
Appeal Decision

Site visit made on 23 November, 2016

by S. J. Buckingham, BA (Hons) DipTP MSc MRTPI FSA

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

Decision date: 6th February, 2017

Appeal Ref: APP/D1590/W/16/3153978

31 Grand Parade, Leigh-on-Sea, Southend-on-Sea, SS9 1DX

- 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 Harvey, of Capability Limited, against the decision of Southend-on-Sea Borough Council.
 - The application Ref 15/01792/FUL, dated 26 October, 2015 was refused by notice dated 9 February, 2016.
 - The development proposed is demolition of existing dwellings and construction of new building containing 5 apartments with 10 parking spaces and amenity space.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing dwellings and construction of new building containing 5 apartments with 10 parking spaces and amenity space at 31 Grand Parade, Leigh-on-Sea, Southend-on-Sea, SS9 1DX in accordance with the terms of the application, Ref 15/01792/FUL, dated 26 October, 2016 and the plans submitted with it, subject to the conditions set out in the schedule to this decision.

Preliminary Matter

2. In documents provided by the Council and the appellant the address of the property is given variously as 29, 31 and 29 – 31 Grand Parade. The address given in the original application is 31 Grand Parade, and it is this address I have used in the heading to this decision.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The north side of Grand Parade to the east is largely characterised by a run of substantial Edwardian style houses of two and three storeys, incorporating large dormers and balconies to take advantage of views over the estuary and gardens opposite. To the west is a group of modern flatted blocks of five or more storeys, including basements and penthouses.
 5. The appeal building is a three-storey, detached former dwelling/house, now subdivided into flats. To its right hand side No 27 Grand Parade is of three storeys with a large gable adjacent to the appeal property, while to its left hand side No 33 is of two storeys plus basement and crowned with a substantial flat-
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roofed dormer surmounted by a railed platform. The site is within the defined Seafront Character Zone 3.

6. The appeal proposal is for the redevelopment of the site to create a flatted block of five storeys plus basement car park. It would be to a clearly modern design, terraced back from the street frontage on the top two floors. The lower three floors would be faced in red brick while the two upper floors would be faced in render, reflecting the dominant elements in the local palette of materials. The front elevation would include two square, glazed bay projections extending from the lower ground to first floors.
7. The brick built front elevation of the proposed building would end at the same height as the eaves of the adjoining property at No 27 Grand Parade. While its total height would be slightly greater than the ridge lines of the adjoining properties, this would be less apparent due to the setback of the upper two storeys. These two elements of the design would therefore help to articulate the massing of the building, and tie it visually into the adjoining townscape.
8. The appeal building would not be set forward of the existing general building line, and I therefore have no reason to doubt the accuracy of the CGI image presented by the appellant to demonstrate its impact in views along the parade to the west. This siting would mean that very little of the flank elevations would be visible in views along Grand Parade, being screened by adjoining buildings, and that they would not therefore appear as monolithic in these views. The two upper floors would, as a result of being set back, be read as subsidiary to the main front elevation, and would be glimpsed obliquely in most such views, where visible at all.
9. Grand Parade slopes up from the east, and down again gently to the west with the appeal property sitting just below the crest of the slope, on its western side. The land opposite the appeal site also slopes down steeply to the south. This topography and the shielding effect of adjoining buildings suggest that the prominence of the appeal building in longer views would be less rather than more pronounced.
10. Many of the adjoining traditional properties are substantial, or set in pairs or short terraces, but with a noticeably vertical emphasis created by the double height bays, often topped with large gables, which are a notable feature of the area. The modern blocks in the vicinity are of similar width or greater in width than the appeal proposal, and with some horizontal emphasis created by wide balconies. In this context the width of the appeal building would not therefore appear excessively great.
11. The projecting bays with a rendered set-back between them would reflect existing local detailing, add further articulation to the building frontage, and create noticeable vertical features. They would thereby counteract the otherwise horizontal emphasis of the frontage. In the context of a visually busy street scene with many such projections they would not appear unduly prominent. The lower ground floor is set slightly below pavement level, and would be partially obscured by the boundary treatment and landscaping; while the bays appear to have been designed as lightweight elements, and for those reasons I conclude that they would not appear top heavy in their position overhanging that floor. The metal louvers would form a relatively small element in their design, while the alternative position of the windows would be counteracted by the contrasting

