

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	ER	11/09/2023
Planning Manager / Team Leader authorisation:	ML	14/09/2023
Planning Technician final checks and despatch:	JJ	19/09/2023

Application: 23/01058/FULHH **Town / Parish:** Harwich Town Council

Applicant: Mr Steven and Mrs Denise Turner

Address: Flat 3 1 Marine Parade Dovercourt

Development: Proposed new front side patio door windows and squared off balcony with glass infill panels.

1. Town / Parish Council

Harwich Town Council Harwich Town Council makes no objections to this application.

2. Consultation Responses

Not applicable

3. Planning History

08/01634/FUL	Erection of 3 flats with gardens and parking (following demolition of existing dwelling).	Approved	26.01.2009
09/01009/FUL	Erection of four two bedroom apartments and alterations to vehicular access. Erection of 1.5 metre high railings to front garden (following demolition of existing dwelling and garage).	Refused	24.11.2009
23/01058/FULHH	Proposed new front side patio door windows and squared off balcony with glass infill panels.	Current	

4. Relevant Policies / Government Guidance

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):

SP1 Presumption in Favour of Sustainable Development
SP7 Place Shaping Principles

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

SPL1 Managing Growth
SPL3 Sustainable Design
LP3 Housing Density and Standards
LP4 Housing Layout

Supplementary Planning Guidance:
Essex Design Guide
Conservation Area Appraisal

Local Planning Guidance:
Essex County Council Car Parking Standards - Design and Good Practice

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), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any neighbourhood plans that have been brought into force.

5. Officer Appraisal (including Site Description and Proposal)

Proposal

This application seeks planning permission for new front side patio door windows and squared off balcony with glass infill panels.

Assesment

Visual Appearance

The National Planning Policy Framework 2023 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, 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.

The existing site comprises of a three-storey building located on a prominent corner plot location with elevations serving Marine Parade and Orwell Terrace. The building comprises of a small number of flats with its front elevation looking out onto the Main Highway and seafront.

The application flat is No 3 which is located on the top level of the building and currently benefits from a set of patio doors with black metal balustrading. The balustrading extends downwards to the other flats. The lower flats also benefit from existing bay windows situated either side of their doors.

This proposal will result in the removal of the black balustrading and replacement with glass panels with metal railings. The plans also show new openings either side of the patio doors will be positioned within the front wall and will have white aluminium frames.

The removal of the black balustrading and replacement with glass panels will be a noticeable change to the appearance/ character of the existing building which will be exacerbated by the sites prominent

location. The use of two new windows either side of the doors would introduce a modern aspect to the existing house which would not be consistent with the more traditional bay windows of the lower flats.

The alteration itself will appear at odds with other features of the main house therefore having a significant harmful impact on its character and appearance, which will be reflected on the streetscene.

The proposal therefore conflicts with the above-mentioned policies and is considered to be an incongruous change which would be detrimental to the appearance/ character of the existing building and locale.

Heritage Impact

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 site is located outside of the conservation area, however, the boundary of this protected area does run along the northeastern boundary of the site. This means that the proposal will be visible from this protected area effecting views in and out of it.

As described above, the proposal will result in a significant change to the front elevation of the property, which because of its modern design, would appear as a noticeable and undesirable change to the appearance/ character of the building and surrounding area. The Local Planning Authority's statutory duty to ensure that proposals located within conservation areas will either preserve or enhance their character/ appearance. Due to the significant characteristic differences between the proposal and main building, along with its prominent siting, the change would appear as a prominent and detrimental change which would result in a harmful impact to the views into the conservation area.

The proposal therefore conflicts with the above policies and fails to enhance or preserve the character and appearance of the conservation area.

Impact to Neighbours

The proposal will look out onto the seafront and the public highway therefore preventing a significant loss of amenity to neighbouring occupiers.

Other Considerations

Harwich Town Council makes no objections to this application.

One letter of objection has been received detailing the below concerns;

- Harmful impact to the appearance/ character of the host dwelling and streetscene.

Officer Response - This has been considered in the above report.

- Lack of engineering report justifying proposal.

Officer Response - Not required as part of this application.

- Leaseholders have not been notified of intended works

Officer response - This is not a planning matter and should be dealt with as a civil matter.

Conclusion

The proposal fails the aforementioned national and local policies resulting in a significantly harmful impact to the appearance/ character of the host building and streetscene as well as the nearby conservation area. The application is therefore recommended for refusal.

6. Recommendation

Refusal - Full

7. Reasons for Refusal

- 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 NPPF 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 Local Plan Policy SP7 seeks high standards of urban and architectural design which respond positively to local character and context. Policy SPL3 also requires that the development respects or enhances existing street patterns, and other locally important features. Policy PPL8 seeks to ensure that any new development within a designated Conservation Area will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area.

The existing site comprises of a three-storey building located on a prominent corner plot location with elevations serving Marine Parade and Orwell Terrace. The building comprises of a small number of flats with its front elevation looking out onto the Main Highway and seafront.

The site is located outside of the conservation area, however, the boundary of this protected area does run along the northeastern boundary of the site meaning views of the site are achieved in views from within and towards the conservation area.

The application flat is No 3 which is located on the top level of the building and currently benefits from a set of patio doors with black metal balustrading. The balustrading extends downwards to the other flats. The lower flats also benefit from existing bay windows situated either side of their doors.

The loss of the existing balustrading and replacement with glass panels along with new white aluminium windows would appear as an uncharacteristic change to the existing building. This change would be further exacerbated by the corner plot location of the building and would therefore result in a significant harmful impact to the character and appearance of the existing building and its locale.

The close proximity of the boundary of the conservation area will mean that views of this alteration are achieved from within this protected area. As the design of the proposal differs greatly compared to the host building it results in a negative impact to its own character which will result in views into the conservation area also being affected. The proposal is therefore considered to not preserve or enhance the character of the conservation area in this instance.

Paragraph 202 of the NPPF states 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. In this case there would be no public benefits to outweigh the harm demonstrated above and the proposal is therefore contrary to the above-mentioned policies of the Tendring District Local Plan 2013-33 and the relevant sections of the NPPF.

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 determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also 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):

2204-1-PL01
2204-1-PL02
2204-1-YA-01
2204-1-YA-02