



Appeal Decision

Site visit made on 17 October 2025

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 October 2025

Appeal Ref: APP/P1560/W/25/3369473

The Tavern, 55-57 Frinton Road, Holland on Sea, Essex CO15 5UH

- 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 Aaron Smith of Anglia Holland Pub and Clubs Ltd against the decision of Tendring District Council.
 - The application Ref is 25/00257/FUL.
 - The development proposed is the erection of an extension to the roof to accommodate a 2-bedroom apartment. Raising parapet walls of existing building by 0.6m.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the proposed development on
 - the character and appearance of the area,
 - highway safety with particular regard to car parking provision, and
 - whether cycle parking provision and arrangements for waste storage and recycling facilities would be adequate.

Reasons

Character and appearance

3. Holland on Sea is a largely residential area close to the coastline with long roads fronted by well-ordered rows of houses and bungalows. Frinton Road is one of the principal routes through the settlement and has a mixed-use character. In the area of the appeal site, it is fronted by rows of residential and commercial buildings of mixed proportions, forms and appearances. Building heights are broadly comparable with most extending across 2 storeys with either flat or pitched roofs, together with the occasional 3 storey building and some rows of bungalows.
4. The appeal building is a wide fronted 3 storey building with a flat roof. It is set within a row of predominantly 2 storey buildings, some with flat roofs and others with pitched sloping roofs often with accommodation in roof spaces. The other 3 storey flat roofed buildings in the area tend to be located further to the west, beyond the junction with Kings Avenue, and with little intervisibility with the appeal property.
5. Although much taller than the nearby flat roofed buildings in the row, the height of the appeal building's roof is more or less comparable to the ridge levels of the

pitched roofed 2 storey buildings in the same row. However, its relatively tall and wide 3 storey front wall and deep flank walls give it a considerably greater elevated massing in street level views and a markedly more imposing presence in the street scene.

6. In a range of street level views along Frinton Road, the height and massing of the proposed extension's façade and flank elevations would be clearly visible projecting well above the pitched and flat roofs of the buildings in the row. The relatively simple geometric form of the proposed extension would be reflective of the form of the host building and other flat roofed buildings in the area. Its largely glazed external walls would help differentiate it from the masonry walling of the existing building.
7. However, its recessed outer walls would have a limited effect in reducing its obvious prominence and scale set high up on the roof of the host building. Consequently, the elevated scale and massing of the proposed extension would result in the appeal building looming large and dominant in the Frinton Road street scene. It would therefore be harmfully out of keeping with the heights and proportions of the existing buildings in the street scene.
8. In views from Colchester Road the proposed extension would be glimpsed across long viewing distances and through relatively narrow gaps between the roofs of bungalows, rather than above them. From those viewing perspectives it would not be harmful to the appearance of the Colchester Road street scene. However, that would not alter its harmful effect in views from Frinton Road.
9. Whilst the appellant states that raising the existing masonry parapet walls of the appeal building would be necessary for other reasons, the effect of that alone would not be comparable to the appeal proposal. I have necessarily assessed the totality of the appeal proposal on the drawings before me.
10. For those reasons I conclude that the appeal proposal would cause significant harm to the character and appearance of the area, contrary to Policy SP7 of the Tendring District Local Plan 2013-2033 and Beyond, Section 1, Adopted January 2021 ("the TDLP1"), insofar as it seeks high standards of design that respond positively to local character and context, and Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond, Section 2, Adopted January 2022 ("the TDLP2"), insofar as it requires alterations to a building to be well designed and to maintain local character and relate well to its surroundings particularly in relation to height, scale and massing.
11. For those same reasons the proposed development would not accord with paragraph 135.c) of the National Planning Policy Framework ("the Framework") insofar as decisions should ensure developments are sympathetic to local character, including the surrounding built environment. As the appeal proposal would not be consistent with the overall street scene, the Framework's support in paragraph 125 for using the airspace above buildings for upwards extensions, including to provide homes, carries limited weight in favour of the appeal scheme.

