
Appeal Decision

Site visit made on 24 May 2017

by Grahame Gould BA MPhil MRTPI

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

Decision date: 5th June 2017

Appeal Ref: APP/D1590/W/16/3162648
96 The Ridgeway, Westcliff on Sea SS0 8NU

- 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 Memhet Hassan against the decision of Southend-on-Sea Borough Council.
 - The application Ref 16/01529/FUL, dated 16 August 2016, was refused by notice dated 7 October 2016.
 - The development proposed is installation of two retractable canopies to the front elevation.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of two retractable canopies to the front elevation at 96 The Ridgeway, Westcliff on Sea SS0 8NU in accordance with the terms of the application, Ref 16/01529/FUL, dated 16 August 2016, and the plans submitted with it.

Procedural Matter

2. The appealed application sought permission for the installation of two front retractable canopies at 96 The Ridgeway (No 96). At the time of my site visit two black coloured canopies had been installed in accordance with the details shown on application drawing 36 (proposed ground floor plan and elevations). I have therefore determined the appeal on the basis of it being for a development that has been fully implemented.

Main Issues

3. The main issues are the effect of the development on: the character and appearance of No 96 and the surrounding area; and the living conditions of nearby residents, with particular regard to noise.

Reasons

Character and Appearance

4. No 96 comprises a restaurant on the ground floor with two floors of residential accommodation above. No 96 is in a parade of 17 or so ground floor commercial premises with residential accommodation above. The wider area is residential in character.
 5. The canopies have been installed at fascia level and provide cover for No 96's forecourt. The canopies, when unfurled, project around two metres from No 96's main front elevation and that projection aligns with the front elevation
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of the property's recently constructed front porch. The degree of forward projection is not excessive and I consider it is respectful of the alignment of the other nearby properties. No 96 is a quite substantial building and I found the canopies to be well proportioned relative to No 96's scale. I also consider that there is nothing exceptional about the size of the canopies and in that respect their scale is comparable with the canopies that a number of the other premises in this shopping parade have.

6. On this issue I conclude that the development has not caused harm to the character and appearance of No 96 or the surrounding area. The development therefore accords with Policies KP2 and CP4 of the Southend on Sea Core Strategy of 2007 (the Core Strategy), Policies DM1 and DM3 of the Southend on Sea Development Management Document of 2015 (the DMC), section 7 (Requiring good design) of the National Planning Policy Framework (the Framework) and the Council's Design and Townscape Guide Supplementary Planning Document No 1 of 2009. That is because the design of the development is of a good quality and its scale is respectful of No 96 and its surroundings.

Living Conditions

7. At the time of my site visit there were chairs standing on No 96's forecourt. The canopies would be capable of providing some shelter for customers of the restaurant, particularly during periods of inclement weather. The canopies might therefore encourage greater use of the forecourt and result in some increased outdoor noise. However, irrespective of whether there are canopies, the Council accepts that there are no planning restrictions relating to the forecourt's use. No 96's forecourt has a limited capacity to accommodate customers, given its limited depth, and I therefore consider that the canopies of themselves are unlikely to significantly influence the forecourt's use and thus affect the level of noise arising from its use.
8. I therefore conclude that the canopies of themselves are not capable of harming the living conditions of nearby residents. Accordingly no conflict with Policy CP4 of the Core Strategy, Policy DM1 of the DMC and the fourth core planning principle stated in paragraph 17 of the Framework has arisen, because the living conditions of neighbouring residents have not been harmed. While conflict with Policy KP2 of the Core Strategy has been cited, I find this policy is of limited relevance to this main issue because it addresses strategic level design and locational considerations for new development.

Conclusions

9. For the reasons given above I conclude that the development has not harmed either the character and appearance of No 96 and the surrounding area or the living conditions of nearby residents. The appeal is therefore allowed.
10. As the development has been implemented in accordance with the application drawings I consider there is no need to impose any planning conditions.

Grahame Gould

INSPECTOR