



AGENT: Mr Gaetano Paternostro -
Architecture Way Ahead Limited
41 Thornbury Road
Clacton On Sea
Essex
CO15 3PB

APPLICANT: Redlett Construction Ltd
17 Old Orchard
Harlow
CM18 6YG

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 22/01358/FUL

DATE REGISTERED: 29th August 2022

Proposed Development and Location of Land:

**Proposed construction of 1no. three-storey house.
Land adjoining 7 Crossley Avenue Jaywick Clacton 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 proposed dwelling as shown on submitted drawings AWA/1139/01, AWA/1139/02, AWA/1139/03, AWA/1139/04, AWA/1139/05 and AWA/1139/06, by reason of both its overall massing and scale at three storey height, and narrow built form thus accentuating its height incorporating a side external spiral staircase leading to first floor level, would be completely out of scale and character with existing housing within the immediate area where surrounding dwellings are either 1.0 or 1.5 storeys in height. The proposal will result in the introduction of an extremely prominent and dominating building which would have a visually jarring and disruptive effect on the existing streetscene to the detriment of the visual amenities of the area. Accordingly, the proposal would be contrary to the National Planning Policy Framework (2021) which promotes good design and contrary to Policies SP7 and SPL3 of the Tendring District Local Plan 2013-2033 and Beyond whereby the development would fail to respond positively to local character and context to preserve and enhance the quality of existing places and thus fail to relate well to the site and its surroundings.
- 2 The resulting development would have a significant overbearing and overshadowing effect on neighbouring residential properties to the side, front and rear of the site to the detriment of the occupiers of those properties who should be expected to continue to enjoy reasonable levels of residential amenity. The proposal would therefore be contrary to the National Planning Policy Framework (2021) and contrary to Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond which states that new buildings and structures are designed and orientated to ensure adequate daylight, outlook and privacy for future and existing residents.
- 3 The proposal results in a new dwelling in an area at high risk of flooding contrary to paragraphs 159 and 161 of the National Planning Policy Framework 2021, which seeks to locate development away from areas which are at the highest risk of flooding. This

proposal fails the Sequential and Exceptions Test as set out in the National Planning Policy Framework (2021) and is therefore contrary to policy PPL1 of the Tendring District Local Plan 2013-2033 and the relevant paragraphs of the National Planning Policy Framework (2021) as outlined above.

DATED: 30th November 2022

SIGNED:



John Pateman-Gee
Planning Manager

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)

NPPF Technical Guidance - Flood Risk

Local

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021) and Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

SP1 Presumption in Favour of Sustainable Development

SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

SP4 Meeting Housing Needs

SP7 Place Shaping Principles

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP5 Open Space, Sports & Recreation Facilities

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PP14 Priority Areas for Regeneration

PPL1 Development and Flood Risk

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

PPL10 Renewable Energy Generation

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

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

Essex County Council Development Management Policies 2011 (the Highways SPD)

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide for Residential and Mixed Use Areas

Positive and Proactive Statement

The Local Planning Authority has considered the planning merits of the submitted application proposal. However, the issues identified are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward whereby approval has not been possible due to the harm identified within the stated reasons for refusal within the Council's decision notice.

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.