



Appeal Decision

Site visit made on 10 February 2026

by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB

an Inspector appointed by the Secretary of State

Decision date: 23rd February 2026

Appeal Ref: APP/P1560/W/25/3365136

17 Pepys Street, Harwich, Essex CO12 3HG

- 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 Hurst against the decision of Tendring District Council.
 - The application Ref is 25/00139/FUL.
 - The development proposed is described as 'change of use of from dwelling house to 2 duplex dwellings'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would accord with the Council's development plan strategy for flood risk; and
 - the effect of the proposal on the living conditions of future occupiers with regard to outlook, light, private amenity space and internal space.

Reasons

Flood risk

3. The site is located within Flood Zone 3, and therefore at greatest risk of flooding. As the proposal is for conversion to 2 dwellings, the use is more vulnerable in the terms of the National Planning Policy Framework (Framework). Policy PPL 1 of the Tendring District Local Plan 2013-2033 and Beyond Section 2 Adopted 25th January 2022 (LP) states that all development classified as "More Vulnerable" or "Highly Vulnerable" within Flood Zone 2 and 3 should set finished floor levels 300mm above the known or modelled 1 in 100 annual probability (1% AEP) flood level including an allowance for climate change.
4. The Flood Risk Assessment and Technical Note submitted by the Appellant indicates that the finished floor level will be set at the current level and the finished floor level of the building is raised approximately 3 feet above street level.
5. Finished floor levels are not indicated on the submitted drawings. However, from the evidence before me and my observations during the site visit, the finished floor level of first floor of the existing building is above the street level, as indicated by steps leading to the front door from the street. However, the ground floor level is

significantly below street level, as shown by the existing door in the rear elevation at a lower level than the front door.

6. Therefore, while I note the evidence regarding local flood defences and mitigation measures such as flood resilient construction measures and the Environment Agency's Flood Warning Service, the proposal would conflict with LP Policy PPL 1.
7. Consequently, the proposal would not accord with the Council's development plan strategy for flood risk.

Living conditions

8. The proposed Flat A would consist of a kitchen and bathroom at ground floor and a bedroom at first floor as annotated on the submitted drawings. However, as the first floor would be accessed from street level, the ground floor would be significantly below street level. The existing bedroom at this level would be the proposed reception room, utilising the existing windows. There is a high level window on one side that would offer very limited outlook towards street level. On the other side of the room would be a window that is in close proximity to the boundary wall, also offering very limited outlook.
9. In terms of light, as the high level window has a limited height, and the other window is sited in close proximity to the boundary wall, the space receives little daylight or sunlight. Accordingly, the proposal would not provide satisfactory living conditions for future occupiers with respect to outlook and light.
10. In terms of private amenity space, the ground level of the area to the east of the site is significantly below street level. As the space is surrounded by high walls, there is limited outlook from within the private amenity space. Moreover, the area is close to the street, and the wall at street level is a limited height such that there would be close up views from the street into the private amenity space. Accordingly, the proposal would not provide suitable living conditions for future occupiers with regard to private amenity space.
11. The building is currently a four-bedroom dwelling with a capacity to accommodate a seven person household, whereas the proposed one-bedroom dwellings would be unlikely to accommodate families. The private amenity space may not be suitable for a large family that could occupy the existing single family dwelling. However, this does not justify inadequate living conditions for future occupiers with regard to private amenity space.
12. Turning to internal space, the internal areas would not accord with the requirements of LP Policy LP3(b) which requires residential development to comply with the government's latest 'Technical housing standards - nationally described space standard'. While the individual rooms may be a sufficient size to meet the needs of future occupiers, there would be very limited circulation space between the rooms such that the overall internal area of the flats would not provide a high standard of amenity for future occupiers.
13. Consequently, the proposal would fail to provide suitable living conditions of future occupiers with regard to outlook, light, private amenity space and internal space. Therefore, it would conflict with LP Policies SPL3, LP4 and LP3 which together seek, among other things, seek development that ensure adequate daylight, outlook and privacy for future residents, provide private amenity space of a size

and configuration that meets the needs and expectations of residents, and comply with the government's latest 'Technical housing standards - nationally described space standard'.

Planning Balance

14. The Council is unable to demonstrate a five-year supply of housing. The current housing supply figure is around 3.22 years. Therefore, the provisions of paragraph 11dii of the Framework is engaged.
15. The proposal would contribute a single dwelling to the local housing supply. There maybe temporary economic benefits during the construction phase and future occupiers may contribute to the local community. I attribute limited weight to these benefits commensurate to the limited scale of the proposal.
16. The scheme would not accord with the Council's development plan strategy for flood risk and would not provide suitable living conditions for future occupiers with respect to outlook, light, private amenity space and internal space. Given the harm identified, I attribute significant weight to these adverse effects.
17. Accordingly, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole.

Other Matters

18. I note the evidence regarding enforcement action and housing legislation. However, this does not override the harm identified.
19. The site lies within the Zone of Influence of Stour and Orwell Estuaries RAMSAR and Special Protection Area. As the existing building is a four bedroom house, and the proposal is for two one-bedroom dwellings, the proposal would not increase the number of occupiers. Accordingly, the scheme would not result in a likely significant effect on the habitats sites. In any event, as I am dismissing the appeal for other reasons, this matter has not altered my overall decision.

Conclusion

20. For the reasons given above, the proposed development would conflict with the development plan as a whole and in the absence of material considerations to indicate otherwise, the appeal is dismissed.

R Sabu

INSPECTOR