
Appeal Decision

Site visit made on 25 June 2019

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2019

Appeal Ref: APP/P1560/W/19/3226264

Flemish House, 59 Second Avenue, Frinton-on-Sea CO13 9LY

- 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 Mr Ian Hennan against the decision of Tendring District Council.
 - The application Ref: 18/01322/FUL, dated 9 August 2018, was refused by notice dated 18 December 2018.
 - The development proposed is the erection of one detached one-and-a-half storey dwelling
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Decision

1. The appeal is dismissed

Procedural Matter

2. The Council's decision notice references policies from the Tendring District Local Plan 2013-2033 and Beyond Public Draft (2017). Whilst I have had regard to these policies, their weight in my decision is limited by the fact that the findings of the examination are awaited.

Main Issue

3. The main issue is the impact of the development upon the character and appearance of the surrounding area, with particular regard to the Frinton-on-Sea Conservation Area.

Reasons

4. Second Avenue is part of an area referred to as 'The Avenues' and is characterised by the presence of large, and traditionally designed, dwellings that are sited in a tree lined street. This creates a verdant setting, which is supplemented by several trees on the appeal site. These trees are visible from the street and partially from a footpath located to the north of the site. Flemish House can be described as a non-designated heritage asset and is distinctive in that it features a low hipped roof, unusual front dormer windows, a tall brick chimney stack, and distinctive brick detailing. The dwelling and garden, in unison, make a positive contribution to the character and appearance of the vicinity, including the Frinton-on-Sea Conservation Area.
5. Whilst the existing vehicular access would serve the proposed dwelling, the development would result in the loss of a significantly sized, and prominently located, portion of the garden. This would erode the verdant character of the area through the removal of trees, including a protected cedar tree. As these

- are visible from surrounding highways, and are therefore prominently located, their removal would be detrimental to the character of the area.
6. The proposed dwelling references the Arts and Crafts style of architecture, which is apparent in the vicinity. However, the resultant building would feature few similarities with Flemish House. Owing to the proximity between the two buildings, the proposal would be discordant. In addition, the lower height of the proposed dwelling, when compared to many in the vicinity, exacerbates the incongruous form of development. I recognise that the retained trees would provide an element of screening, but the effect would only be partial and does not mitigate the harm as identified.
 7. I note that the separation distance between the proposed dwelling and Flemish House is similar to other dwellings in Second Avenue. Nonetheless, I consider that the significance of Flemish House is, in part, derived from the intrinsic link between the dwelling and its garden in full, which would diminish should the development proceed.
 8. The preamble to Policy FW5 of the Tendring District Local Plan (2007) (the Local Plan) suggests that plots of at least 15m in width may be capable of accommodating new development. However, this is not the only requirement to be assessed under this planning policy. Therefore, whilst I have had regard to the size of plots, I do not believe that this renders the development acceptable.
 9. My attention has been drawn to a recent appeal, where the Inspector concluded that housing need within the district may have been overstated, owing to the effect of Unattributable Population Change. As the National Planning Policy Framework states that the standard method of calculating housing supply must be used in planning decisions, the Inspector gave greater weight to the fact that all parties agreed that there was not a five year housing land supply, albeit with doubts regarding the actual degree of shortfall.
 10. The statutory duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a matter of importance. I acknowledge that the proposal has some benefit in addressing the aforementioned housing shortfall, however, this is limited owing to the scale of the development. Therefore, this does not outweigh the less than substantial harm on the significance of the heritage assets.
 11. Consequently, the proposed development would have an adverse impact upon the character and appearance of the surrounding area and would not maintain the special character of the Frinton-on-Sea Conservation Area. Accordingly, the proposal fails to comply with Policies FW5 and EN17 of the Local Plan, which, cumulatively seek to ensure that the siting and form of developments preserve or enhance the character of Conservation Areas, and that development in The Avenues is of an appropriate scale and would not erode its spacious character.

Conclusion

12. For the preceding reasons, and taking into account all matters raised, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR