
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/22/3300535

5 The Esplanade, Holland-On-Sea, CO15 5TT

- 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 and Mrs R Sharpe against the decision of Tendring District Council.
 - The application Ref. 21/02056/FULHH, dated 2 December 2021, was refused by notice dated 22 April 2022.
 - The development proposed is remodelling and extension of existing dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. On 21 February 2022, planning permission was granted under ref. 21/02115/FULHH for 'replacement rear ground floor area and alterations to first floor/roof to form new living areas' at 3 The Esplanade (No.3). Work was underway at the time of the appeal site visit, and plans of the development were sought from the Council. Given that work has commenced, I have taken this permission into account in my assessment.

Main Issues

3. The main issues are the effect of the proposal on (1) the character and appearance of the appeal property and the wider street scene; and (2) the living conditions of neighbouring residents, with particular reference to outlook, privacy and daylight/sunlight levels.

Reasons

Character and Appearance

4. The appeal property is an individually designed waterfront property set within a group of dwellings which are mostly 1½- or 2-storey in height and form. Designs vary, and balconies are prevalent to take advantage of the sea views. The dwellings in The Esplanade are set back behind a greensward and public footpath/cycle path, and are prominently located near the sea.
5. Although the dwellings in the vicinity vary in design, most have traditional pitched roofs. The exception is 1 The Esplanade (No.1), in a highly visible

position at the road junction. It is a modern flat-roofed replacement dwelling that the appellants advise is of a style reflective of other waterfront properties in the district, some photographs of which have been supplied. However, although the design approach of No.1 may be distinct from nearby properties, it shares the two-storey scale of other dwellings along The Esplanade. The plans of the development at No.3 indicate that it would become a reasonably large dwelling but would remain a two-storey building with a hipped roof.

6. The proposed remodelling of the appeal property, No.5, would involve material increases in the height and footprint of the property, and despite the recessed upper floors it would result in a substantial three-storey flat-roofed building. I agree that there is no objection in principle to a contemporary design, and that there is scope for variety and innovation given the existing development pattern. However, the scale and bulk of the resultant building would be excessive in its context, even allowing for the remodelling underway at No.3. Some views of No.5 on approach from the south-west may be filtered by neighbouring properties, but as it is sited forward of 7 The Esplanade the mass and bulk of the extended building would be highly visible in other views and the street scene generally.
7. This visual impact would be exacerbated by the mostly blank and unbroken side elevations, extensive glazing on the front elevation, and the large balconies. Whilst a large balcony forms part of the planning permission for No.3, this proposal includes two such amenity areas. Although I appreciate the appellants' aims to enhance the property and add interest to the street scene, I do not consider that this would be achieved by the scale of the alterations proposed. As a three-storey property, it would not appear subservient to the neighbouring 1½- and two-storey dwellings, as suggested by the appellants.
8. I am mindful that the appeal property backs onto three-storey terraced dwellings, but I do not consider these to be as visually prominent as proposed in this case, and the narrow proportions of each dwelling aid in reducing the perceived bulk. Given the location of the appeal site next to what appears to be a well-used waterfront footway and cycle path, the proposal would have a significant impact on the public domain. It would be at odds with Policy SPL 3 of the Tendring District Local Plan 2013-2033 and Beyond Section 2 (2022) [LP2] which requires development to relate well to its site and surroundings in matters including height, scale, massing, form, and design.
9. I therefore conclude that the proposal would detract from the character and appearance of the appeal property and the wider street scene, contrary to the aims of LP2 Policy SPL 3, and the place shaping principles of Policy SP 7 of the Tendring District Local Plan 2013-2033 and Beyond Section 1 (2021) [LP1], 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. For the same reasons, the proposal would conflict with the aims set out in paragraph 130 of the National Planning Policy Framework (the Framework), to ensure that developments are visually attractive as a result of good architecture and are sympathetic to local character.
10. I find no conflict with LP2 Policy LP 4, as it does not appear to relate to proposals for householder extensions and alterations, but that does not alter my overall assessment.

Living Conditions

11. The footprint of the appeal property would not extend rearwards, but its height and mass would be significantly greater compared to the existing single-storey eaves height and dormer window. The terraced houses in Sundale Close have reasonably shallow rear gardens. Whilst I acknowledge that these three-storey dwellings may have an impact on the rear outlook of No.5, the appeal property benefits from a larger garden and more spacious outlook to the front of the property. In contrast, the increased height and mass would appear unduly oppressive and dominant in the outlook for residents of dwellings to the rear. However, I do not consider that the proposal would result in any increased potential for overlooking of those properties.
12. Works have started on extensions to 3 The Esplanade that would include raised eaves height at the back of that building. Nevertheless, given the height and position of the upper balcony proposed in this appeal, I am not convinced that overlooking of the rear garden of No.3 would be avoided. A planning condition could secure a side screen to address this issue, although this solution may introduce design concerns due to the prominence of the balcony on the front elevation. Aside from privacy issues, I share the Council's view that the proposal would introduce a large and mostly featureless structure that would create an enclosing, oppressive and imposing feel when viewed from the rear garden of No.3.
13. I agree with the appellants assessment regarding the effect on overshadowing and light loss to No.3 and properties in Sundale Close. The increased bulk and height are likely to have a greater effect on the garden of No.3 in the morning than at present, but not to a degree that would warrant dismissal of the appeal. On the basis of the information available, I am not convinced that there would be material light loss to the properties in Sundale Close, but this does not alter my conclusion regarding outlook.
14. I therefore conclude that the proposal would diminish the outlook of neighbouring residents to a degree that their living conditions would be harmed. This would be contrary to the aims of LP1 Policy SP 7, which requires development to protect the amenity of existing and future residents and users with in matters including overbearing impact and overlooking; and LP2 Policy SPL 3 (C), which seeks to ensure that development will not have a materially damaging impact on the amenities of occupiers of nearby properties. In so doing, the proposal would conflict with paragraph 130 of the Framework, which seeks to create places with a high standard of amenity for existing and future users.

Conclusion

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

H Lock

INSPECTOR