



AGENT: Mr Asad Durrani –
Arks Design Studio Limited
51-69 Ilford Hill
906 Valentines House
Ilford
IG1 2ZN

APPLICANT: Mr Prabu Dhanaraman
2 Burnham Court
Clacton On Sea
Essex
CO15 1RE

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 23/01404/FUL

DATE REGISTERED: 11th October 2023

Proposed Development and Location of Land:

**Proposed double storey side extension, new balcony to bedroom number 2, first floor terrace and a commercial unit for ice cream and coffee takeaway accessed from side.
2 Burnham Court Clacton On Sea Essex CO15 1RE**

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 126 of the National Planning Policy Framework 2023 (NPPF) states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Local Plan Policy SP7 states that all new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Furthermore, Policy SPL3 seeks to provide new development which is well designed and maintains or enhances local character and distinctiveness. The development should relate well to its site and surroundings and should respect or enhance local landscape character and other locally important features.

The single storey side extension will be highly visible from Selsey Avenue due to its close proximity to the streetscene. The proposed commercial element to be located in the single storey side extension will accommodate an ice cream/coffee shop/kiosk and the plans provided demonstrate that the proposed glazed doors located in the north-east facing side elevation are clearly intended to enhance the visibility of the kiosk and specifically what the small retail element here will offer. The proposed glazed opening coupled with the inevitable visible equipment, associated lights and general commercial nature of this element of the proposal will appear completely out of keeping with the prevailing residential character of the area contrary to the above local and national planning policies.

- 2 Paragraph 112 of the National Planning Policy Framework 2023 seeks to ensure that safe and suitable access to a development site can be achieved for all users. Paragraph

115 of the Framework states that Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy SPL3 (Part B) of the Adopted Local Plan seeks to ensure that access to a new development site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate, and provision is made for adequate vehicle and cycle parking. Policy CP2 of the Adopted Local Plan states proposals for new development which contribute to the provision of a safe and efficient transport network that offers a range of sustainable transport choices will be supported.

The proposed conversion of the garage would reduce the parking for the dwelling and provide no off-street parking for the commercial unit, any enterprise such as this is likely to lead to sporadic/short term invasive parking on the existing waiting restrictions which will be virtually impossible to address or enforce, a particular concern given the presence of a sharp bend. As a result the highly likely sporadic/short term invasive parking that the proposed commercial element in the single storey side extension would generate would introduce additional slowing and overtaking movements where they are currently not expected, likely leading to increased conflict with the passage of through vehicles and risk of collisions for both emerging and approaching vehicles and increased hazard to other highway users to the detriment of highway safety. Burnham Court is also an adopted Highway, and this may witness some displacement of short-term parking, this would result in an unacceptable degree conflict, risk, and hazard to all highway users to the detriment of highway safety, contrary to the above-mentioned policies and Paragraph 112 of the NPPF.

DATED: 17th 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:

NPPF National Planning Policy Framework July 2021

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

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
PPL9 Listed Buildings
CP1 Sustainable Transport and Accessibility
PP2 Retail Hierarchy
PP3 Village and Neighbourhood Centres

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 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.

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 No. PL01
- Drawing No. PL010
- Drawing No. PL011
- Drawing No. PL012
- Drawing No. PL013
- Drawing No. PL014
- Drawing No. PL015
- Drawing No. PL06
- Drawing No. PL07
- Drawing No. PL08
- Drawing No. PL09

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.