Highway safety

12. The proposed development would not be served by any on-site car parking. Policy SPL3 of the TDLP2 requires development to make adequate provision for vehicle and cycle parking, and safe and practical access to the highway network. The

Council and the appellant refer to local planning guidance in the form of the Essex Parking Guidance Part 1: Parking Standards Design and Good Practice 2024 ("the EPG"). The extracts from the EPG indicate a minimum provision of 2 on-site car parking spaces to serve the proposed development plus an additional 0.25 visitor spaces.

13. If the extant planning permission for 7 x 2 bedroomed flats/houses at the appeal property was built out in combination with the appeal development, there would be some 8 x 2 bedroomed residential units served by 5 car parking spaces. Based on the approved layout there appears to be little scope for increasing car parking provision on the appeal site.
14. However, the Council has not clearly articulated why the level of parking provision for the totality of those developments would be detrimental to highway safety. Whilst my site visit can only represent a snapshot of traffic and parking conditions in the area, I saw that on-street parking along Frinton Road was generally restricted by time limited bays and by double yellow lines along sections of the road and around the junctions with nearby roads. The dwellings fronting this part of Frinton Road appeared to be mostly served by driveways with off-street parking.
15. Not owning a car would appear to be a realistic option for future occupants of the proposed development given the opportunities available to prioritise travel by sustainable modes of transport. The appeal site is a short walk from services and facilities, including sizeable convenience shops. Bus stops are a short walk away and based on my observations of the displayed timetables would provide access to a wider range of facilities and services in Clacton. This appears consistent with the area's moderate level of connectivity as stated by the Council.
16. Given the size of the appeal development the likely level of car ownership, should there be any, would be expected to lead to a very small increase in the current demand for on-street parking in the area. In my view it cannot be assumed that future residents or their visitors would deliberately park in restricted bays for longer than allowed or park dangerously around junctions. If the cars of future occupiers of the appeal development or their visitors were parked in the on-street spaces provided on Frinton Road, there should be no additional risk to highway safety over and above what exists now. There are actions that can be taken outside of the planning process by the relevant authorities to address parking in restricted areas.
17. The cars owned by future occupants of the proposed development and their visitors might be parked on nearby residential side streets where parking appeared largely unrestricted. However, the homes on those streets generally had off-street parking, leaving a good number of spaces available for car parking. The situation might be different during the evenings and weekends when residents are more likely to be home. However, there is no substantive evidence before me that those streets suffer a high level of parking stress that would be materially exacerbated by the appeal development to the detriment of highway safety.
18. Based on the evidence before me and my observations at my site visit, I conclude that the proposed development either alone or in combination with the approved development at the appeal property would not be harmful to highway safety, with particular regard to parking. As such, an absence of parking provision for the appeal development would not be contrary to Policy SPL3 of the TDLP2, the

requirements of which are set out above. For the reasons given above, insofar as there would be a conflict with the technical quantitative parking standards in the EPG, it would not weigh against the appeal development in this instance.

19. The Framework requires factors such as the type and use of a development and opportunities for public transport to be taken into account in determining the adequacy of parking provision. In that context, I do not read the Framework as mandating on-site parking for all developments. For the reasons given above the appeal development would not have an unacceptable impact on highway safety and therefore I find no conflict with Framework paragraph 116.

