



Appeal Decision

Site visit made on 15 October 2025

by **David Murray** BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 November 2025

Appeal Ref: APP/P1560/W/25/3370321

8 Harold Road, Frinton On Sea, Essex, CO13 9BE

- 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 Sean Spencer against the decision of Tendring District Council.
 - The application Ref is 25/00671/FUL.
 - The development proposed is the demolition of existing fire damaged 1 1/2 storey dwelling and replacement with 2 1/2 storey self-build dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Some neighbours question the demolition of the existing fire damaged house and ask whether it could be repaired and reused but this is not an issue that can be dealt with in the planning application for a replacement dwelling. It is also alleged that some of the amenity land shown as garden on the submitted block plan encroaches onto neighbouring land. However, the details of this do not affect the actual siting of the proposed new house itself and any other difference over property boundaries and possible encroachment is a private matter for the respective land-owners to resolve.

Main Issues

3. The main issues are:
 - The effect of the replacement dwelling on the character and appearance of the area; and
 - The effect on the living conditions of the occupiers of adjacent residential properties.

Reasons

Background

4. Harold Road lies to the rear of and parallel with the Esplanade (sea front road) at Frinton-on-Sea. The appeal site contains a chalet bungalow with two floors of accommodation lit by two large triangular gables at the front and a small box dormer on the rear. There is also a single storey attached garage at the side. The building is presently unoccupied as it has been ravaged by fire and much of the roof is missing.

5. It is proposed to demolish what remains of the property and construct a replacement dwelling as a 'self build'. This would have a 2.5 storey form with the upper floor lit by two small dormer windows on the front and two large box dormers on the rear elevation. The garage would also be replaced with a 2.5 storey element of the house with an integral garage.

Effect on character and appearance

6. The site lies outside but adjacent to the Frinton and Walton Conservation Area where the rear boundary of the site adjoins the boundary of the Conservation Area. The significance of the Conservation Area is set out in its Character Appraisal and Management Plan.
7. In terms of the local street frontage along the south-east side of Harold Road there is a range of building heights and forms with a 3.5-storey block of flats to the south-west and with the adjoining property No.6 being 2.5/3 storeys. On the other side of the appeal site No's 10 and 12 are more traditional two storey houses. The relative heights and designs are reasonably shown on the proposed street scene elevations submitted by the appellant.
8. Although the height of the new house would sit comfortably in the street scene and would relate well to the other properties, I am concerned about the spread of three floors of development across most of the site. The existing single storey garage results in some space above it which provides a meaningful visual gap to the adjacent property No.10 and this is consistent with the other gaps around and between neighbouring properties, including the flats. This visual gap would largely be lost with the proposed scheme and the bulk of building envisaged would have an undesirable and imposing effect on the local street scene. I recognise that the internal garage and floors above have been designed with a minor set-back from the front elevation and a set down of the roof, but the bulk of the structure, including the scale of the dormer window in the roof would still result in a visually imposing bulk of building across the site. The proposal would therefore not result in a visually attractive development in the context of paragraph 135(a) of the National Planning Policy Framework (the Framework) which seeks to achieve well designed places.
9. In terms of the relationship with the land in the Conservation Area, viewed from the Esplanade there would be only very limited glimpses of the proposed house in the gaps between the existing frontage properties and this very limited impact would not be harmful to the character or appearance of the Conservation Area when appreciated around the Esplanade.
10. I also visited the rear garden of No.19 The Esplanade at the request of the occupiers and considered the effect of the proposal from ground level within the garden. This garden area lies in the Conservation Area. Some of the view of the proposed house from this area would be screened by the existing vegetation close to the party boundary and by the roof of a large double garage situated at the rear of No.19. However, the new second floor roof with large dormer windows would be seen over a gap in the hedge and the screening effect of vegetation cannot be relied on in perpetuity. Although the view from the garden is a private rather than a public one, from this part of the Conservation Area the bulk of new building at second floor level and the large expanse of dormer windows would be visually imposing and would harm the setting of this designated heritage asset.

11. Overall on this issue I find that the bulk of the dwelling proposed and its spread across the site, together with the degree of fenestration at second floor level, would dominate and appear out of place in the local street scene in Harold Road. It would also harm the setting of the Conservation Area when viewed from the south-east although this harm would be less than substantial. As the development would not make a positive contribution to the quality of the local environment and protect or enhance local character it would conflict with Policies SP7, SPL3 and PPL8 of the Council's Local Plan (sections 1 and 2).

Effect on living conditions

12. The Council's objection on this issue is about the relationship with No.10 Harold Road and the occupiers of that property also raise objection to the proposal. The concern is about the effect of the close proximity of the new flank wall of the proposed house causing a loss of light to existing windows in the flank wall of No.10. Although secondary windows, the neighbour says these provide much light to the main bedroom at first floor and to the lounge and dining room at ground floor.
13. The proposal needs to be compared with the present arrangement where the side wall of the existing garage is about one metre from the party boundary but the garage is a single storey structure. There is also a 1.8m high screen fence along the boundary. The proposal is to site the new house closer to the boundary. It is difficult to be precise about the actual position as the submitted block plan is not dimensioned but it appears to be about half of the present gap. Moreover as the bulk of new flank wall would be 2.5 storeys high, the close proximity of this building mass would materially reduce the light to the existing flank windows even though they perform a secondary function to the main windows of each room.
14. On the evidence put to me and my observations at the site visit I find that the scale and bulk of new building proposed and its close proximity to the party boundary with No. 10 would be overbearing and would have a harmful effect on the living conditions of the occupiers of that property. On this basis the proposal conflicts with the provisions of Policy SP7 (final bullet point) and Policy SPL3 (part B(e)).

Other matters

15. The occupiers of No. 19 the Esplanade also raise objection on the grounds of overlooking and loss of privacy. The relationship between the two properties is discussed in paragraph 10 above under a different issue. I have taken account of the present arrangement of windows at first floor in the current house. Even though there is quite a distance between the two properties, the degree of additional fenestration at both first and second floor level would give rise to a material degree of overlooking and loss of privacy which would harm the living conditions of the occupiers of No.19.

Planning balance

16. It is in the public interest that the replacement or refurbishment of the existing fire damaged property is resolved soon. However on the main issues I have found that the scale and bulk of the replacement dwelling proposed would dominate and appear out of place in the local street scene. Moreover, the bulk and design of the new dwelling, including the degree of fenestration on the rear elevation would harm the setting of the Conservation Area viewed from the residential gardens to

the south-east. The scale and siting of the proposed house and its proximity to the party boundary with No.10 would harm the living conditions of the occupiers of this property. The rear facing fenestration would also cause overlooking and a loss of privacy to the occupiers of 19 the Esplanade.

17. The proposal therefore conflicts with the provisions of the development plan mentioned above. This has to be balanced with other considerations.
18. The Framework and the Local Plan give general support for self-build homes as a contribution to delivering housing supply. I also understand that the scheme submitted was arrived at following pre-application advice and negotiations with Council officers. However I find that the positive aspects of the scheme are limited. The less than significant harm that would be caused to the heritage asset is not outweighed by the public benefit of securing the early replacement of the fire damaged building.
19. Overall the proposal conflicts with the relevant provision of the development plan and national guidance, when these are both read as a whole, and this is not outweighed by other considerations. The appeal should therefore not succeed.

Conclusion

20. For the reasons given above the appeal should be dismissed.

David Murray

INSPECTOR