

Appeal Decision

Site visit made on 3 January 2017

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

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

Decision date: 23 January 2017

Appeal Ref: APP/D1590/W/16/3158095

**Land adjacent 12 Bridge Cottages, North Shoebury Road,
Shoeburyness SS3 8UN**

- 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 Pimco (UK) Ltd (Mr Sagheer Riaz) against the decision of Southend-on-Sea Borough Council.
 - The application Ref 16/00688/FUL, dated 21 April 2016, was refused by notice dated 14 July 2016.
 - The development proposed is the construction of a terrace of five, 3 bed dwellings with private gardens and associated parking.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a terrace of five, 3 bed dwellings with private gardens and associated parking at land adjacent 12 Bridge Cottages, North Shoebury Road, Shoeburyness SS3 8UN in accordance with the terms of the application, Ref 16/00688/FUL, dated 21 April 2016, subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The main body of the appeal is an open area of land located between the end of the terrace of two storey dwellings at 1 to 12 Bridge Cottages and railway land to the south. As it passes the site, North Shoebury Road rises over the railway line so as to offer elevated views of the site.
 4. The proposed terrace would follow the same alignment as the Bridge Cottages terrace and the form, scale and massing of the building would be broadly comparable. Application drawing number GE1520/P02 Rev A shows that the window head and eaves levels of the new and existing buildings would be at the same height, albeit that the new building would be at a slightly lower ground level. The ridge line of the new building would be somewhat higher than Bridge Cottages. However, I consider that the difference would not have a significant visual impact, even when viewed from the elevated part of North Shoebury Road. As such, the proposal would accord with the advice at Section 2 of the Council's Design and Townscape Guide 2009 Supplementary Planning Document insofar as it deals with scale, height and massing.
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5. The rear elevation of the proposed building incorporates a mix of gables, dormer windows and a flat roof at ground floor level. I recognise that the arrangement has a more complex appearance than the rear elevation of Bridge Cottages. Nevertheless, the component parts break up the massing of the rear of the building and give it a rhythm which reflects the five units which would make up the terrace. Although dormers are not characteristic of Bridge Cottages, the proposed dormers would be modest in scale and would not dominate the rear roof slope of the proposed building. Medium range views of the rear of the building would be available from Shoebury Park. However, the views would be partly filtered by established planting and the new building would not be intrusive.
6. Consequently, I find that the proposal would not be harmful to the character and appearance of the area. It would not, therefore, conflict with Policies KP2 or CP4 of the Council's Core Strategy 2007 or Policy DM1 of its Development Management Document (DMD) 2015. Together, these policies require development to create a high quality urban environment and to maintain the character of residential areas including in terms of its height, size, scale, form and massing. Amongst other things, development should also protect the town's parks.

Other Matters

7. Other concerns have been expressed locally. There is no substantive evidence to suggest that the site has particular bio-diversity value. The noise report submitted with the application shows that, with appropriately specified glazing, future occupiers would not be adversely affected by noise.
8. The proposed dormers would allow views at second floor level to the rear of the building. However, the views would be parallel to, rather than across, the gardens of the adjoining dwellings. As such, I consider that the introduction of the dormers would not result in a material loss for privacy for neighbouring occupiers.
9. The application site includes the access road which runs along the front of Bridge Cottages. The rights and obligations to maintain this access is a matter of property law, rather than the planning system. The effect of the proposal on property values is not a planning matter.
10. The main body of the site is currently used for informal car parking and storage by the occupiers of Bridge Cottages. This would be displaced by the appeal proposal. However, there is nothing in the submitted information to establish that the neighbouring occupiers have a right to park on the site. On this basis, the opportunity to park there could be discontinued irrespective of the outcome of the appeal.
11. The ten parking spaces proposed is comparable with the amount of parking currently available at the site. Consequently, the level of vehicle movements and associated activity is also likely to be similar to the existing situation. As such, I consider that, when completed, the proposal would not lead to any additional highway safety concerns or noise and disturbance for the occupiers of Bridge Cottages.
12. Nevertheless, I recognise that works during the construction of the dwellings would have the potential to cause noise and disturbance. Whilst a degree of disturbance is inevitable in many development projects, I will impose conditions

requiring compliance with a Construction Method Statement to regulate the construction works and to control of working hours. Any damage caused during the construction works would be a civil, rather than a planning, matter. I will also impose a condition requiring a Waste Management Plan to control the storage and collection of waste from the new dwellings.

