
Appeal Decision

Site visit made on 3 July 2017

by Graham Chamberlain BA (Hons) MSc MRTPI

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

Decision date: 7th July 2017

Appeal Ref: APP/D1590/W/17/3172625

23 Blenheim Crescent, Leigh-on-Sea SS9 3DT

- 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 M Miller against the decision of Southend-on-Sea Borough Council.
 - The application Ref 16/01256/FUL, dated 28 July 2016, was refused by notice dated 21 December 2016.
 - The development proposed is described as 'demolish existing dilapidated bungalow and erect 3 No 3 bedroom family dwellings'.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the proposed development on:
 - The character and appearance of the area: and
 - The living conditions of the occupants of 27 Blenheim Crescent with particular reference to light and outlook.

Reasons

The effect on the character and appearance of the area

3. The appeal site encompasses a detached bungalow set in from the site boundaries and positioned back from the road behind a front garden. The site boundaries are marked by fencing and hedges and the frontage by a low wall. To the north is a row of bungalows and to the east, across the road, is a mix of bungalows and chalet bungalows. These properties tend to have wide frontages. Broadly opposite the site is a terrace of properties which is comparatively tall, long and dominated by integral garages. As such, this terrace is viewed as interlopers in the street scene of Blenheim Crescent and is not a sound blueprint upon which to base further development. To the south of the appeal site is a large block of flats, which rises from two to five storeys. The flats are located between the appeal site and the A13 London Road.
4. The appeal site is located towards the southern end of Blenheim Crescent and thus towards the junction with the A13. However, the built and spatial character of Blenheim Crescent changes when moving past the appeal site away from the A13 junction, as the properties generally become lower, wider

and more spacious. The broadly detached form of the bungalows and chalets in the street are interspersed with houses, which gives a varied scale to the street scene. The appeal site is viewed as part of the suburban street scene of Blenheim Crescent and not the more urban and compact character of the A13 and its environs, including the tall block of flats to its immediate south.

5. This is significant as the properties in Blenheim Crescent are arranged in a discernible building line behind front gardens that generally incorporate parking, soft landscaping and some form of frontage enclosure, often in the form of low brick walls. There are also grass verges and street trees. The combined effect of this arrangement is that the street has a more spacious and suburban character in marked contrast to the busier and generally more urban A13. Moreover, there is some consistency in the architecture, with the arts and craft style being preeminent, and in the palette of materials and scale of properties. The more spacious and suburban character of Blenheim Crescent commences at the appeal site.
6. The appeal scheme is for the erection of three dwellings arranged in a short terrace. The individual properties would be narrow and deep in plan. The Council's analysis in its appeal statement, which has not been directly challenged by the appellant, suggests the proposed properties would be uncharacteristically small due to their diminutive width relative to nearby properties. I share this conclusion as properties in the street tend to have wide frontages and therefore the proposal would have an awkward juxtaposition, which would result in it appearing discordantly cramped and the dwellings squeezed into the available space. Even the narrower properties in the street, such as the terrace opposite the appeal site, would be notably wider than the appeal scheme. This would be harmfully apparent in views north and south along the street.
7. The cramped appearance of the proposal, which would be evident in the diminutive width of the individual dwellings, would be compounded by the massing and awkward proportions of the proposed building due to the deep and inadequate articulation of the side elevations. The roof form would be particularly bulky and jarring due to the long unrelieved ridge. The frontage would also be open and dominated by parking for three cars and the terrace would be positioned close to the side boundaries. These two latter points would not be harmful in isolation given the context of the street but their combined overall effect, with the narrow and deep plan of the proposal, would result in a cramped and strident appearance to the development that would harm the character and visual amenity of the street. In effect, the appeal scheme would not strike an acceptable balance between reusing the site and responding to the character and appearance of the area.
8. The Council's Design and Townscape Supplementary Planning Document (SPD) seeks to secure development that is contextually appropriate. Given my findings above I do not consider the appeal scheme would achieve this and therefore, when read as a whole, the SPD lends weight to my finding that the proposal would harm the character and appearance of the area.
9. The dwellings would exhibit an interpretation of the arts and craft architecture found elsewhere in the street, particularly in the fenestration and the porches. The dormer windows, whilst being rather bulky and positioned high in the roof plane, would not be untypical given the chalet style of many of the dwellings

found locally. Properties with dormer windows are also under construction in Elmsleigh Drive and the appeal scheme would be seen in the context of these.

