 Archaeology

PPL9 Listed Buildings

PPL10 Renewable Energy Generation

CP1 Sustainable Transport and Accessibility

Supplementary Planning Documents

Essex Design Guide

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS)

Tendring Provision of Recreational Open Space for New Development SPD 2008

Local Planning Guidance

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 Agent. 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.