
Appeal Decision

Site visit made on 10 January 2017

by Alex Hutson MATP CMLI MARborA

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

Decision date: 19 January 2017

Appeal Ref: APP/D1590/W/16/3159128

Land rear of 26 and 28 Caulfield Road, Shoeburyness, Southend on sea, Essex SS3 9LA

- 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 Alexander Bell against the decision of Southend-on-sea Borough Council.
 - The application Ref 16/00417/FUL, dated 11 March 2016, was refused by notice dated 10 May 2016.
 - The development proposed is erect part 1/part 2 storey, 2 bedroom detached house with car parking, cycle and refuse store. Adapt existing crossover.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the area;
 - The effect of the proposal on the living conditions of the occupiers of 26 and 28 Caulfield Road with particular regard to outlook and sunlight and daylight;
 - Whether the proposal would provide adequate living conditions for any future occupiers with particular regard to internal and external space provision; and
 - The effect of the proposal on highway safety.

Reasons

Character and appearance

3. The appeal site, which fronts West Road, comprises a vacant plot of land to the rear of semi-detached dwellings 26 and 28 Caulfield Road. It also backs onto the rear gardens of 190 West Road and 2 and 4 Trafalgar Road, which form a row of terraced dwellings. The typical semi-detached and terraced dwellings along Caulfield Road, West Road and Trafalgar Road which predominantly display pitched and tiled roofs, provide a strong uniform pattern of development along these streets. The back to back gardens of dwellings along Caulfield Road and Trafalgar Road maintain a considerable level of separation
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between built form and provide a strong sense of space in the area. Whilst the appeal site has been subdivided from the rear gardens of Nos 26 and 28, this is not particularly noticeable from the public realm. As such it maintains a sense of space and openness given its undeveloped nature which positively contributes to the character and appearance of the area.

4. The proposal would introduce a part single, part two storey detached dwelling onto the appeal site. I acknowledge that a two storey building would reflect the height of other dwellings in the locality and that the appellant has sought to use materials to reflect the light coloured render of some of these dwellings. I also note that the appellant has incorporated a mansard roof into the design of the proposal with the aim of reducing its visual massing and has incorporated a number of other features with the aim of enhancing its architectural interest. I also recognise that architectural styles should not be imposed and contemporary design can, in some instances, provide an appropriate contrast to more traditional buildings in an area.
5. Nevertheless, the proposal would stand alone and, given its detached form, it would be isolated from any other dwellings. Consequently, it would appear at considerable odds with the prevailing strong and uniform pattern of development in the area which is characterised by rows of semi-detached and terraced dwellings. Moreover, the presence of the proposal would considerably reduce the spatial qualities of the appeal site and area. Furthermore, its siting and uncharacteristic roof form and use of zinc cladding would fail to reflect the local distinctiveness and materials of other dwellings in the area and would greatly increase its visual prominence within the streetscape.
6. Having regard to these factors, the proposal would result in significant harm to the character and appearance of the area.
7. The proposal would therefore be contrary to Policies KP2- Development Principles and CP4- The Environment and Urban Renaissance, of the Southend on sea Core Strategy Development Plan Document One 2007 (Core Strategy); and Policies DM1- Design Quality and DM3- the Efficient and Effective Use of Land, of the Southend on sea Development Management Document 2015 (DMD). These policies require, amongst other things, development to create places of distinction and a sense of place and to respect local character, context and grain of the area. These policies are consistent with the broad aims and objectives of the National Planning Policy Framework (the Framework) which require planning to take account of the different roles and character of different areas.
8. The proposal would also conflict with the guidance of the Southend on sea Design and Townscape Guide Supplementary Planning Document 1 2009 (SPD), which advises that development should respect local character.

Living conditions – occupiers of 26 and 28 Caulfield Road

9. The rear gardens of Nos 26 and 28 are modest in length and the undeveloped and open nature of the appeal site maintains a sense of space and openness to these gardens. The introduction of built form of two storeys along or within very close proximity to the rear boundaries of Nos 26 and 28 would result in a substantial sense of enclosure to these rear gardens and would appear overbearing for the occupiers of these properties when using their gardens.

This would considerably reduce the occupiers' of Nos 26 and 28 enjoyment of their rear gardens.

10. Whilst not specifically referred to on its decision notice, the Council also raise a concern in respect of loss of sunlight and daylight to the rear gardens of Nos 26 and 28. Given the two storey height of the proposed dwelling, its siting to the south of these rear gardens of modest length, and having regard to the movement of the sun from east to west, I would concur that the proposal would result in a harmful loss of sunlight and daylight to these rear gardens. This would compound the harm I have already identified for the occupiers of Nos 26 and 28.
11. The proposal would therefore result in significant harm to the living conditions of the occupiers of 26 and 28 Caulfield Road in respect of outlook and loss of sunlight and daylight.
12. The proposal would therefore be contrary to Policy DM1, of the DMD. This policy requires, amongst other things, development to protect the amenity of immediate neighbours including in respect of outlook, visual enclosure and sunlight and daylight. These policies are consistent with the broad aims and objectives of the Framework which require planning to secure a good standard of amenity for all existing occupants of land and buildings.
13. The proposal would also conflict with the guidance of the SPD, which advises that development should not unreasonably cause overshadowing, loss of daylight or be visually obtrusive.
14. The Council also cites conflict with Policy KP2, of the Core Strategy in respect of this main issue. However, this policy does not specifically relate to living conditions matters so is not of relevance to this main issue.