10. Moreover, an appropriate material pallet could be secured through a planning condition had the scheme been otherwise acceptable and the height of the terrace would not appear incongruous compared to the height of nearby buildings. Nevertheless, these factors would not outweigh the harm that would arise from the proposal's cramped overall appearance.
11. I therefore conclude that the appeal scheme would harm the character and appearance of the area placing it at odds with Policies DM1 and DM3 of the DMP¹, which aims to secure development that adds to the overall quality of the area and respects the character of the site, its local context and surroundings in terms of form, massing and proportions. The proposal would also be contrary to Policy CP4 of the CS², which has similar requirements to the DMP policies referred to. This policy pre dates the National Planning Policy Framework (the 'Framework') but it is nevertheless consistent with Paragraphs 17 and 58 therein and can therefore be afforded significant weight.

The effect on the living conditions of the occupants of 27 Blenheim Crescent

12. The appeal scheme would be constructed closer to the boundary with 27 Blenheim Crescent (No 27) than the current bungalow. No 27 is also positioned in close proximity to the shared boundary. Both the Council and appellant have provided corresponding floor plans detailing the recent alterations to No 27. There is nothing before me to suggest these drawings are inaccurate. An ensuite bathroom and dressing area are provided on the first floor with windows in the roof slope facing the appeal site. However, as these spaces would be used infrequently and do not form part of the main living areas of the property, the appeal scheme would not adversely impact on the use of these rooms.
13. The same can be said of the garage, which also has a window facing the appeal site. As does the master bedroom of No 27, but this room is dual aspect with an outlook over the rear garden. Thus, the appeal scheme would not harmful erode the outlook or level of light entering this room.
14. The playroom is served by a small single window. As such, the outlook from this room is solely towards the appeal site and the window would be the main source of natural light. It is probable that the appeal scheme would diminish both. Substantive evidence has not been provided that suggests otherwise. However, it is likely the outlook from and level of light entering this room is already restricted by the size of the window and thus it is unlikely the play room would be used intensively as part of the main living space of the property. The comparatively very small size of the room relative to the generous size of the other living areas within No 27 would support this view.
15. As such, I am satisfied the appeal scheme would not harm the living conditions of the occupants of No 2 and therefore I conclude the proposal would adhere to Policy DM3 of the DMP, which seeks to protect the level of light and the quality of outlook in existing properties.

¹ Development Plan Document Two, Development Management Document 2015

² Development Plan Document One, The Southend on Sea Core Strategy 2007

Other Matters

16. The appeal scheme would deliver a number of benefits including a net increase in the number of dwellings, which would be smaller and perhaps more affordable properties than others found locally. They would also be constructed to modern standards. The dwellings would also be well related to local services and facilities and therefore the future occupants could contribute to the local economy and local tax base, as would the construction of the dwellings. But given the modest scale of the proposal this contribution is unlikely to be significant.
17. Nevertheless, the collective benefits of the proposal, as a material consideration, would not outweigh the harm I have identified and the resulting conflict with the development plan.
18. The proposal was supported by the Council's Planning Officers. It appears that the Council's Design Officer did not comment on the proposal. However, I do not share their views for the reasons set out above and therefore this is not a matter that alters my conclusions. Additionally, I have carefully considered the concerns of interested parties including issues of parking, infrastructure and the loss of a bungalow. However, given my findings above, which direct me towards a dismissal of the appeal, it is unnecessary for me to consider these points further or to reach a conclusion on them.

Conclusion

19. I have found that the proposal would not harm the living conditions of the occupants of No 27 but this is to be expected. Alternatively, the proposal would harm the character and appearance of the area. Thus, my overall conclusion is that the appeal scheme would be contrary to the development plan taken as a whole and material considerations do not indicate planning permission should be forthcoming in spite of this. Accordingly, for the reasons given above, and having regard to all other matters raised, I conclude the appeal should be dismissed.

Graham Chamberlain
INSPECTOR