



AGENT: Ms Nikki O'Hagan –
Planning Direct
The Maltings
Princes Street
Ipswich
Suffolk
IP1 1SB

APPLICANT: Ms Ros Whitley
139 Marine Parade East
Clacton On Sea
Essex
CO15 5AD

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 23/01510/FUL

DATE REGISTERED: 13th November 2023

Proposed Development and Location of Land:

**Redevelopment of the site to provide a 2-storey detached building comprising 2 x 2 bedroom flats (following demolition of existing bungalow and front boundary wall) including a new vehicular access and parking from Marine Parade East (Part M(2) compliant for disabled access).
139 Marine Parade East Clacton On Sea Essex CO15 5AD**

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 proposed development, by reason of its design, specifically the featureless and highly visible side elevations, combined with the developments excessive depth and bulk would appear out of keeping with the prevailing character of the area and be harmful to visual amenity. The bland side elevations together with the excessively bulky building would also appear prominent and harmful from the Third Avenue street scene views. Planning conditions seeking details of facing materials will not overcome these areas of harm because of the identified excessive depth and bulk, as well as the developments resultant harmful prominence.

The development would therefore result in an excessively prominent and visually intrusive development being harmful to the character and appearance of the area, contrary to adopted Local Plan policies SP7, SPL3 and LP4.

- 2 The proposed development, by reason of a combination of its scale, bulk, height and proximity to both the side boundaries will result in a dominant and oppressive form of development for the occupiers of Number 141 Marine Parade East and Number 137 Marine Parade East. Moreover, the presence of an existing rear projection at number 137, in combination with the bulk of the proposed development along this boundary will result in a harmful sense of enclosure and a material loss of natural light to rear facing windows (of Number 137 - close to the common boundary), and the immediate rear garden area of Number 137 due to the southerly orientation of this part of the site at No 137.

The proposal is therefore contrary to adopted Local Plan policies SP7 and SPL3.

DATED: 16th February 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:

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):

- o 25 Oct 2023 02 Proposed Floor Plans
- o 25 Oct 2023 03 Proposed Roof Plan
- o 25 Oct 2023 04 Proposed Front and Side Elevations
- o 25 Oct 2023 05 Proposed Rear and Side Elevations
- o 25 Oct 2023 06 Proposed 3d Views
- o 25 Oct 2023 07 Existing Massing - South (Indicative)
- o 25 Oct 2023 08 Proposed Massing (Indicative)
- o 18 Jan 2024 01 2 Amended Existing Site and Proposed Location Plan
- o 25 Oct 2023 Pre-Application Enquiry Decision Letter
- o 25 Oct 2023 Planning, Design and Access Statement

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.