



Appeal Decision

Site visit made on 6 June 2017

by R Norman BA (Hons) MA MRTPI

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

Decision date: 18 July 2017

Appeal Ref: APP/D1590/W/17/3171461

88 Undercliff Gardens, Leigh-on-Sea SS9 1ED

- 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 Glen Cain against the decision of Southend-on-Sea Borough Council.
 - The application Ref 16/01558/FUL, dated 19 August 2016, was refused by notice dated 15 November 2016.
 - The development proposed is the demolition of a 3-bedroom house and erection of a 2-bedroom detached house.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of a 3-bedroom house and erection of a 2-bedroom detached house at 88 Undercliff Gardens, Leigh-on-Sea SS9 1ED in accordance with the terms of the application, Ref 16/01558/FUL, dated 19 August 2016, subject to the conditions set out in the attached Schedule.

Application for Costs

2. An application for costs was made by Mr Glen Cain against Southend-on-Sea Borough Council. This application is the subject of a separate Decision.

Main Issue

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

Reasons

4. The Seafront is an important part of Southend's evolution in so far as it has defined the development, form and function of the town. Its character varies significantly along its length, including a number of residential areas, such as Undercliff Gardens, which vary considerably in style and density. Policy DM6 of the Southend on Sea Development Management Document identifies a number of distinctive seafront character zones, with Table 1 to the policy identifying the principles that will be applied to development in each of the identified zones. The appeal site lies within the Cinder Path character zone. Among other things, the stated principles for this zone seek to protect the frontage and affirm that development will be considered acceptable where it retains the characteristics and form of the area and adds to the overall quality of the area.
5. The properties on Undercliff Gardens line the northern side of the road at the base of the cliff, just behind the railway, with magnificent views over the

estuary. The appeal property, a traditional two storey dwelling with a pitched roof, is attached to another dwelling, but the two are of differing designs. I recognise that the appeal site lies at the end of a run of eleven original dwellings, none of which have been replaced. However, that run of properties contains a diverse mix of traditional and modern houses and flats of varying design and quality. I saw that the eclectic mix of properties along the frontage also includes a number of Art Deco influenced buildings. As a whole, the buildings along Undercliff Gardens demonstrate a wide range of style, design and scale, including some three and four storey properties and some with flat roofs.

6. It is proposed to replace the existing dwelling with a detached three-storey flat roofed building of distinctive design. As set out in the planning officer's report, the replacement building comprises a striking modern curved box, with curved openings framing the windows in the front elevation forming inset balconies. The building would also include a curved corner at the southeastern end of its frontage. Although modern, the building is influenced by features on existing properties along the frontage, which present numerous examples of glazing and some curved architecture. Furthermore, the use of the white cladding proposed would reflect the use of white and light grey materials in the immediate vicinity of the site.
7. The height of the proposed dwelling largely reflects that of the dwelling to be replaced and, although slightly higher than the adjacent dwellings, it would not appear out of keeping or be seen as overly dominant. The overall height and scale of the proposed building would fit in with the street scene and would not appear incongruous within the overall context of the area. Furthermore, when viewed from Grand Parade, which runs along the top of the cliff here, the buildings along Undercliff Gardens are largely screened, with only brief glimpses of the roofs due to the sloping nature of the land.
8. The proposed dwelling would be sited slightly further forward than the existing and, whilst sited forward of the immediate adjacent dwellings, due to the presence of existing forward projecting features – balconies and bay windows – the minimal projection proposed would not be detrimental to the visual character of the area. I have considered the proximity of the replacement dwelling to the side boundaries of the site. However, the development would not appear dissimilar in its siting and relationship with adjoining dwellings to the existing. Vehicular access for the site is currently from Grand Parade. Although it is currently boarded up, it is proposed that it be re-opened and used to access on-site parking and a bin storage area. This reflects the existing arrangement for properties along Undercliff Gardens and there would be no harm in this regard.
9. All in all, in the context of the very mixed character of the street scene here, and noting the modern design of a number of the buildings within Undercliff Gardens, I agree with the conclusions in the officer's report, namely that whilst the building is different, the design is interesting and of high quality and would enhance the character and appearance of the area. There would be no conflict, in this regard with Policies KP2 and CP4 of the Development Plan Document 1 – Core Strategy, 2007, and Policies DM1 and DM3 of the Development Plan Document 2 – Development Management, 2015, and SPD1: Design and Townscape Guide, 2009, which together and among other things seek to ensure that new development contributes to the surroundings in terms of

design, scale and nature. There would be no conflict either with Policy DM6 of the Development Plan Document 2 – Development Management, 2015, which requires development in this location to add to the overall quality of the area.

Conclusion

10. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

Conditions

11. The Council has suggested a number of conditions which I have considered against the advice contained in the Planning Practice Guidance. As a result I have amended some of them for clarity.
12. In addition to the standard time limit condition, I have included a condition listing the approved plans in the interest of clarity. A condition controlling external materials is necessary in the interest of visual amenity. Due to the nature of the site and the innovative and holistic design of the proposal, I consider it necessary to restrict permitted development rights in relation to the addition of extensions and additional windows, in the interest of visual amenity and to protect the living conditions of adjacent occupiers. In order to help mitigate and adapt to climate change pursuant to the National Planning Policy Framework, part 11a of Policy KP2 of the Core Strategy 2007 and policy DM2 (iv) of the Development Management Document, conditions are required to secure the provision of energy and water efficiency measures.
13. The Council has requested conditions in relation to a landscaping scheme and its ongoing maintenance. However, on a scheme of this scale, namely a single dwelling in a residential area, it is considered that the future occupants will form their gardens as they require and as such these conditions are neither necessary nor reasonable.

R Norman

INSPECTOR

Schedule of Conditions

- 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: 01, 02, 03, 04, 05, 06, 07, 08, 09 and 010.
- 3) No development shall take place until samples of all external facing materials, details of the proposed cladding (including alignment and proportion), details of the windows (including product details, reveal details and materials), and guttering have been submitted to and approved by the local planning authority in writing. Development shall be carried out in accordance with the approved sample details.
- 4) No development shall take place until details of all screen/boundary walls, fences and gates, and front garden treatments have been submitted to and approved by the Local Planning Authority, Development shall be carried out in accordance with the approved details.
- 5) 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) for the lifetime of the development. The scheme approved shall be implemented and brought into use on first occupation of the development.
- 6) Prior to the commencement of 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 day (lpd)(110lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting for the lifetime of the development, shall be submitted to and agreed in writing by the Council and implemented in full prior to the first occupation of the development .
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out on the new dwellinghouse within Schedule 2, Part 1, Classes A, B, C, D or E to those Orders.

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