

## Appeal Decision

Site visit made on 13 November 2016

**by Jonathan Price BA(Hons) DMS DipTP MRTPI**

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

**Decision date: 8<sup>th</sup> December 2016**

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**Appeal Ref: APP/D1590/W/16/3153270**

**30 Thorpedene Gardens, Shoeburyness, Essex SS3 9JB**

- 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 R Golding against the decision of Southend-on-Sea Borough Council.
  - The application Ref 16/00551/FUL, dated 4 April 2016, was refused by notice dated 9 June 2016.
  - The development proposed is to demolish existing bungalow and erect two storey building of four self-contained flats, layout, amenity space, parking, cycle and bin stores and form vehicle crossovers onto St Andrew Road.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. The description of the development is taken from the appeal form as the application was made for the demolition of existing bungalow and construction of five units and later amended to four self-contained flats before the Council's decision, and the appeal relates to this revised scheme.

### Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

### Reasons

4. The proposal relates to a corner plot containing a bungalow. The site is within an area characterised by a network of straight streets of medium-sized frontage housing, mainly of two-storey semi-detached pairs. The area contains some detached houses and is interspersed with some bungalows, chalet dwellings and flats. The immediate area is predominantly of a suburban residential character of quite spacious housing, built to a formal plan and of similar scale. The dwellings, set back to an even building line behind small front gardens along tree-lined streets with long mature gardens to the rear, provide for a pleasantly spacious character and appearance. The housing further to the east is built to a somewhat tighter grain.
  5. The proposed flats would occupy a larger footprint than the current bungalow. The existing bungalow has a long garden similar to those of the houses to its south. St Andrews Road kinks slightly northwards onto its crossing with
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- Thorpedene Gardens. This gives the appeal site a relatively wide frontage compared to surrounding plots which this scheme utilises.
6. At two-storeys the building would clearly be significantly taller than the existing and adjacent bungalows, although the eaves and ridge heights would match the closely adjacent detached dwelling and the semi-detached housing running further south along Thorpedene Gardens.
  7. Whilst a modern design, the development would not be contrastingly contemporary. The gabled elements to the main street frontages, and the staggered hipped roof sections to the rear, do help add some variety to the design and break up its overall massing, whilst reflecting some of the features of the surrounding traditional housing.
  8. The proposed red brick and cream rendered walls, with a red plain tiled roof, would provide an appropriate match to the materials commonly used in the existing housing in this area. The glazed corner treatment would provide the scheme a visual focus to its most prominent element. Balconies are not typical in this area but suitable for flats and those proposed would provide some interest to the design and offer personal outside space for occupiers.
  9. The existing bungalow, and the two single-storey dwellings opposite, provide this immediate area an open appearance. This proposal would mark a significant step-up in scale, height and plot coverage, compared to the existing bungalow, and therefore provide a visually much more dominant development. Whilst the design is intrinsically satisfactory, and picks up on aspects of the surrounding housing, the open aspect and broad projecting frontages onto Thorpedene Gardens and St Andrews Road, would contrast strikingly with the more constrained scale, single aspect character of the surrounding housing.
  10. Whilst the scheme would observe the height and building line of adjacent housing, and an area of open garden space would remain to its rear, it would be of a substantially greater mass and site coverage compared to the surrounding development. Overall, the greater relative site coverage and depth of development within the plot, combined with the substantially greater mass, including the broad projecting northern gable and wide frontages, would result in an overly dominant form of development that would contrast harmfully with the more enclosed suburban character and smaller scale of the neighbouring dwellings.
  11. The development would for these reasons conflict with the objectives of Core Strategy<sup>1</sup> (CS) policies KP2 and CP4, with regard to redevelopment securing a good relationship with, and respecting the scale and character of, the residential neighbourhood where it would be situated. In respect of the requirements of Development Management Document<sup>2</sup> (DMD) Policy DM1 this scheme would not reinforce the local distinctiveness provided by the surrounding suburban housing due to the size, scale, form, massing, density, layout and proportions. This scheme would not comply with DMD Policy DMS 3 which supports the efficient and effective use of land but only provided this would respond positively to local character and, in the case of the redevelopment of bungalows, not create an unacceptable juxtaposition within the street scene that would harm the character and appearance of the area.

