



**APPLICANT:** Mr Steven and Mrs Denise  
Turner  
Flat 3  
1 Marine Parade  
Dovercourt  
Harwich  
Essex  
CO12 3LB

## TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION NO:** 23/01058/FULHH      **DATE REGISTERED:** 7th August 2023

Proposed Development and Location of Land:

**Proposed new front side patio door windows and squared off balcony with glass infill panels.  
Flat 3 1 Marine Parade Dovercourt Harwich**

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 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.

**DATED:** 19th September 2023

**SIGNED:**




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John Pateman-Gee  
Head of Planning and Building Control

**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):  
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  
PPL8 Conservation Areas

Supplementary Planning Guidance:

Essex Design Guide  
Conservation Area Appraisal

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 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

**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.