



**AGENT:** Mr David MacDougall –  
DMAC Architects Ltd  
45 Egremont Way  
Colchester  
CO3 0NJ

**APPLICANT:** Mr and Mrs Steven Marshall  
Pathside Cottage  
The Path  
Great Bentley  
Essex  
CO7 8PN

## TOWN AND COUNTRY PLANNING ACT 1990

**APPLICATION NO:** 24/01709/FULHH      **DATE REGISTERED:** 22nd November 2024

Proposed Development and Location of Land:

**Householder Planning Application - Replacement garage, creation of off street parking, and part single, part two storey rear extensions and remodelling of dwelling.  
Pathside Cottage The Path Great Bentley 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 135 of the National Planning Policy Framework 2024 (NPPF) requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, including the surrounding built environment and maintain a strong sense of place. It also states that planning decisions should always seek to secure a good standard of amenity for all existing and future occupants. Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context and requires that the amenity of existing and future residents is protected. Part C also seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

In this instance, it is considered that the extensions will have an unacceptable impact upon the residential amenity levels of the occupiers at Allen House, to the north and east of the site, by virtue of the significant loss of amenity to their rear garden. The proposals would significantly increase the massing and bulk of the application property and this, in turn, would result in the property appearing oppressive and overbearing when viewed from the neighbour's garden and rear facing windows. Moreover, the rear garden at Allen House is located directly to the north of the application site and is narrow in form. The proposed works aim to increase the scale and bulk of the application property in close proximity to the shared boundary resulting in significant overshadowing to the garden area and rear elevation of the property, to the significant detriment of its use as a usable private amenity space and severely harming the resident's amenity.

The development is therefore contrary to the aims and aspirations of both National and Local Policy, as noted above, with regards to residential amenity impacts.

**DATED:** 17<sup>th</sup> January 2025

**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 December 2024 (NPPF)  
National Planning Practice Guidance (NPPG)

**Local:**

Tendring District Local Plan 2013-2033 and Beyond Section 1 (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
- LP2 Housing Choice
- LP3 Housing Density and Standards
- LP4 Housing Layout
- PPL4 Biodiversity and Geodiversity
- PPL5 Water Conservation, Drainage and Sewerage
- PPL8 Conservation Areas
- PPL10 Renewable Energy Generation and Energy efficiency Measures
- CP1 Sustainable Transport and Accessibility
- CP2 Improving the Transport Network

**Supplementary Planning Documents:**

Tendring Provision of Recreational Open Space for New Development SPD 2008  
Essex Design Guide  
Technical housing standards: nationally described space standard Published 27 March 2015

**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 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 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):

Site Plan - Received 19.11.2024

Drawing No. 2402-DMAC-00-ZZ-DR-A-21-S1-P01 - Received 22.11.2024

Drawing No. 2402-DMAC-00-ZZ-DR-A-12-S1-P03 - Received 19.11.2024

Drawing No. 2402-DMAC-00-ZZ-DR-A-13-S1-P04 - Received 22.11.2024

Drawing No. 2402-DMAC-00-ZZ-DR-A-11-S1-P07 - Received 22.11.2024

Drawing No. 2402-DMAC-00-ZZ-DR-A-10-S1-P08 - Received 22.11.2024

Preliminary Ecological Appraisal - Received 19.11.2024

Design & Access and Heritage Statement - Received 19.11.2024

Arboricultural Impact Assessment - Received 19.11.2024

**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.**
- Please ensure that you have read the latest procedural guidance for appeals prior to submitting an appeal. The latest guidance can be found at [Procedural Guide: Planning appeals – England - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/procedural-guide-to-planning-appeals)
- 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.](https://www.gov.uk/government/publications/procedural-guide-to-planning-appeals)

#### 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.