
Appeal Decision

Site visit made on 28 January 2025

by **L Francis BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20th March 2025

Appeal Ref: APP/P1560/W/24/3352104

27 Marine Parade, Dovercourt, Essex CO12 3RD

- 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 Dean Goulding (Golddoor Limited) against the decision of Tendring District Council.
 - The application Ref is 24/00347/FUL.
 - The development proposed is extension and re-modelling of existing residential building comprised of four flats to create an additional three flats.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I note the appeal application was revised during the course of its consideration by the Council. The revisions reduced the number of flats in the scheme. I have taken the description of development in the banner heading above from the Council's decision notice, since this accurately reflects the scheme which was determined.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the area; and,
 - the living conditions of future occupiers with particular regard to daylight.

Reasons

Character and Appearance

4. The appeal site is a prominent 3 storey, gable fronted building located on the corner of Marine Parade and Lee Road. With the exception of some modern flatted developments to the north of the appeal site, this part of Marine Parade is characterised by typically 3-4 storey Victorian terraces, often featuring tripartite bays to the front elevations. The appeal site and terraces either side appear to have been subject to various alterations in terms of replacement fenestration, render and cladding. Nevertheless, the appeal property retains some detailing including window dressings and sills and the front bay features which are similar to others found along Marine Parade.
5. The front bays would be replaced by a single rectangular bay from which the balconies and their supporting structure would project. These alterations would result in the loss of the original fenestration pattern and tripartite bays. The bulk and scale of

the balcony structure would be overly dominant and would obscure much of the front elevation. The topmost balcony and balustrading would visually compete with the gable end roof.

6. The absence of windows to the front ground floor section of the Lee Road elevation would result in a visually unbalanced elevation, despite the use of horizontal indentations to the render to provide interest and relief to the elevation. It would be at odds with the regular fenestration pattern contained in the remainder of the Lee Road elevation. Whilst I appreciate that the existing elevation to Lee Road does not contain a window at street level between the entrance and the corner, the extent of 'blank' elevation is significantly smaller than that of the proposed scheme. The blind window detail in the existing elevation reflects the fenestration pattern and provides a degree of detailed design interest in the elevation which I do not consider is reflected in the proposed scheme.
7. I note that the Council are satisfied with the overall scale and bulk of the proposed extension to the Lee Road elevation. I see no reason to disagree.
8. Notwithstanding this, I conclude that for the reasons outlined above, the loss of the front bay features, the introduction of the proposed replacement projecting bay and balcony structure and the detailed design of the Lee Road elevation, would cause unacceptable harm to the character and appearance of the appeal site and surrounding area. It would conflict with Policy SP7 of Tendring District Local Plan 2013-2033 and Beyond Section 1 (2021) (TLP1) and Policies SPL2 and LP4 of Tendring District Local Plan 2013-2033 and Beyond Section 2 (2022) (TLP2). Taken together and amongst other things, these policies seek high standards of urban and architectural design which respond positively to local character and context.

Living Conditions

9. The plans show that flat 2 would comprise a studio with a sleeping area/bedroom located off the main studio room to the side furthest from the windows. The proposed studio would be served by two south-west facing windows on the Lee Road elevation. Irrespective of whether the sleeping area is considered as a separate room, it would be reliant on borrowed light from the main studio area. I have no quantitative evidence before me regarding the level of daylight which would be received by the bedroom area and as such my judgement is based upon the plans and relative position of the windows to the bedroom. Based on the evidence before me, I do not consider that the bedroom area would be adequately lit, and any future occupier would be likely to rely on artificial light even during the day. This would be harmful to the living conditions of future occupiers.
10. The kitchens of flats 1, 2, 3, 5, 6 and 7 would be set within a single living/kitchen/dining area. For each of these flats, whilst the kitchens would be located along the back wall, they would be immediately opposite the windows. The kitchens are part of the main living and dining area serving each flat. Again, I have limited evidence of daylight levels before me but based on the size of the windows relative to the depth and configuration of the affected rooms, I consider that there would be sufficient daylight reaching the kitchen area of the relevant flats.
11. Whilst I have found that the layout of the flats with respect to the living/kitchen/dining areas would be acceptable with regard to daylight, this does not overcome the harm to living conditions caused by the lack of direct daylight to the bedroom area of flat 2.

12. I conclude therefore that the proposal would not provide acceptable living conditions for future occupiers with regard to the levels of daylight within flat 2. As such, the proposal would conflict with Policy SP7 of TLP1 which requires that the amenity of existing and future residents is protected.
13. The Council also refer to TLP2 Policy SPL3 part C in their reason for refusal. However, this relates to the impact on the privacy, daylight or other amenities of occupiers of nearby properties and is not directly relevant to the living conditions of future occupiers within the appeal site itself.

Other Matters

14. The Council is satisfied with matters including parking and highway safety, the effect on the living conditions of neighbouring residents, flat sizes and refuse and recycling arrangements. I do not have substantive evidence to contradict the conclusions of the Council in these matters, so I see no reason to disagree. Nevertheless, the absence of harm means these are neutral considerations in my determination of the appeal.
15. The appeal site falls within the Zone of Influence (Zoi) of European designated sites of the Stour and Orwell Estuary RAMSAR and SPAs, which are scoped into the Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS). The sites are designated due to the internationally important numbers of breeding and non-breeding birds and their coastal habitats.
16. The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) requires the decision maker to undertake an Appropriate Assessment (AA) where there are likely significant effects from the proposal, either alone or in combination with other plans or projects. As I am dismissing the appeal for other reasons, I shall not pursue this matter further because it would not lead me to a different conclusion.

Planning Balance and Conclusion

17. The proposal would be an efficient use of land in a sustainable location; it would also add 3 flats to the housing stock. The refurbishment and extension of the property would be a sustainable way of developing the site without demolishing the building. The proposed homes would benefit from current standards of insulation.
18. However, the harm I have identified to the character and appearance of the area, and to the living conditions of future occupiers, would outweigh these benefits.
19. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, the appeal should be dismissed.

L Francis

INSPECTOR