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<sup>1</sup> Southend-on-Sea Core Strategy – Development Plan Document One – adopted December 2007

<sup>2</sup> Southend-on-Sea Development Management Document – July 2015

The design of the proposed flats would not follow the advice of the Council's Supplementary Planning Document 1 Design and Townscape Guide over ensuring development is contextually appropriate and complements local character.

12. The area around the appeal site does have a coherently attractive suburban character. However, the occasional example of an uncharacteristic or large extension elsewhere, such the examples given by the appellant of the roof extension at 25 St Andrews Road and the care home conversion at No 18, have no material bearing on the appropriateness of this proposal. Regarding balconies, the acceptability of this scheme does not turn on this matter, and it is acknowledged these features can be found in other houses, such as the one shown in Church Road.
13. The issue of character and appearance does not hinge on the principle of the development being for flats, as there are other such examples in the area, such as the developments in Richmond Avenue and West Road. It is necessary to consider this proposal on its own merits rather than by reference to other developments, where a variety of examples can be found and the context and circumstances will never likely be entirely comparable. Richmond Avenue and West Road are, for example, in areas where I have noted the grain of development to be somewhat less spacious than that immediately around the appeal site. Therefore, none of the examples provided by the appellant persuade me that the flats proposed would be appropriate for this particular site for the reasons already explained.

### **Other Matters**

14. Regard has been given to the further concerns raised by interested parties. The two ground-floor flats could be compliant with building regulation M4(2) and be appropriate for the needs of older residents. Consequently the proposal would satisfy DMD Policy DM3.4 (iii) over the loss of the existing single-storey accommodation. The dominant form of development in this area is two-storey housing and I find no objection in principle to its replacement with such.
15. The Council has not found that the development would have a significantly overbearing or over-shadowing effect on the neighbouring occupiers at No 28 or that any windows in the flats would be sufficiently close to adjacent dwellings to cause a potential loss of privacy. I am not persuaded to take a contrary view to this and so the proposal would not be further contrary to DMD Policy DM1 in respect of having any materially harmful effects on the living conditions of neighbouring occupiers.
16. The proposed flats have not been found by the Council to provide inadequate living conditions for future occupiers, in respect of the amount and disposition of internal and external space, such as to be contrary to the aims of DMD Policy DM8. I can find no reason to take an opposite view.
17. The five parking spaces provided would meet the Council's standards, as set out in DMD Policy DM15. I am therefore not persuaded that this proposal would harm the living conditions of residents in this area by adding significantly greater pressure on the on-street parking available. These parking spaces could be safely accessed and the proposal is of a scale that can be accommodated adequately by the local road network without material harm to the interests of the safety and convenience of other highway users.

18. The occupation of the flats would not be likely to give rise to undue noise, disturbance or light pollution for this proposal to be unacceptable for any of these reasons.
19. Disturbance arising from building works could be mitigated through a condition requiring an agreed construction management plan so this would not be a reasonable ground to withhold permission. There is no evidence that this development would exceed the capacity of supporting infrastructure or that smell or vermin arising from the refuse storage could not be satisfactorily controlled. The effect on property values would not be a valid planning objection.

### **Conclusion**

20. The Council's development plan would place no restriction on the principle of a residential re-development of this site, which has no specific designation attached to it and is within an existing area of housing. The proposal would gain the support of being an efficient re-use of previously developed land and provide economic benefits through its construction and social benefits by adding to the supply of housing. However, these benefits would be limited and outweighed by the harm found in the development being significantly out-of-keeping with the residential character and appearance of this area.
21. The Council's development plan policies, with which this proposal has been found to conflict, are consistent with the National Planning Policy Framework principles to always seek to secure high quality design that takes account of the different roles and character of different areas, and its guidance that, whilst unsubstantiated requirements should not be made in respect of design, it is nonetheless proper to seek to promote or reinforce local distinctiveness.
22. For the reasons given, having taken into account all other matters raised, I conclude that this appeal should be dismissed.

*Jonathan Price*

INSPECTOR