



**AGENT:** Mr Jamie Colwell - Hanover  
Land and Developments Ltd  
Office Suite No. 1  
37 - 39 Station Road  
New Milton  
Hampshire  
BH25 6HR

**APPLICANT:** Ms Margaret Mooney - Hanover  
Land and Developments Ltd  
Office Suite No. 1  
37 - 39 Station Road  
New Milton  
Hampshire  
BH25 6HR

## TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION NO:** 24/00247/FUL

**DATE REGISTERED:** 8th March 2024

Proposed Development and Location of Land:

**Proposed infill construction of 2 new build houses consisting of one 2.5 storey 2 bedroom house and one 3 storey 3 bedroom house. A communal rear garden / amenity space for both houses, enclosed secure cycle parking / storage areas and bin store. Proposed re-location of the existing vehicle access as shown on the site plan.**

**Land at 22 George Street Harwich 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 208 identifies 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 PPL9 states proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric.

The application site falls within the Harwich Conservation Area, and on this occasion the development will result in less than substantial harm to the setting of this Conservation Area through one of the dwellings being set back and thereby not according with the prevalent building line along George Street, the height of Dwelling B matching Number 23 which does not accord with the historical character, a lack of fenestration at ground floor level, and the flat roof form to Dwelling A is not in-keeping with the prevailing pitched roof forms relevant through the Harwich Conservation Area.

The Council is able to comfortably demonstrate a sufficient housing land supply, and while the site forms part of a wider area targeted for regeneration purposes it is noted that George Street itself is of a good visual appearance and the erection of two dwellings on the currently vacant site would not result in any significant regeneration of the area. Consequently, there are no public benefits that outweigh the identified harm, and therefore,

the proposed development is not considered to be contrary to the above local and national planning policies.

- 2 Paragraph 167 of the NPPF (2023) confirms that all plans should apply a sequential, risk-based approach to the location of development, taking into account all sources of flood risk and the current and future impacts of climate change, so as to avoid, where possible, flood risk to people and property. This should be done by initially applying the Sequential Test and then, if necessary, the Exception Test.

Adopted Policy PPL1 states all development proposals will be considered against the National Planning Policy Framework's 'Sequential Test', to direct development toward sites at the lowest risk of flooding, unless they involve land specifically allocated for development on the Policies Maps or Local Maps.

Having assessed the information submitted, as the site falls within Flood Zones 2 and 3 the sequential test should be applied District wide, and as such there are a significant number of reasonably available alternative sites which could contain the development that are located within areas with a lower probability of flooding that are therefore considered sequentially preferable to the application site. The Council therefore does not agree that the sequential test requirement has been satisfied. As such, the proposal is considered to be unacceptable and contrary to the above national and local planning policies.

- 3 Adopted Local Plan Policy LP4(j) states that the design and layout of new residential developments will be expected to provide for private amenity space of a size and configuration that meets the needs and expectations of residents, and which is commensurate to the size of dwelling and the character of the area.

On this occasion, the three bedroom dwelling is served by a small balcony that measures approximately 7.5sqm, and no private amenity is provided for the two bedroom dwelling. There is an outdoor area to the rear of the site, however this is shown to be hardstanding and/or served by parking spaces and cycle storage, and consequently is not an area that would be an attractive proposition for future occupiers. Therefore, the proposal has failed to provide a level of private amenity space that is of a size and configuration that would be acceptable for the future occupants of both properties, and therefore fails to comply with the above policy requirement.

**DATED:** 5<sup>th</sup> June 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 Planning Policy Framework:

National Planning Policy Framework (2023)  
National Planning Policy Guidance (NPPG)

Local:

Tendring District Local Plan 2013-2033 and Beyond Section 1:

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:

SPL1 Managing Growth  
SPL2 Settlement Development Boundaries  
SPL3 Sustainable Design  
HP5 Open Space, Sports and Recreation Facilities  
DI1 Infrastructure delivery and impact mitigation  
LP1 Housing Supply  
LP2 Housing Choice  
LP3 Housing Density and Standards  
LP4 Housing Layout  
PP14 Priority Areas for Regeneration  
PPL1 Development and Flood Risk  
PPL4 Biodiversity and Geodiversity  
PPL5 Water Conservation, Drainage and Sewerage  
PPL8 Conservation Areas  
PPL9 Listed Buildings  
PPL10 Renewable Energy Generation and Energy Efficiency Measures  
CP1 Sustainable Transport and Accessibility

Local Planning Guidance:

Essex Design Guide  
Essex Parking Standards (2009)

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 GSH/2023/104/A GSH/2024/200/A2, GSH/2024/201/A1, GSH/2024/202/A1, GSH/2024/203/A2, GSH/2023/204/A1, GSH/2024/205/A1, GSH/2024/206/A1, GSH/2024/210/A2, and the documents titled 'Heritage Statement', 'Asgard Access Bike Store', and 'Flood Risk Assessment'.

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.