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APPLICANT: DR J Nicholson
70 Ladysmith Avenue
Brightlingsea
Colchester
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CO7 0JD

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 23/01224/FULHH **DATE REGISTERED:** 31st August 2023

Proposed Development and Location of Land:

Proposed demolition of existing garage. Construction of combined garage and residential annex at ground floor, offices and wc at first floor. Proposed new access door and wall to Main House.

70 Ladysmith Avenue Brightlingsea Colchester 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 130 of the National Planning Policy Framework 2023 (NPPF) requires that developments are visually attractive as a result of good architecture, are sympathetic to local character and history, including the surrounding built environment, function well and add to the overall quality of the area, and establish or maintain a strong sense of place.

Adopted Tendring District Local Plan Section 1 (TDLPS1) Policy SP7 seeks high standards of design that responds positively to local character and context. Policy SPL3 states that development must relate well to its site and surroundings particularly in relation to its siting, height, scale and massing. Furthermore, the development must respect or enhance existing street patterns.

The proposed development, by way of its height, bulk, scale and massing would prevent the building from appearing as an ancillary or subservient outbuilding to the host dwelling thereby appearing an incongruous feature which would be detrimental to the visual amenity of the site and locale.

Furthermore, the use of a contemporary design and modern materials would prevent the proposal from successfully assimilating into the streetscene exacerbating its appearance to resulting in additional significant to the traditional character the surrounding area.

This impact would be out of keeping with the pattern of surrounding development and adjacent housing, resulting in a visually intrusive development harmful to the character and appearance of this area. As such the proposal would be contrary to the above policies.

- 2 Paragraph 130 of the National Planning Policy Framework 2023 requires planning policies and decisions to create places with a high standard of amenity for existing and future users. Policy SP7 of Section 1 of the adopted Local Plan endorses this requirement.

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 occupiers of nearby properties.

The proposed roof terraced will be sited on top of the rear projection of the building and is of a substantial size which will be sited in close proximity to 68A Ladysmith Avenue and 69 Spring Road achieving significant views into each of these nearby gardens.

Furthermore, its positioning and close relationship with 68A Ladysmith Avenue will allow for users on the terraced to achieve clear views into this neighbouring dwelling's rearward facing openings resulting in a significant increase of overlooking to this neighbour.

The siting of the development would therefore result in a significant loss of privacy to the neighbouring resident, which is contrary to the aims of the above national and local plan policies.

- 3 Paragraph 110 of the National Planning Policy Framework 2023 (NPPF) seeks to ensure that safe and suitable access to a development site can be achieved for all users. Policy SPL3 Part B of the adopted Local Plan states that new development (including changes of use) must meet practical requirements; ensuring access to the site is practicable and associated additional traffic can be safely accommodated and that provision is made for adequate vehicle and cycle parking. The EPOA Parking Standards 2009 set out the requirements for commercial and residential parking provision.

In this instance, the proposed development removes the existing garage which will be replaced by a new outbuilding that is of insufficient size to meet the parking requirements for the host dwelling and the additional accommodation proposed. The proposal would, therefore, potentially lead to vehicles being left parked in the adjoining highway, exacerbating on-street parking stress in a predominately residential area, detrimental to the general safety of all highway users, and would undermine the principle of seeking to discourage on-street parking in the locality, contrary to the above-mentioned policy and NPPF paragraph 110.

DATED: 14th December 2023

SIGNED:



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:

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):

0/A000/BP/001

0/A100/PR/001

0/A200/PR/001

0/A200/PR/005

0/A600/PR/001

0/A600/PR/003

0/A600/PR/004

0/A600/PR/005

DESIGN AND ACCESS STATEMENT - REC'D 31/08/2023

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.