- framing of the bays, and I do not therefore consider that these elements detract from the vertical emphasis intentions of these elements of the frontage.
12. For these reasons I conclude that the siting, massing and design of the appeal proposal would not result in a form which would appear excessively bulky in its setting, nor that it would appear as a conspicuously incongruous and discordant feature within the street scene. It would not therefore harm the character and appearance of the area.
 13. I have had regard to the appeal decision ref. APP/D1590/A/06/2031801 which was put before me, and consider that, while the street scene remains strongly characterised by Edwardian residential buildings, the nature of the current appeal proposal is substantially different from what is proposed in that case in 2006. For the reasons set out above I conclude that the current appeal proposal is not attempting to create a contrasting, landmark building, but rather, one that is designed to reflect the existing townscape. This does not therefore cause me to alter my conclusions on the case.
 14. The Council and appellant disagree over the significance of No 5 Grand Parade to the character of the area. Due to the curve of the road, this unusually low building, apparently in the process of major modification at the time of my site visit, would not easily be viewed in the context of the appeal development. In any case it is sufficiently unusual not to have significant effect on the predominant character of the area.
 15. As I have concluded that the appeal proposal would not have a harmful effect on the character and appearance of the area, it would not therefore conflict with Policy KP2 and Policy CP4 of the Local Development Framework 2007 which seeks good quality of design and proposals which respect the character and scale of existing neighbourhoods. Similarly, it would not conflict with Policies DM1 and DM3 of the Development Management Document 2015, which also seek good quality design which reflects the character of its context.
 16. Policy DM6 of the same document seeks to protect the character of the seafront through the retention of existing buildings that form a cohesive frontage, have a historic context, or contribute to a distinctive Southend sense of place. However while the appeal site is within a group of typical historic seafront buildings, the character of the area is varied by the presence of the modern flatted blocks which are also part of the modern seafront character of Southend. As the appeal proposal would not harm the character and appearance of the area, it would not therefore impinge on its seafront character, and would not conflict with this policy.
 17. As a larger building which does not appear over-dominant in the street scene, including through the introduction of set-back upper floors and vertical elements, the appeal proposal does not conflict with the design advice in the adopted Design and Townscape Guide SPD1.

Other Matters

18. A number of representations have been received from local residents. Issues of design and the appropriateness of the development are dealt with in the preceding paragraphs. The prospect that the appeal proposal would set a precedent for future development in the area has been raised, but each case must be determined on its own merits.

19. The accuracy of the submitted plans has been challenged, but I see no persuasive reason to concur with this view. While I note concerns regarding the health of the occupiers of adjoining buildings, this does not cause me to alter my conclusions on this appeal. In any event, any effect on neighbouring residents during construction would be minimised by adherence to an agreed Construction Method Statement.
20. I was aware of the request to view the site from the properties in Glen Road, but I was content that this was not necessary to assess the impact upon them. A Daylight and Sunlight Assessment was submitted with reference to the effects of the development on numbers 24 and 26 Glen Road, and following Building Research Establishment (BRE) guidelines and the requirements of the relevant parts of the British Standard, BS 8206. These properties are located to the north of the appeal site, and the assessment relates to south facing windows. They are also at a higher level than the appeal site. Notwithstanding the fact that one of the plans shown omits the rear extension of number 24 Glen Road, the rear windows of that property are correctly identified in the photographs within that report.
21. There is no evidence before me to suggest that this report is inaccurate in terms of its assessment of the amount of diffused daylight or sunlight to reach these windows as a result of the appeal proposal, or in its assessment of the overshadowing of gardens to the north of the site, and that in these respects the development meets the requirements of the BRE.
22. No. 27 Grand Parade has a rear kitchen extension with windows facing the appeal site. It is at present partially shaded by the existing building, and the appeal proposal would extend further back into the site. It would however be stepped down to two and one storeys at its furthest extent into the site, which would bring about some reduction in its effect on light reaching these windows. The proposed building would extend only a short distance beyond the line of the rear elevation of no.27, and windows on that face of the dwelling would not be significantly affected as a result. I conclude therefore that the appeal proposal would have only a limited effect on the levels of light reaching this building.
23. Reasonably large distances would exist between the rear of the appeal building and the rear of properties along Glen Road. There is also screening planting between the appeal site and gardens to the rear of the Glen Road houses. The retention or improvement of planting could be secured by means of condition. The appeal proposal furthermore contains no balconies on its rear elevation. I conclude therefore that the proposed building would not have a harmful effect on the privacy of the occupiers of adjoining houses to the rear.
24. The appeal proposal is for five flats and would include secure basement parking for ten cars. I can see no compelling reason therefore to consider that this provision would be inadequate or that it would lead to a significant rise in on-street parking. There would be sufficient space in front of the proposed building for at least one car to wait to use the car lift, and I consider it unlikely that significant queues would form a result of this means of parking.
25. No compelling evidence has been put before me to support the possibility that the development would cause possible flooding to the gardens of houses in Glen Road, which sits uphill of the appeal site. I note that the existing house has a basement, and no evidence has been put before me to support the suggestion that its enlargement would have a harmful effect on the stability of adjoining

properties. The possibility of disturbance created during the construction of the appeal building has been raised, but this would only be for a temporary period and is capable of being managed through a Construction Method Statement.

