



Appeal Decision

Site visit made on 12 November 2024

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th December 2024

Appeal Ref: APP/P1560/W/24/3343335

25 and 26 The Parade, Walton on the Naze CO14 8AP

- 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 HJ Collection 2 Limited against the decision of Tendring District Council.
 - The application Ref is 23/01083/FUL.
 - The development proposed is the demolition of existing shop unit with flat above at 25 The Parade and erection of replacement building to contain 3no. flats and the conversion of 26 The Parade to contain 3no. flats.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of the neighbouring dwelling, 10 New Pier Street, with regard to light and outlook.

Reasons

3. The appeal site is occupied by two units at the end of a large terrace building, known as Bruff Terrace, on the corner of The Parade and New Pier Street facing Walton Pier and the seafront. No.26, to be retained, follows the form of the rest of the terrace at three storeys in height with a retail unit at ground floor level. No.25 is a narrow two-storey, flat-roof, side projection which also has a retail unit on the ground floor. This section would be replaced with a three-storey projection very similar in appearance to No.26. These two units would be occupied by a total of 6 flats.
4. It is noted that the proposed development forms part of a revised application which has been amended to overcome the reasons for refusal given in the original application¹. This includes the reduction in the width of the building, increase in private amenity space and removal of the windows above ground floor level.
5. The appeal site is adjacent to the property 10 New Pier Street, separated by a narrow alleyway. This neighbouring dwelling is set back from the boundary closest to the appeal site, with the garden belonging to No.10 in between. The Council indicate that the proposed development would be approximately 1.8 metres from the boundary with No.10 and 13 metres from the dwelling itself.

¹ 23/00067/FUL (the original application)

6. Whilst the proposed development would only extend an additional 4.5 metres beyond the existing building envelope, it would be substantially greater in height than the current two-storey projection at No.25 and would appear as a much more dominant addition when viewed from the rear windows of the dwelling at No.10 and the garden. It is also noted that the appeal site is at a slightly higher ground level than the property at No.10, thereby exacerbating this dominant appearance. As such, the proposed development would severely restrict the outlook from this neighbouring property and would result in a sense of enclosure for its occupants.
7. The appellant indicates that the proposed development would leave approximately 8 metres of open aspect between its flank elevation and the site boundary with New Pier Street. However, due to the position of the neighbouring dwelling on the site in the far eastern corner, this would do little to alleviate the resultant loss of outlook which would be experienced from the property.
8. Furthermore, due to the close proximity of the appeal site to the garden at No.10, its position to the south of this neighbouring property and the scale of the proposed replacement building at No.25, the proposal would result in a significant loss of light to the occupiers of No.10 when using their garden.
9. Therefore, for the reasons above, the proposed development would result in significant harm to the living conditions of the occupiers of the neighbouring dwelling, 10 New Pier Street, with regard to light and outlook, and would conflict with Policies SP7 of the North Essex Authorities' Shared Strategic Section 1 Plan (2021) and SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Section 2 (2022). These policies collectively seek to ensure that all new development protects and does not have a materially damaging impact on the amenity of the occupiers of nearby properties with regard to loss of light and overbearing impact.
10. The proposal would also be contrary to Paragraph 135 of the National Planning Policy Framework which states that planning decisions should ensure that development creates places with a high standard of amenity for existing users.

Other Matters

11. The appeal site is also located within the Walton and Frinton Conservation Area, a designated heritage asset. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. From my observations on site, it would appear that the significance of the Conservation Area relates, in part, to its historic nature and role as a seaside resort. Bruff Terrace forms part of the historic environment of the area and, as a highly prominent feature in the streetscene, makes a positive contribution to the significance of the Conservation Area as a whole.
12. The proposed development would assimilate well into the existing terrace with a similar height, design and use of materials. Therefore, it would not appear overly prominent or incongruous in the streetscene or the wider Conservation Area. Although the proposal would result in the loss of the historic shops at ground floor level, the existing shopfront would be retained and therefore it

would have little visual impact. As such, the proposed development would preserve the character and appearance of the Conservation Area.

13. The appellant has highlighted that the appeal site is located within a priority regeneration area as designated in the local plan and that the proposed development would make the best use of the site by the removal of the existing poor quality building and replacement, which they consider assimilates into the historic terrace. The benefits of the proposed development in relation to the regeneration of the area are noted. However, I see no reason as to why this could not be achieved by a scheme which would accord with the development plan and not result in the harm identified. Therefore, these benefits are given limited weight in my consideration of the appeal.

Conclusion

14. Therefore, for the reasons given above and having had regard to all other matters raised, the proposal would conflict with the development plan taken as a whole and I conclude that the appeal should be dismissed.

E Grierson

INSPECTOR