13. There is nothing to suggest that the size of the proposed dwellings, the amount of external space provided or the amount of parking would be inadequate to serve the needs of future occupiers. Having regard also to my conclusion on the character and appearance issue, I am not persuaded, therefore, that the proposal would represent overdevelopment of the site.

Conditions

14. The Council has suggested a list of 14 conditions. Suggested condition 6 requires the provision of cycle parking in accordance with the approved plans. However, no cycle parking is shown on the approved plans. Furthermore, the reason for the condition refers to the provision of satisfactory off street car parking in the interests of highway efficiency and residential amenity. I am not persuaded therefore, that the requirement for cycle parking has been adequately justified. Suggested condition 11 requires compliance with Building Regulation M4(2). Planning Practice Guidance (PPG) paragraph reference ID: 56-007-20150327 requires local planning authorities to demonstrate a need for compliance with this Regulation. The development plan policies cited in the reason for suggested condition 11 do not refer to Regulation M4(2) and, therefore, I consider that the need for compliance has not been adequately demonstrated.
15. With amendments, I find that the remaining conditions meet the tests set out in the PPG. A condition specifying the approved plans is necessary in the interests of certainty. Conditions requiring the approval of samples of external materials and a landscaping scheme are necessary to safeguard the character and appearance of the area. However, in accordance with PPG paragraph reference ID: 21a-007-20140306, the approvals should occur before the development rises above ground level, rather than before it commences.
16. Conditions requiring the provision of the access and parking in accordance with the approved drawings are necessary in the interests of highway safety. A condition preventing the flat roof areas of the building being used for sitting out or similar amenity use is necessary to ensure the privacy of neighbouring occupiers. A condition to secure a scheme of on-street renewable energy generation is necessary to accord with national and development plan policies on climate change. A condition to control the water consumption by future occupiers of the dwellings is necessary in the interests of efficient water use in accordance with DMD Policy DM2. I have already referred for the need for conditions on the Construction Management Statement, construction working hours and waste management.

Conclusion

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

Simon Warder

INSPECTOR

**Schedule of conditions attached to
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Land adjacent 12 Bridge Cottages, North Shoebury Road,
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- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans GE 1520/P01 Revision B and GE 1520/P02 A.
- 3) No development shall take place above ground level until samples of the facing material to be used, including elevations, brickwork, glazing, doors, windows, roofs, boundary treatments and paving have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved materials.
- 4) No development shall commence above ground level until full details of soft landscape works, which shall include details of existing trees and shrubs to be retained, together with measures for their protection in the course of development; details of the number, size and location of the trees and shrubs to be planted together with a planting specification and details of the management of the site has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details. If any trees are removed or found to be dying, severely damaged or diseased within 3 years; of planting them, they must be replaced with trees of a similar size and species.
- 5) The vehicle access shall be carried out in accordance with drawing GE1520/P01 Revision B and none of the five houses shall be occupied until the vehicle access has been constructed in accordance with the approved details.
- 6) Ten car parking spaces shall be provided in accordance with drawing GE1520/P01 Revision B prior to the occupation of any of the dwellings hereby permitted. The parking spaces shall thereafter be permanently retained for the parking of private motor vehicles solely for the benefit of the occupants of the new dwellings.
- 7) No flat roofed areas of the proposed development shall be used for sitting out or any type of amenity space.
- 8) Prior to the commencement of development a renewable energy assessment shall be submitted to and agreed in writing with the Council to demonstrate how at least 10% of the energy needs of the development will come from onsite renewable options (and/or decentralised renewable or low carbon energy sources. The approved scheme shall be implemented and brought into use on first occupation of the development.
- 9) Prior to occupation of the development details of the water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be submitted to and approved in writing by the local

planning authority. The development shall be implemented in accordance with the approved details.

- 10) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v. details of drainage/surface water to ensure the proposal does not discharge onto Network Rail land including foul drainage.
 - vi. measures to control the emission of dust and dirt during construction
 - vii. plant and materials
 - viii. scaffolding
 - ix. piling
 - x. lighting
 - xi. a scheme for recycling/disposing of waste resulting from demolition and construction works
 - xii. future maintenance of the site.
- 11) Construction and demolition shall only take place between 0730 and 1800 Mondays to Fridays, 0800 and 1300 Saturdays and not at all on Sundays or Bank Holidays.
- 12) Prior to the first occupation of the development a Waste Management Plan shall be submitted to and approved in writing by the local planning authority. The plan shall detail how the development will provide for the storage and collection of general refuse and re-useable, recyclable waste. Waste management at the site shall be operated in accordance with the approved Plan.