

Appeal Decision

Site visit made on 27 September 2016

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 October 2016

Appeal Ref: APP/D1590/W/16/3151252

The Rifle Shed, Rampart Street, Shoeburyness, Southend on Sea SS3 9GE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr P Bahri against the decision of Southend on Sea Borough Council.
 - The application Ref 15/02071/FUL, dated 14 December 2015, was refused by notice dated 1 April 2016.
 - The development proposed is to convert existing building into dwellinghouse, erect single storey side extension, layout parking to front and form vehicular crossover to Parade Walk.
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Decision

1. The appeal is allowed and planning permission is granted to convert existing building into dwellinghouse, erect single storey side extension, layout parking to front and form vehicular crossover to Parade Walk at The Rifle Shed, Rampart Street, Shoeburyness, Southend on Sea SS3 9GE in accordance with the terms of the application, Ref 15/02071/FUL, dated 14 December 2015, subject to the conditions set out in the attached schedule.

Preliminary Matter

2. The description of development used above is taken from the Council's decision notice since it more fully describes the proposal.

Main Issues

3. The main issues are the effects of the proposal on:
 - the character and appearance of the Shoebury Garrison Conservation Area;
 - the living conditions of future occupiers with particular regard to the standard of accommodation offered.

Reasons

Character and Appearance

4. The appeal property is a vacant lean-to building attached to the very substantial former garrison wall which forms the northern boundary of the Conservation Area. Notwithstanding the simplicity and modest scale of the building, it contributes positively to the heritage asset. Whilst the top of the roof can be seen from Rampart Street, no alterations are proposed to that element of the building.
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5. The proposed extension would be visible from Parade Walk and the seafront footpath. This part of the Conservation Area has undergone significant change with the erection of a series of contemporary four storey residential blocks as well as two storey dwellings of more traditional design. The contemporary blocks have flat roofs and feature brick and timber cladding and large glazed openings. Nevertheless their scale and wide, formal spacing reflects something of the character and layout of the original garrison buildings which give the heritage asset its special interest.
6. The setting for the proposal, therefore, includes structures with a range of ages, architectural styles and materials. The proposed extension would be positioned against the garrison wall and set back from the front wall of The Rifle Shed. The flat roof would be below the eaves level of the existing building. Its scale and siting would, therefore, be subservient to the existing building. The extension would also have a negligible effect on the openness of the area. The flat roof and extensive glazing in the walls would give the extension an unmistakably contemporary appearance. Whilst this would contrast with the existing building, the extension would be visually lightweight and its form and materials would reflect the adjoining residential block. As such, I consider that it would be in keeping with the evolved character of this part of the Conservation Area.
7. The proposal would also create two parking spaces at the end of Parade Walk, as well as external areas around the new dwelling which would need to accommodate domestic paraphernalia including refuse and recycling storage. However, the boundaries could be defined by planting and a condition used to withdraw permitted development rights for the erection of other means of boundary enclosure. I see no reason why an appropriately designed landscape scheme, including the surfacing of the parking areas, and a discretely sited refuse and recycling store would impact on the openness of the space around the building. These matters could be secured by condition.
8. Consequently, I conclude that the proposal would preserve the character and appearance of the Conservation Area. As such, it would meet the requirements of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraph 131 of the National Planning Policy Framework (the Framework). Furthermore, the proposal would secure a viable use for the building in accordance with Framework paragraph 126. It would also accord with Policies KP2 and CP4 of the Council's Core Strategy 2007 to the extent that these policies require proposals to contribute to a high quality sustainable environment and to conserve and enhance heritage assets.
9. The proposal would also comply with Policies DM1 and DM5 of the Council's Development Management Policies 2015 (DM). Among other things, these policies require proposals to conserve and enhance heritage assets, as well as respecting the character of the site and its surroundings in terms of height, scale, form, layout, materials and detailing and to contribute positively to the space between buildings. Nor would the proposal conflict with the Council's Design and Townscape Supplementary Planning Document 2009 insofar as it has similar aims.

Living Conditions

10. Policy DM8 of the DM sets out requirements for the internal environment of new dwellings, including space standards. However, the Council has adopted

the Technical housing standards – nationally described space standard (NDSS) and they, therefore, supersede the space standards set out in Table 4 of the DM. Amongst other things, the NDSS require double bedrooms to have a minimum floor area of 11.5 sqm. The bedroom in the proposed dwelling would have a floor area of 10.1 sqm according to the Council, or 10.75 sqm according to the appellant. In any event, the shortfall is relatively small and the application drawing shows that the room could accommodate a double bed. I also note that the dwelling would have two reasonably sized built in storage areas in the basement which could provide wardrobe space.