Cycle parking

20. The Council refers to the provision of cycle parking failing to accord with the EPG, which the main parties agree requires 1 cycle space per residential unit. In my experience, cycles are relatively awkward to carry. In my judgement, it would not be practical or convenient for most future occupiers of the proposed development to carry a cycle up and down the appeal building's stairs, resulting in a poorly functioning development that would deter cycling.
21. The extant planning permission secured cycle parking within the ground floor lobby area just inside the entrance from the Frinton Road frontage. However, there is finite space in that lobby and the details before me are insufficient to demonstrate that it would have adequate space to accommodate the parking of cycles by future occupiers of the proposed apartment together with those of the extant approved development. No details of the proposed cycle rack storage system are before me. As such, it would result in a poorly functioning development that would deter future occupiers from making journeys by cycle. It would not be acceptable to defer this matter to a planning condition as I am not satisfied on the evidence before me that adequate cycle parking is achievable.
22. Cycling is a valuable mode of sustainable transport, particularly to access destinations beyond convenient walking distances and journey times, and potentially those not close to bus stops. However, as the appeal site is within a short walk of nearby services and facilities, including bus services, cycling is not the only means of sustainable transport available to future occupiers, and this reduces the harm arising from the inadequate cycle storage provision to a minor degree.
23. For those reasons the inadequate storage provision for cycles would deter cycling journeys and result in a poorly functioning development for future occupiers, contrary to the EPG and Policy SPL3 of the TDLP2, insofar as it requires development to make adequate provision for cycle parking. For those same reasons the proposed development would be contrary to Framework paragraphs 109 and 117 insofar as they require development to give priority first to pedestrian and cycle movements, and second to high quality public transport and pursue opportunities to promote cycling. It would also be contrary to Framework paragraph 135 insofar as it requires development to function well, with a high standard of amenity for future occupiers.

Waste storage and recycling facilities

24. The walking route between the proposed apartment and the bin storage area would not be unreasonably long for most future occupiers of the proposed

development. It is not unusual for occupants of upper floor apartments to carry waste and recycling down flights of stairs and deposit it in bins. They would be expected to carry their shopping up the stairs. The outdoor part of the route is hard surfaced, generally level and within the appellant's control. The frequency of trips could be increased to reduce the size and weight of recycling and waste that would need to be carried down the stairs in any one trip.

25. Consequently, arrangements for waste storage and recycling facilities would not, in my judgement, be impractical or inconvenient for the future occupants of the proposed development. For those reasons I find no conflict with Policy SPL3 of the TDLP2, insofar as it requires adequate waste storage and recycling facilities.

Other Matters

26. The proposed development would cause significant harm to the character and appearance of the area. Cycle storage provision would be inadequate and would deter cycling and result in a poorly functioning development. This would result in conflict with Policy SP7 of the TDLP1, and Policy SPL3 of the TDLP2. Those policy conflicts bring the development into conflict with the development plan as a whole and is a matter of substantial weight against the appeal development.
27. The Council's current housing land supply and delivery mean that Framework paragraph 11 is not relevant in this instance. Nonetheless, there is no ceiling on housing supply, and the appeal scheme would make a small but beneficial contribution to the supply of housing in a location close to services and facilities, and where housing is supported as a matter of principle by the Council's development plan. It would meet internal space standards and would be highly insulated to reduce energy usage and carbon emissions.
28. Those benefits of the appeal scheme accord with the Framework's support for boosting housing supply, including through using air space above buildings to increase densities, and developing small sites in settlements for housing that can be built out quickly. The proposal would deliver economic, social and environmental gains. However, the Framework is clear that the creation of high quality places is fundamental to what the planning and development process should achieve and is a key aspect of sustainable development. The Framework states that development not well designed should be refused, which is the case in this appeal.
29. The policies of the TDLP1 and TDLP2 that the appeal development would conflict with are consistent with the Framework's encouragement to use land efficiently to deliver homes whilst creating high quality places. The conflict with the development plan carries substantial weight against the appeal proposal and is sufficient to outweigh its cumulative benefits.
30. I am advised that the appeal site lies within the zone of influence of the Essex Estuaries Special Areas of Conservation (SAC). However, as I am dismissing the appeal for other reasons, no harm would arise to the protected habitats sites, and I need not consider this matter any further as it would not alter the outcome of the appeal. Being mitigation, this contribution would be a neutral factor that would not weigh in favour or against the proposal.

Conclusion

31. For the reasons given above, I conclude that the proposed development conflicts with the development plan as a whole. The material considerations, including the provisions of the Framework, do not indicate that the appeal should be decided other than in accordance with the development plan. The appeal should be dismissed.

G Sylvester

INSPECTOR