
Appeal Decision

Site visit made on 27 September 2022

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2022.

Appeal Ref: APP/P1560/D/22/3301443

Beccles, Rainham Way, FRINTON-ON-SEA, CO13 9NP

- 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 & Mrs Roye against the decision of Tendring District Council.
 - The application Ref. 22/00085/FULHH, dated 14 January 2022, was refused by notice dated 20 May 2022.
 - The development proposed is extensions and alterations.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the Frinton Park area of the Frinton and Walton Conservation Area.

Reasons

3. The appeal site is within an area of the Frinton and Walton Conservation Area known as Frinton Park. The Council's character appraisal confirms that Frinton Park contains the surviving parts of an estate planned in the 1930s, with the largest group of Modern Movement houses in the country. It notes that the setting of these buildings has been compromised by undistinguished housing built in the intervening period, but that the historic interest of the road pattern and the important relationship with The Greensward supports Area designation.
4. The appeal property is a detached pitched-roofed bungalow in an area of similarly styled properties, and of importance as part of the estate layout rather than for its design quality. Modernist buildings are not prevalent in this part of the conservation area. The site is located at the junction with Warley Way, and due to the alignment of Rainham Way three of its elevations are visible in the street scene. The site is therefore prominent in the street scene.
5. There is a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area in exercising planning functions, and this is reflected in Policy PPL 8 of the Tendring District Local Plan Section 2¹ [LP2]. In particular, the policy draws attention to matters

¹ Tendring District Local Plan 2013-2033 and Beyond Section 1 was adopted in January 2021, and Section 2 of the Plan was adopted in January 2022

- of scale and design, particularly in relation to neighbouring buildings and spaces, and to materials and finishes.
6. In this context, the proposal would transform the existing dwelling into a partly two-storey flat-roofed house. Given the prominent location, the size and scale of the resultant building would appear significant and visually intrusive in the street scene. This impact would be exacerbated by the contrast in height, scale, massing, form, design and materials from the prevailing style of property, and would conflict with the design aims of LP2 Policy SPL 3.
 7. Materials for the extended dwelling would be a mix of white render and cedar panels, with grey aluminium windows². The aim is to avoid a pastiche of the Modern Movement dwellings, but to include elements of the 1930s design, such as cascading flat roofs, but with differing materials and architectural elements. I appreciate the approach, and am mindful of the e-mail correspondence with the Council, confirming an officer-level view that the use of materials and design detailing would set it apart from a Modernist style building. However, I consider that the form and design of the remodelled property would be so similar to the Modernist houses in the area that it could be taken for one.
 8. The appellants consider the use of extended vertical windows to be a contemporary detail, but at the appeal site visit I saw Modernist houses with both wide horizontal and narrow vertical openings. With its flat roofed cascading form, I am not convinced that cedar cladding and a different type of metal window would be sufficient to distinguish the resultant dwelling from the 1930s properties. Rather than providing a contrast, it would instead have the appearance of a Modern Movement house which has been 'updated' with new materials. Its similarity with the Modernist houses would not demonstrate the estate evolution suggested.
 9. Although indicating that there are no nearby Modernist Movement houses (most being closer to the waterfront), the appellants advise that 3 Rainham Way, diagonally opposite the site, is an original but much-altered example. The two would differ in materials and detailing, but their form and siting means that No.3 and Beccles could potentially appear as a pair of Modernist buildings flanking the exit from the conservation area, towards the more low-key single-storey development beyond.
 10. I can understand why the appellants do not wish to repeat the uniformity of the nearby bungalows, but development within the conservation area is feasible without creating confusion with the original design concept of the estate. The proposal would not alter the historic interest of the estate layout, but I agree with the Built Heritage Advice received by the Council, that replicating the appearance of the Modern Movement dwellings would undermine and downgrade their authenticity as buildings of historic and architectural interest, and diminish the contribution made by them to the significance of the Conservation Area. Given the significant remodelling, the proposal could not be regarded as neutral in its impact, nor an enhancement for the reasons outlined above.
 11. Attention has been drawn to developments built in Central Avenue. One is a pitched roof scheme with dormer windows, although the other shares more

² Windows are referred to as grey upvc on drawing no. TDC-2021-1-10 Revision A, but as aluminium on the application form and other documents.

similarities with Modern Movement dwellings in the area. Although some information has been supplied, in the absence of fuller details of the cases made in support and the reasoning behind the grants of planning permission, I am not persuaded that either scheme would justify the specifics of the appeal proposal given their differing contexts and designs.

12. I therefore conclude that, as a result of the siting, scale, form, design and detailing, the proposal would not preserve or enhance the character or appearance of the Frinton Park area of the Frinton and Walton Conservation Area. It would conflict with LP2 Policies PPL 8 and SPL 3, but also with the place shaping principles of Local Plan Section 1 Policy SP 7, which amongst other criteria requires all new development to respond positively to local character and context to preserve and enhance the quality of existing places and their environs, and to protect and enhance assets of historical value.
13. Having regard to paragraph 202 of the National Planning Policy Framework, I find that the proposal would lead to less than substantial harm to the significance of the conservation area, but that this harm would not be outweighed by public benefits.

Conclusion

14. For the above reasons, I conclude that this appeal should be dismissed.

H Lock

INSPECTOR