26. Issues relating to the processing of the case are not for my determination, while the issue of rear access to the site from the rear of properties at Glen Road is not a matter for resolution through the planning system.

Conclusion

27. For the reasons given above and taking into account matters raised, I conclude that the appeal should be allowed.

Conditions

28. I had regard to the conditions proposed by the Council and the requirements of the Framework. For clarity I have added a condition requiring the implementation of the proposal in accordance with the approved plans. Details of facing materials are reserved by condition in the interests of protecting the character and appearance of the area. Conditions have been applied relating to the provision of vehicle access, off-street car parking and cycle parking in the interests of ensuring they are adequately addressed, in the interests of highways safety.
29. To ensure the privacy of occupiers of neighbouring buildings is protected, I have added a condition to ensure that no flat roofed areas of the building are used for sitting out or amenity space, with the exception of those shown on the approved plans.
30. Conditions are added requiring the approval of a scheme of hard and soft landscaping, and implementation of this scheme in the interests of protecting the character and appearance of the area by securing a satisfactory standard of landscaping.
31. Conditions are added to minimise the environmental impact of the development through efficient use of water and better use of sustainable and renewable resources. Although worded differently, they have the same effect as those proposed by the Council. A condition has been added to secure the implementation of the approved dwellings as accessible and adaptable dwellings to ensure they provide high quality and flexible internal layouts to meet the changing needs of their future occupiers.
32. A waste management plan is required by condition in order to ensure the adequate and appropriate storage, recycling and collection of waste resulting from the development.
33. A condition is attached requiring the approval and implementation of a Construction Method Statement, and restricting the hours of construction in the interests of the living conditions of occupiers of adjoining dwellings. Details of existing and proposed levels of the land are required by condition in the interests of protecting the living conditions of occupiers of adjoining dwellings.

S J Buckingham

INSPECTOR

SCHEDULE

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 3D_528.200e; 3D_528.201b; 3D_528.202d; 3D_528.203f; 3D_528.204f; 3D_528.205g; 3D_528.206g; 3D_528.207g; 3D_528.209a; 3D_528.210; 3D_528.211.
- 3) No development shall commence until details or samples of the materials to be used in the construction of the external surfaces of the building hereby permitted, including for elevations, gate for parking, brickwork, glazing, doors, window, balustrades, cladding, canopy, roof, boundary treatments and paving, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details or samples.
- 4) No dwelling shall be occupied until vehicle access has been laid out within the site in accordance with the approved drawings.
- 5) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no 3D_528.201b for 10 cars to be parked and that space shall thereafter be kept available at all times for the parking of vehicles.
- 6) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. 3D_528.200e for 10 bicycles to be parked and that space shall thereafter be kept available for the parking of bicycles.
- 7) No flat roofed areas of the proposed development, with the exception of the roof terrace specified on plan 3D_528.200e are to be used for sitting out or any type of amenity space.
- 8) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of full details of the trees to be retained to the northern boundary and soft landscape works for the new development; proposed finished levels or contours; means of enclosure; pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or storage units). Soft landscape works 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. These works shall be carried out as approved.
- 9) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 10) The dwellings shall not be occupied until the Building Regulations Optional Requirement G2 36(2)(b) in respect of water efficiency has been complied with.
- 11) The dwellings shall not be occupied until the relevant requirements of level of energy performance equivalent to ENE1 level 4 of the Code for Sustainable Home have been met and the details of compliance provided to the local planning authority.
- 12) The dwellings shall not be occupied until the Building Regulations Optional Requirement M4(2) "accessible and adaptable dwellings" has been complied with.
- 13) Prior to the first occupation of the development a Waste Management Plan for the development shall be submitted to and approved in writing by the local planning authority. The plan shall detail how the development will provide for the collection of general refuse and re-useable, recyclable waste.
- 14) Before any development commences details of existing and proposed levels on the land and in relation to adjoining land shall be submitted to and approved by the local planning authority. The development shall be constructed at the level indicated on the approved drawings.
- 15) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. 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 foul and surface water drainage;
 - vi) wheel washing facilities;
 - vii) measures to control the emission of dust and dirt during construction;
 - viii) a scheme for recycling/disposing of waste resulting from demolition and construction works

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 16) Demolition or construction works shall take place only between 07:00 and 18:00 on Monday to Friday, 08:00 and 13:00 on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.