Living conditions – any future occupiers

15. The proposal would provide a two bedroomed house. The evidence indicates that the overall floorspace would be approximately 72 square metres (sqm). The submitted plans indicate that one bedroom would be a double bedroom with a floorspace of 12sqm and the other bedroom would be a twin bedroom with a floorspace of 11.3sqm. On this basis, I consider that it is reasonable to conclude that the proposal intends to provide living accommodation for up to four occupiers.
16. Policy DM8- Residential Standards of the DMD sets out the Council's space standards for new dwellings. Local planning policies relating to residential internal space standards should be interpreted by reference to the Government's Nationally Described Space Standard 2015 (NDSS). The NDSS sets out a requirement for a two bedroom, four person, two storey dwelling to have an overall minimum internal floorspace of 79sqm and any double or twin bedroom to have a minimum floorspace of 11.5 sqm.
17. The proposal therefore falls short of the required minimum internal space standards in respect of overall floorspace and in respect of the floorspace for the proposed twin bedroom. I therefore consider that the proposal would provide an inadequate level of internal living space which would result in a cramped living environment for any future occupiers.

18. The proposed rear garden would be a narrow width and a short length and would measure 9sqm according to the submitted plans. I consider that the excessively modest length, width and size of this amenity space would be inadequate to provide any meaningful utility, including for sitting out and relaxing or hanging washing out to dry, for any future occupiers of the proposal. The presence of the single storey element of the proposal and high boundary walls would also result in an overwhelming sense of enclosure to this space. In addition, the nearest public open space is a considerable walking distance from the appeal property and as such, would not, in my opinion, mitigate the lack of private amenity space provision.
19. I therefore consider that the proposal would provide an inadequate level of external amenity space which would further result in a cramped living environment for any future occupiers.
20. The proposal would therefore be contrary to Policies DM1 and DM8- Residential Standards, of the DMD. These policies require, amongst other things, development to provide an internal and external layout that takes account of all potential users, to meet the Council's residential space standards and to make provision for useable private outdoor amenity space for the enjoyment of intended occupiers. These policies are consistent with the broad aims and objectives of the Framework which require planning to secure a good standard of amenity for all future occupants of land and buildings.

Highway safety

21. The proposal would provide one off street parking space. Policy DM15- Sustainable Transport Management, of the DMD, requires that all development should meet the Council's parking standards unless it can be demonstrated that there is on-street parking capacity. This policy also requires that any traffic generated does not unreasonably harm highway safety. The Council sets out that two parking spaces would be required for a two bedroom dwelling in this location to meet their standards. As such provision should be made.
22. Whilst only a snapshot in time, I observed during my site visit, which occurred in the late morning, that there were many opportunities to park on West Road in the vicinity of the appeal site. There is no compelling evidence before me to demonstrate that this situation is likely to alter significantly at other times of the day. Moreover, I did not observe any parking restrictions along this road.
23. Therefore, I am satisfied that there would be sufficient on street parking capacity to accommodate any additional on street parking requirements generated by the proposal. Consequently, the proposal would not, in my judgement, result in any harm to highway safety and would satisfy the requirements of Policy DM15, of the DMD. It would also comply with Policy DM3, of the DMD, in this regard, which requires, amongst other things, development not to result in undue stress on transport capacity.

Other matters

24. I acknowledge that the proposal would occupy a location with a good level of access to local services and facilities. It would also make a contribution, albeit a limited one, to housing supply and housing mix within the Borough. Nevertheless, these matters would not outweigh the harm I have found in respect of character and appearance and living conditions.

25. I acknowledge a number of interested party concerns, including in respect of privacy and property devaluation. With regard to property devaluation, this is not a material planning consideration to which I afford any significant weight. With regard to the other matter, the Council did not raise any concerns in respect of living conditions beyond those relating to the occupiers of Nos 26 and 28. On the basis of the evidence before me, I have no substantive reasons to take a different view.

Conclusion

26. Whilst I have not found harm to highway safety, I have found harm to the character and appearance of the area and to the living conditions of the occupiers of Nos 26 and 28. In addition, the proposal would provide inadequate living conditions for any future occupiers. Such harm would be significant and would outweigh any benefits.

27. For the reasons set out above and having regard to all other matters, I conclude that the appeal should be dismissed.

Alex Hutson

INSPECTOR