



AGENT: Mr Ian Coward - Collins and
Coward
22 Post Office Road
Broomfield
Chelmsford
CM1 7AD

APPLICANT: Mr and Mrs W Robinson
21 Second Avenue
Frinton On Sea
Essex
CO13 9ER

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 23/01627/FUL

DATE REGISTERED: 14th November 2023

Proposed Development and Location of Land:

**Proposed change of use of existing annexe to self contained two bedroom dwelling.
21 Second Avenue Frinton On Sea Essex CO13 9ER**

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 135 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 establish or maintain a strong sense of place.

Paragraph 208 of the National Planning Policy Framework (2023) adds 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 including, where appropriate, securing its optimum viable use.

Adopted Policy SP7 of Section 1 of the 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context. Policies SPL3 and LP4 of Section 2 of the 2013-33 Local Plan also require, amongst other things, that developments deliver new dwellings that are designed to high standards and which, together with a well-considered site layout that relates well to its site and surroundings, create a unique sense of place.

Policy LP8 (b) and (f) of the adopted Local Plan states that proposals for the residential development of backland sites must not include a long or narrow access, and not be out of character with the area or set a harmful precedent for other similar forms of development.

Adopted Policy PPL8 highlights that 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.

Adopted Policy PPL11 states that within 'The Avenues' area of Frinton-on-Sea, new

development must preserve or enhance the special character and appearance of the Conservation Area, and that proposals must respect the special character and appearance of the area including the scale, aspect and design of adjoining buildings and the density of existing development. Criterion (a) within this policy, adds that new development must conform to the spacious residential character of development and not appear cramped or incongruous in the street scene.

The proposal site is a well-preserved Edwardian dwelling which makes a positive contribution to the historic character of Second Avenue and is of aesthetic and architectural interest within the Frinton and Walton Conservation Area. Second Avenue is a grand street, with wide grass verges, street trees, and strong boundary treatments which separate the pavement from large plots within which are a range of detached housing. Front gardens are often visible from the street, and contain mature planting and hedgerows, which contribute to the verdant character of the street.

The area of the Avenues is characterised by detached houses facing the main road and set in spacious gardens with designed frontages and low boundary treatments allowing for views into landscaped front garden plots. A new dwelling within the rear garden of an existing property and with no principle elevation and garden facing Second Avenue is not considered to be in keeping with the character and appearance of the Conservation Area. Furthermore, a separate dwelling would also involve the introduction of amenity space, new boundary treatment, parking facilities, as well as the potential for additional residential features including outbuildings, which further clutter the existing gap between Numbers 17 and 21 Second Avenue. In addition, the proposal includes a long and narrow driveway.

For these reasons, the proposal results in a level of less than substantial harm to the significance of the Frinton and Walton Conservation Area and given the conversion of the garage would be for private use and the Council is able to comfortably demonstrate a sufficient housing land supply, there are no public benefits on this occasion that outweighs the harm.

Therefore, the proposed development is not considered to be in-keeping with the character of the area, and furthermore would set a precedent for future similar developments to the rear of properties along Second Avenue, contrary to the above local and national planning policies.

DATED: 11th January 2024

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:

National:
National Planning Policy Framework
National Planning Practice Guidance

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

SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

SP3 Spatial Strategy for North Essex

SP4 Meeting Housing Needs

SP7 Place Shaping Principles

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP1 Housing Supply

LP3 Housing Density and Standards

LP4 Housing Layout

LP8 Backland Residential Development

HP5 Open Space, Sports and Recreation Facilities

PPL4 Biodiversity and Geodiversity

PPL8 Conservation Areas

PPL10 Renewable Energy Generation

PPL11 The Avenues Area of Special Character, Frinton on Sea

CP1 Sustainable Transport and Accessibility

DI1 Infrastructure Delivery and Impact Mitigation

Supplementary Planning Documents:

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

Local Planning Guidance:

Essex County Council Car Parking Standards - Design and Good Practice

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):

Drawing Numbers A-1-003 Revision B, A-1-004 Revision A, A-2-005 Revision B, and the document titled 'Joint Planning (DAS) and Heritage Statement'.

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. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

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.