



Appeal Decision

Site visit made on 17 July 2024

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 August 2024

Appeal Ref: APP/P1560/W/23/3333758

1 Old Pier Street, Walton-on-the-Naze, Essex CO14 8AW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Peter Dukes against the decision of Tendring District Council.
 - The application Ref is 23/00556/FULHH.
 - The development proposed is new glazed seating pod to roof top with access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my visit the glazed seating pod was already in place.

Main Issue

3. The main issue is whether the development would preserve or enhance the character or appearance of the Frinton and Walton Conservation Area.

Reasons

4. The appeal site is within the Frinton and Walton Conservation Area (CA). I have therefore had regard to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area as set out at Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
5. The appeal site comprises an altered three-storey late 19th Century building that holds a prominent position on the seafront at the junction of Old Pier Street and the Parade. It has been identified in the Conservation Area Management Plan as one of a group of buildings that make a positive contribution to the seafront character area and the CA as a whole.
6. The CA is extensive including the coastal towns of Frinton as well as Walton. Its significance, insofar as it relates to the appeal proposal, is derived from its development as a middle-class resort, its seafront, the prominent buildings on the Parade, and its street pattern. Old Pier Street, which led to the former pier, is identified in the Character Appraisal as perhaps the most significant thoroughfare of the seafront character area.
7. The unaltered pitched roofs with rectangular chimneys projecting above the ridge lines, are a predominant and important characteristic of the buildings on the seafront and surrounding streets. The spherical metal framed pod has a

markedly different appearance to such chimneys and does not reflect any other features on the host, or nearby, buildings.

8. Due to it being a relatively small and predominantly glazed structure, the pod does not compete with the imposing built form of the area, and the street pattern remains unchanged. However, it is visible from the Pier, in numerous places along The Parade, and from Old Pier Street, and is largely seen against open skies. As such, it appears as an alien and discordant feature that is unexpected within its context. Accordingly, I find that it is a harmfully obtrusive and incongruous addition to a building that has a prominent position on an important thoroughfare within the CA.
9. Paragraph 205 of the National Planning Policy Framework (the Framework) advises that great weight should be given to the conservation of designated heritage assets (and the more important the asset, the greater the weight should be). Paragraph 206 goes on to advise that significance harmed or lost through alteration or destruction of the heritage asset or development within its setting requires clear and convincing justification.
10. With reference to paragraph 208 of the Framework, in finding harm to the significance of a designated heritage asset, the magnitude of that harm should be assessed. In this instance, due to the small scale of the development, the harm to the identified heritage asset would be 'less than substantial' but, nevertheless, of great weight. Under such circumstances, paragraph 208 advises that this harm should be weighed against the public benefits of the proposal.
11. From the evidence before me I have not identified any public benefits that would outweigh the less than substantial harm that I have found.
12. For the above reasons, the development does not preserve or enhance the character and appearance of the CA. It would conflict with Policy SP7 of the Local Plan Section 1 and Policies SPL3 and PPL8 of the Local Plan Section 2 . Amongst other things, these policies require the preservation and enhancement of heritage assets, and that development is of a high standard of design that makes a positive contribution to the quality of the local environment. Furthermore, it would not satisfy the requirements of Section 72(1) of the Act.

Conclusion

13. The development conflicts with the development plan when considered as a whole and there are no other considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
14. I therefore conclude that the appeal should be dismissed.

Elaine Moulton

INSPECTOR