11. Having regard to these considerations, I find that the benefit of the proposal in providing a new use for a vacant building within the Conservation Area, outweighs the small shortfall in the size of the bedroom and the minor conflict with DM Policy DM8 and the NDSS.

Other Matters

12. Further concerns have been expressed locally. With regard to the privacy of neighbouring occupiers, there are no ground floor windows in the residential block adjoining the appeal property. Views from the new dwelling to the first floor windows in this block would be at an oblique angle both horizontally and vertically. As such, I consider that they would not materially affect the privacy of neighbouring occupiers.
13. The two parking spaces proposed would be accessed from a new crossover at the end of Parade Walk. This section of the road acts as a turning head and also gives access to No 31. In this respect the proposed access would be similar to the access to No 31. There is no substantive evidence to show that the existing arrangement has led to highway safety problems. Given the relatively small number of vehicle movements likely to be generated by a one bedroom dwelling, I consider that the proposal would not pose a risk to pedestrian or highway safety or convenience.
14. It has been suggested that the appeal property is the subject of a covenant which controls its use. However, my decision is made under planning legislation and is separate from any property law restrictions which may exist.
15. Whilst the application address is given as Rampart Street, I have taken into account that access would be from Parade Walk and that the site is within the Conservation Area.
16. The proposed works would need to be the subject of a Building Regulation application. Compliance with Part M of the Regulations (access to the building) and the structural stability of the works to form the basement would be dealt with under that process.
17. Concern has also been expressed regarding the behaviour of the appellant towards neighbouring occupiers. However, my decision is based on the planning merits of the proposal.

Conditions

18. The Council has suggested a list of eight conditions. With amendments, I consider that they meet the tests set out in the Planning Practice Guidance. A condition specifying the approved plans is necessary in the interests of certainty.

19. Conditions requiring further approval of external materials, hard and soft landscaping and refuse and recycling facilities are all required to safeguard the character and appearance of the area. It has not been adequately demonstrated that biodiversity enhancements are necessary. Therefore, I have omitted that part of suggested condition 6.
20. Exceptionally in view of the site's open location within a Conservation Area, conditions withdrawing permitted development rights for the construction of extensions, roof extensions and alterations, porches on the building, painting the building, the erection of outbuildings within the curtilage and the erection of means of enclosure are required to protect the character and appearance of the area. A condition to ensure the provision of the proposed parking spaces prior to the occupation of the dwelling is necessary in the interests of highway safety.

Conclusion

21. For the reasons set out above, the appeal should be allowed.

Simon Warder

INSPECTOR

Schedule of conditions attached to

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The Rifle Shed, Rampart Street, Shoeburyness, Southend on Sea SS3 9GE

- 1) The development hereby permitted shall begin no later than three years from the date of this decision.
- 2) The development shall be carried out in accordance with the following approved plans: 2326/01, 2326/02, 2326/03 and 2326/04
- 3) No development shall take place until samples of the materials to be used on all the external elevations and on the external parking area have been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The approved hard landscaping works shall be carried out prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development, unless otherwise agreed in writing by the local planning authority. These details shall include:
 - i. proposed finished levels or contours;
 - ii. hard surfacing materials;
 - iii. minor artefacts and structures (e.g. street furniture, loggia, bollards, play equipment, refuse or other storage units, signs, lighting, etc.)
 - iv. details of details of the number, size and location of the trees, shrubs and plants to be planted together with a planting specification, details of the management of the site, e.g. the uncompacting of the site prior to planting, the staking of trees and removal of the stakes once the trees are established and tree protection measures to be employed during demolition and construction.

- 5) Prior to the occupation of the dwelling hereby approved, details of refuse and recycling collection and storage facilities (including collection day arrangements) shall be submitted to and approved in writing by the local planning authority. The approved refuse and recycling storage facilities shall be provided prior to the first occupation of the dwelling.
- 6) Notwithstanding the provisions of Classes A, B, C, D and E of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order 2015 (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force), no extensions, roof extensions or alterations, porches on the building, or outbuildings within the curtilage shall be erected at the site unless otherwise agreed in writing by the local planning authority.
- 7) Notwithstanding the provisions of Classes A and C of Part 2 of Schedule 2 to the Town and Country Planning General Permitted Development Order 2015 (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force), the building shall not be painted and no fences, walls or other forms of enclosure shall be erected at the site unless otherwise agreed in writing by the local planning authority.
- 8) Prior to the first occupation of the dwelling hereby permitted, two parking spaces shall be provided as shown on approved drawing 2326/03.