



Appeal Decisions

Site visit made on 9 January 2017

by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 January 2017

Appeal A: APP/P1560/D/16/3158247

12 Graces Walk, Frinton-on-Sea CO13 9PQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Miss A Bigley against the decision of Tendring District Council.
 - The application Ref 16/00640/FUL, dated 22 April 2016, was refused by notice dated 17 June 2016.
 - The development proposed is a first floor rear extension to form ensuite shower room.
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Appeal B: APP/P1560/D/16/3162965

Pineapples, 12 Graces Walk, Frinton-on-Sea CO13 9PQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Miss A Bigley against the decision of Tendring District Council.
 - The application Ref 16/01282/FUL, dated 11 August 2016, was refused by notice dated 5 October 2016.
 - The development proposed is a first floor extension to form ensuite.
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Decision

1. Appeal A is dismissed.
2. Appeal B is allowed and planning permission is granted for the erection of a first floor extension to form ensuite at Pineapples, 12 Graces Walk, Frinton-on-Sea CO13 9PQ in accordance with the terms of the application, 16/01282/FUL, dated 11 August 2016 subject to the conditions below.
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan, BGW-01 A.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural matter

3. The Council confirm that as of 14th July 2016, between the determination of the two planning applications, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (the emerging Local Plan). I have therefore used this document in the
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determination of both appeals. However, it is at an early stage of preparation and therefore in accordance with paragraph 216 of the National Planning Policy Framework (the Framework) I give the emerging policies limited weight.

Main Issue

4. The main issue on both appeals is firstly, the effect of the proposal on the living conditions of the occupiers of 10 Graces Walk with particular regard to outlook and light and secondly, whether the proposal preserves or enhances the character or appearance of the Frinton and Walton Conservation Area.

Reasons

Living conditions

5. 12 Graces Walk forms a two storey house with a single storey rear extension which is slightly offset from the rear elevation. As a result it is about 0.6 metres from the boundary with the neighbouring property, 10 Graces Walk. No 10 is a bungalow which has three clear glazed windows in its side elevation, which according to the appellant is set about 0.5 metres from the boundary with No 12. The boundary is marked by a solid boundary fence. The closest window in No 10 to the proposed extension, under both appeals, is the only window serving a bedroom.
6. Saved Policy HG14 of the Tendring District Local Plan 2007 (the Local Plan) requires that extensions over 4 metres high should retain appropriate open space between the dwelling and the side boundaries of the plot in the interests of the character and appearance of the area and living conditions of neighbours. As a guideline a minimum of 1 metre will be sought.
7. I saw that the view from the bedroom window of No 10 although limited did allow for an outlook towards open sky above the existing single storey extension. The proposed extension under appeal A would be sited above the majority of the rear extension and therefore would be sited very close to No 10 and within 1 metre of the boundary contrary to the requirements of Policy HG14. The combination of the proximity and height would create a large, bulky development, substantially higher than the existing boundary treatment which would lead to a significantly overbearing effect to the bedroom window.
8. I note that the appellant states that she is going to install a 2 metre brick wall on her boundary. However I have seen no substantive evidence of any firm proposal to do this and therefore can give such a suggestion only limited weight.
9. The Council also consider that the proposal would restrict a significant amount of daylight to the bedroom of No 10 but offer no evidence on this matter. At my site visit I found the bedroom to be quite dark in the middle of the day. I acknowledge that it was cloudy and raining at the time of my site visit. However, I recognise that light to the bedroom would be limited given the proximity and height of No 12. Due to the orientation of the dwellings there is likely to be some loss of light due to the extension proposed under Appeal A, but given the existing relationship between the houses this is unlikely to have a materially greater effect on living conditions than is the case at present.
10. I saw on site that the extension proposed under appeal A would be an acceptable distance from other windows at No 10 to ensure that it would not have a significant overbearing presence.

