



Appeal Decision

Site visit made on 9 June 2025

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th July 2025

Appeal Ref: APP/P1560/W/25/3358693

Former Coastguard Clubhouse, Hall Lane, Walton on the Naze CO14 8PY

- 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 Michael Phillips against the decision of Tendring District Council.
 - The application Ref is 24/00726/FUL.
 - The development proposed is the conversion of land and buildings, demolition and extension to provide 2 x self contained dwellings with workspace at ground floor level and associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the living conditions of the occupants of neighbouring residential properties, with particular regard to outlook and privacy;
 - the effect of the proposed development on the character and appearance of the surrounding area; and
 - whether a satisfactory standard of accommodation would be provided for future occupants, with particular regard to privacy.

Reasons

Living conditions

3. An existing residential development lies to the immediate east of the appeal site. This development contains two storeys of west-facing windows (towards the appeal site). Associated garden areas exist between that development and the appeal site. These are relatively small, enclosed by existing boundary treatments.
4. The proposed development would rise to two storeys along much of its length, reaching a ridge height of approximately 7 metres. While this height is comparable to the existing two-storey element on the site, the new built form would extend across a significantly larger portion of the site. It would also exceed the eaves height of the adjoining residential development to the east. This increased massing would be positioned between approximately 9.8 and 13.2 metres from the neighbouring building and approximately 3.7 metres from its garden areas.

5. I accept that those existing garden areas would be retained and that some effort has been made to articulate the design of the proposed development, including its roof profile, to reduce the impact on neighbouring sites. However, the combination of the proposed development's scale and relatively limited separation distance would further enclose the small rear garden areas of those properties, resulting in an unpleasant overbearing presence. Consequently, existing and future occupiers of the neighbouring development would experience an oppressive sense of enclosure when using their rear garden areas. That those gardens are shared, and that no neighbour objections have been received, does not mitigate this impact.
6. In respect of overlooking, windows proposed in the rear elevation of the proposed development would be positioned directly towards established properties to the east. However, these are indicated as being high-level. Moreover, they would serve rooms with multiple windows and could be conditioned to be fitted with obscured glazing without compromising the internal standard of accommodation. Consequently, there would be no harmful overlooking as a result of the proposed development. The absence of harm in relation to overlooking does not outweigh the identified harm in respect of overbearing effects.
7. Overall, I conclude that the proposed development would harm the living conditions of the occupiers of neighbouring residential properties. This would be contrary to the relevant provisions of policies SP7 and SPL3 (Part C) of the Tendring District Local Plan 2013-2033 and Beyond (LP). These policies, in summary, seek to protect residential amenity. This is in a similar vein to the objectives of the National Planning Policy Framework (the Framework) insofar as residential amenity is concerned.

Character and appearance

8. The appeal site comprises an L-shaped complex of predominantly single-storey buildings, with a small two-storey element at its centre. From public vantage points, the existing buildings exhibit a utilitarian character. The surrounding area features buildings of varied scales, styles and periods, resulting in significant architectural diversity along Hall Lane and within the wider area.
9. The proposed development involves the partial demolition, conversion and extension of the existing complex. The resulting structures would be substantially larger, with increased height and bulk compared to the current buildings. They would also incorporate additional materials, such as timber cladding. However, these materials are already present within the wider area, where no single material dominates. While the proposed development would alter the site's appearance and increase its prominence within the street, this change would not be harmful. The proposed development, taken as a whole, would not appear out of character in this varied suburban area.
10. The Council's heritage specialist has identified the Former Coastguard Clubhouse as a non-designated heritage asset (NDHA). I accept that the buildings do possess some historical and architectural interest, principally due to their connection with the nearby Old Lifeboat House. Paragraph 216 of the Framework sets out that 'In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'. The Council has

concluded that some harm would result from the proposed development, but that the public benefits of the scheme would outweigh this.

11. In considering the plans before me, I acknowledge that the proposed development would result in a notable degree of change, including the loss of part of the existing structures. However, the scheme would deliver clear public benefits, including the re-use of the long-vacant buildings, the contribution of two additional homes to housing supply in the district, and the provision of workspace in a sustainable location. Further benefits would include employment opportunities during the construction phase. I agree with the Council's findings in respect of the NDHA.
12. Overall, I conclude that the proposed development would have an acceptable impact on the character and appearance of the surrounding area. It would comply with the relevant provisions of LP policies SP7, SPL3 and LP4. These policies, in summary, seek to ensure high-quality design in development that maintains or enhances local character and distinctiveness. This is in a similar vein to the provisions of the Framework insofar as good design is concerned.

Standard of accommodation

13. Whilst the communal garden area of the proposed dwellings may experience some overlooking from nearby residential properties, this would not be unacceptable in this suburban location, which has developed 'organically' over time, and where similar such arrangements are common.
14. Overall, the proposed development would provide an acceptable standard of accommodation for future occupiers, in accordance with the relevant provisions of LP Policies SP7 and SPL3 (Part C). These policies, in summary, seek to ensure satisfactory standards of accommodation. This is in a similar vein to the provisions of the Framework insofar as residential amenity is concerned.

Other Matters

15. The appeal site is located within the wider surroundings of Grade II listed buildings, Old Lifeboat House and Thatched Cottages at Corner of Green Lane. Mindful of the statutory duty set out in s66(1) of the Act, I have had special regard to the desirability of preserving their settings. The built backdrop of these buildings positively contributes to their significance. Nevertheless, given the location and extent of the proposed development, I consider that it would preserve the settings of these listed buildings and the contribution they make to their significance.
16. That the building has not been used since 2015 is not reason to automatically accept development at this site, particularly as I have no substantive evidence to demonstrate efforts to market the building. This matter has not led me to an alternative conclusion on the main issues.

Conclusion

17. For the reasons given above, having taken account of the development plan as a whole, the approach in the Framework, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

A Price

INSPECTOR