



AGENT: Mr Riccardo Grillo
5 Dunthorne Road
Parsons Heath
Colchester
CO4 0HZ

APPLICANT: Miss Christine Smith
9 Laxton Court
Prettygate
Colchester
CO3 4PB

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 23/00104/FULHH **DATE REGISTERED:** 20th January 2023

Proposed Development and Location of Land:

Proposed demolition of hybrid wall/fence boundary along TDC footway and replace with brick wall. External wall insulation in the form of cladding to west and south elevations of dwelling and carry out associated slight enlargement and renewal of flat roof on rear extension. Repoint C19 brickwork with lime mortar and replace the UPVC rainwater goods on the front elevation with a cast-iron system.

64 Holly Cottage Harwich Road Mistley Manningtree

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 National Planning Policy Framework 2021 attaches great importance to the design of the built environment and confirms good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

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. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Adopted Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context. Adopted Policy SPL3 of Section 2 of the 2013-33 Local Plan also requires that all new development (including changes of use) should make a positive contribution to the quality of the local environment and protect or enhance local character. Section A of this policy states requests that new buildings, alterations and structures are well designed and maintain or enhance local character and distinctiveness and Section B requests that the development relates well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials.

Paragraph 197 section C of the NPPF states in determining applications, local planning

authorities should take account of: the desirability of new development making a positive contribution to local character and distinctiveness.

Policy PPL8 of the Tendring District Local Plan 2013-2033 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.

The proposal site is a 19th century building within the Manningtree and Mistley Conservation Area. This part of the Conservation Area largely comprises of late-nineteenth and early twentieth century semi-detached and terraced brick workers houses with later twentieth century infills. There are a number of buildings of local architectural and historic interest including the three large detached properties adjoining the proposal site along Harwich Road (56-58, 60 Alma House, and 62 Holly Place) which are considered good examples of the nineteenth century housing which developed in this area. The whole group makes a positive contribution to the character and appearance of the Conservation Area.

Most of the terraces in this area have brick elevations, often featuring contrasting details as brickwork bands, brick pilasters with brick capitals, doorways with architraves.

The proposed installation of external insulation and cladding, by virtue of the detailing and materials will significantly alter the building's appearance and would be an incongruous addition, failing to preserve or enhance the character and appearance of the Conservation Area.

In relation to paragraph 202 of the NPPF, there are no public benefits to outweigh this less than substantial harm to the significance of a designated heritage asset. The proposed external insulation and cladding are therefore contrary to the above-mentioned policies of the Tendring District Local Plan 2013-33 and the relevant sections of the NPPF.

DATED: 17th March 2023

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)

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

PPL8 Conservation Areas

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. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

Plans and Supporting Documents

The Local Planning Authority has resolved to refuse the application for the reason(s) set out above. For clarity, the refusal is based upon the consideration of the plans and supporting documents accompanying the application as follows, (accounting for any updated or amended documents):

Block Plan - Rec 20/01/2023
Existing and North West Elevations - Rec 20/01/2023
Existing West Elevation - Rec 20/01/2023
Proposed and Existing South Elevation - Rec 20/01/2023
Proposed North and West Elevation - Rec 20/01/2023
Proposed West Elevation - Rec 20/01/2023
Site Plan - Rec 20/01/2023
Design and Access Statement - Rec 20/01/2023

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.