11. The proposed extension under appeal B would be set back from the boundary with No 10 so that it would be flush with the flank elevation of No 12. I saw that while the extension would be visible from the bedroom window to No 10 the setback would allow a substantial amount of the existing outlook to open sky to be retained. As a result the proposed extension would not be significantly overbearing or enclosing. Furthermore, the extension would be located about 1.5 metres from the side boundary and therefore would accord with the minimum requirements of Policy HG14.
12. As I have already found that the extension proposed under appeal A would not lead to an unacceptable reduction in daylight then it follows that the extension proposed under appeal B, being further from the boundary, would also not be significantly harmful in this respect.
13. For the reasons above I conclude that the extension proposed under appeal A would be harmful to the living conditions of the occupiers of 10 Graces Walk with particular regard to outlook. It would therefore be contrary to saved Policies Q11 and HG14 of the Local Plan, the Framework and Policy SPL3 of the emerging Local Plan. These require that development maintains appropriate spacing to adjacent dwellings and will not have a materially damaging impact on the amenities of occupiers of nearby properties.
14. However I also conclude that the extension proposed under appeal B would not be harmful to the living conditions of the occupiers of 10 Graces Walk and therefore there would be no conflict with Policy Q11 of the Local Plan, the Framework and Policy SPL3 of the emerging Local Plan.

Character and appearance

15. The appeal property is located within the Frinton Park part of the Frinton and Walton Conservation Area. The Frinton Park Estate was proposed to connect Frinton and Walton and the development that took place in the 1930's, has produced the single largest surviving grouping of Modern Movement houses anywhere in the country. The Frinton Park Conservation area Review identifies "Graces Walk as having the greatest concentration of Modern Movement houses on plan but it is a disappointment. Though many of the houses give a good impression of the style, the street does not 'hang together' visually as a street because of its slightly unkempt air arising mostly from the random and intrusive nature of dense planting in front gardens."
16. However this was not my experience and the Council confirm that properties in the area have undergone or are undergoing renovation so that the appearance of the area has improved. As a result Graces Walk comprises an attractive group of mainly two storey Art Deco style houses with flat roofs and white rendered walls. Each maintains a distinct distance from its neighbour so can be appreciated in isolation but nevertheless contributes to the group of buildings within the street.
17. No 12 is a good example of the prevailing style of architecture and therefore contributes positively to the character and appearance of the area. Although it has a rear extension which is sited close to the boundary, this is not visually intrusive as it is only single storey. I am aware that the proposed extension is to the rear and the actual distance between the flank walls of No 10 and No 12 would not be altered. Nonetheless the proposal under appeal A to erect a first storey above it would draw attention to the structure and more visibly reduce the

gap between No 12 and No 10 creating a cramped appearance between the two houses that is not apparent elsewhere on the street.

18. I have considered the Council's argument that the current proposal would set a precedent for similar developments in the area. Whilst each application and appeal must be treated on its individual merits, I can appreciate the Council's concerns that approval of this proposal could be used in support of similar schemes. I consider that this is not a generalised fear of precedent but a realistic and specific concern given the existing spacing between the houses and the importance of this Modern Movement group of dwellings. Allowing the extension proposed under Appeal A would make it more difficult to resist further planning applications raising similar issues, and I consider that their cumulative effect would exacerbate the harm which I have described above.
19. The harm to the character and appearance of the Conservation Area would be less than substantial. This needs to be balanced against any public benefits the development may bring. There is no evidence before me of any public benefit that would outweigh the harm caused to the Conservation Area. I understand the appellant's desire for enhanced accommodation but conclude that this is not a public benefit which would outweigh the harm caused to the Conservation Area.
20. The set-back afforded to the extension under appeal B would ensure that the visual effect of the space between No 10 and No 12 remains as existing and therefore the open appearance would be maintained. In all other respects the design of both proposed extensions would be in accordance with the Art Deco style and therefore would not be harmful.
21. For the reasons above I conclude that the proposal under Appeal A would fail to preserve or enhance the character or appearance of the Frinton and Walton Conservation Area. It would therefore be contrary to saved Policies QL11 and HG14 of the Local Plan, the Framework and Policy SPL3 of the emerging Local Plan. These require that development maintains appropriate spacing to adjacent dwellings and will not lead to material loss or damage to the historic environment.
22. However I also conclude that the proposal under appeal B would preserve the character and the appearance of the Frinton and Walton Conservation Area. Therefore there would be no conflict with saved Policies QL11 and HG14 of the Local Plan, the Framework and Policy SPL3 of the emerging Local Plan.

Conditions

23. A condition is required to ensure the materials used in the construction of the extension match those of the host dwelling in the interests of the character and appearance of the Conservation Area.

Conclusion

24. For the reasons set out above, having had regard to all other matters raised, I conclude that appeal A should be dismissed and Appeal B should be allowed.

Zoe Raygen

INSPECTOR