

Appeal Decisions

Site visit made on 12 October 2016

by D J Board BSc (Hons) MA MRTPI

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

Decision date: 01 December 2016

Appeal A Ref: APP/M1520/W/16/3151974

231 London Road, Hadleigh, Benfleet, SS7 2RF

- 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 Castle Investments Limited against the decision of Castle Point Borough Council.
 - The application Ref 16/0069/FUL, dated 29 January 2016, was refused by notice dated 12 April 2016.
 - The development proposed is described as "Fitting out of existing first floor to form 4 No one bedroom flats, lowering of existing main roof and construction of a partial additional floor to the front part of the property to create two further one bedroom flats. 6No flats to be created in total. Alterations at Ground level to create access/egress from the flats, cycle storage, plant room and bin storage together with associated alterations the front and rear elevations (elevation changes also shown on previously approved change of use for ground floor)".
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Appeal B Ref: APP/M1520/W/16/3148804

231 London Road, Hadleigh, Benfleet, SS7 2RF

- 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 Castle Investments Limited against the decision of Castle Point Borough Council.
 - The application Ref 15/0498/FUL, dated 16 June 2015, was refused by notice dated 23 October 2015.
 - The development proposed is described as "Conversion of existing first floor to form 4 No one bedroom flats, provision of an additional floor for a further 4 No one bedroom flats giving a total of 8 No one bedroom flats. Division of ground floor retail space to create two units, one to have sui generis use (Beauty Salon)".
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Decisions

Appeal Scheme A

1. The appeal is allowed and planning permission is granted for fitting out of existing first floor to form 4 No one bedroom flats, lowering of existing main roof and construction of a partial additional floor to the front part of the property to create two further one bedroom flats. 6No flats to be created in total. Alterations at Ground level to create access/egress from the flats, cycle storage, plant room and bin storage together with associated alterations the front and rear elevations (elevation changes also shown on previously approved change of use for ground floor) at 231 London Road, Hadleigh, Benfleet, SS7 2RF in accordance with the terms of the application, Ref 16/0069/FUL, dated 29 January 2016, subject to the conditions in Annex A.

Appeal Scheme B

2. The appeal is dismissed.

Background and Main Issues

3. Following the refusal of Appeal scheme B the design of the scheme was amended. The Council indicate that the design of Appeal scheme A would be acceptable and its reasons for refusal reflect this. Accordingly the main issues are:

Appeal scheme B

- The effect of the proposal on the character and appearance of the area.

Appeal schemes A & B

- The effect of the proposed parking arrangement on highway safety.

Reasons

Appeal Scheme B - Character and appearance

4. To create the units at second floor level the building would be extended. This would be done by using a flat roof addition behind the parapet. This addition would be across the full width and depth of the existing building footprint. Due to the excessive depth an addition to create a three storey building of this scale would appear incongruous in terms of its form and scale. Further, such an addition would appear stark in contrast to the buildings around it.
5. I appreciate that there are some flat roof elements at two storey level but not at three storey level of this size and scale. However, it would be highly visible in the public realm from both the front and rear. Therefore, whilst I note that it would provide additional residential accommodation; this would not outweigh the harm I have identified to character and appearance.
6. I therefore conclude that the proposal would harm the character and appearance of the area. It would be in conflict with policy EC2 of the Castle Point Local Plan (LP) which amongst other things requires a high standard of design in relation to new buildings and extensions that would not harm the character of the surroundings.

Appeals Schemes A & B - Parking provision

7. There is no dispute that the schemes could not provide parking on site for both the commercial floor space and the new residential units. The plans show that four car parking spaces could be provided to the rear of the building. This amount would not provide one space per unit for either of the residential schemes. If the spaces were used by some of the future residents then the occupiers of the commercial unit and other residents would have to find alternative provision. Similarly, if the spaces were used by the ground floor commercial space then there would not be parking available for any of the residential units.
8. The applicable parking standards are contained within policy S5 of the Castle Point Borough Local Plan. The officer report is clear that the provision of eight one-bedroomed flats would require eight car parking spaces and similarly provision of six units would require six spaces. In both cases this amount

- cannot be met on site. Consequently I consider whether there is available on street parking for use by future residents of the development and if there are alternative means of transport available with good public accessibility that would allow the development to be occupied without the need to have a car.
9. The officer's report identifies that the site is located within a 'Primary Shopping Frontage' on London Road. It is in close proximity to other shops and services. It would not be possible to park on the street in front or to the rear of the site. Parking on the surrounding streets is generally controlled or restricted. However, there is a public car park in close proximity to the site. The appellants also point out that there is a bus service accessible close to the site.
10. I accept that provision for all of the residential units could not be made on the site. In addition it is clear that there would be limited options to park on street close to the site. Nevertheless, the site could be accessed means other than private car. In addition services would be available to future residents without the need to use a car. I note that the Council do not consider that use of the nearby car park would be a realistic option. However, it would be close to the site and available should future residents or customers of the commercial unit require parking.
11. Numerically the development would be in conflict with LP Policy S5. However the policy does allow for the consideration of the availability of public car parking for customers of new development. Therefore, overall, I consider that the combination of the site location and access to public transport alongside the availability of on nearby public car parking lead me to the conclusion that, overall, the development could be accessed without the need to use a car and should future customers or occupiers chose to use a car there would not be a significant increase in parking pressure that would lead to a highway safety issue. I therefore conclude that the development proposals in both Appeal A and B would not have a harmful effect on highway safety.

Conditions (Appeal A) and Conclusions

12. I have not been provided with any suggested conditions. For Appeal A conditions are necessary that relate to the standard time limits and a condition regarding the identification of the approved plans is required for the avoidance of doubt. In the interests of the character and appearance of the area a condition to secure appropriate materials would also be necessary.
13. I have found that both Appeal A and Appeal B would not have a harmful effect on highway safety. However, in the case of Appeal B this would not alter or outweigh my findings on character and appearance. Therefore, for the above reasons and having regard to all other matters raised I conclude that Appeal A should be allowed and Appeal B should be dismissed.

D J Board

INSPECTOR

Annex A – Conditions Appeal A

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) No development shall commence until details of the materials to be used in the construction of the external surfaces of the extension and alterations to the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details/samples.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan; Block plan; KS1503458/P20 A; KS1503458/P1.