
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: 27 July 2017

Appeal Ref: APP/D1590/W/17/3169185
104 Salisbury Road, Leigh-on-Sea SS9 2JN

- 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 D MacDonald against the decision of Southend-on-sea Borough Council.
 - The application Ref 16/01693/FUL, dated 8 January 2016, was refused by notice dated 12 January 2017.
 - The development proposed is the demolition of existing dwellings and construction of three detached houses with separate garages.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing dwellings and construction of three detached houses with separate garages at 104 Salisbury Road, Leigh-on-Sea SS9 2JN in accordance with the terms of the application, Ref 16/01693/FUL, dated 8 January 2016, subject to the conditions set out in the attached Schedule.

Main Issue

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

Reasons

3. The existing bungalows are modest in scale and of an unremarkable design. Their loss would not result in any harm to the visual character of the surrounding area which is characterised by a varied range of residential dwellings. These include two storey dwellings, bungalows and flats, with semi-detached and detached properties present. There is some variety in the design and scales of the dwellings in the immediate area, but with some common features including bay windows and frontage gables. Overall though the prevailing character is mixed with no particular uniformity.
4. The proposed dwellings would have gable frontage features with bay windows and would utilise a mixture of render and brickwork which accords with the surrounding area. As such the dwellings would not present a design that would be incongruous or at odds with the surrounds.
5. In addition the scale and layout of the dwellings would allow for adequate garden space and satisfactory access and parking arrangements. The height of the proposed dwellings, in the context of the adjoining flats and houses, would

provide an acceptable stepped appearance between the adjoining properties. Whilst the dwellings will provide a further room in the roof space, their overall height would not appear out of character.

6. It is the combination of these factors that leads me to find that the development would accord with the requirements of Policies DM1 and DM3 of the Development Management Document, 2015, which requires good quality design that contributes positively to the overall quality of the area and respects the character of the site and its local context. Policies KP2 and CP4 of the Southend on Sea Core Strategy seek to ensure development respects the amenities and character of residential areas and the development would accord with these also. It would also be in accordance with the National Planning Policy Framework which seeks high quality design.

Other matters

Living Conditions

7. I have considered the location of the side windows and the effect on occupiers of the adjoining house and flats; however these properties are adequately served by other main windows and therefore any loss of light would not lead to significant harm. In terms of privacy it is reasonable to secure a condition for the first floor bathroom and landing windows to be obscure glazed to prevent any harm arising in this regard.
8. The existing garaging in the surrounding area is predominantly to the sides of the dwellings however Salisbury Court has parking to the rear of the properties. The proposed garages would therefore not introduce issues of car fumes and noise to the rear of the properties over and above those already experienced from Salisbury Court. As such I consider the development would not be detrimental to the living conditions of nearby residents and would therefore accord with Policy DM1 of the Development Management Document, 2015, which seeks to ensure that the amenity of the site, immediate neighbours and surrounding area are protected and the Framework which seeks a good standard of amenity for all.

Planning History

9. I accept that the site has an extensive planning history and this scheme sought to address previous concerns in relation to the elevational design proposed. Nevertheless, I have considered the scheme put before me on its own merits.

Vacant Properties

10. I have considered the point raised in relation to the number of empty residential properties in the surrounding area however little evidence of these has been provided to me. I noted some 'For Sale' boards present during my site visit however the circumstances of these are unknown and therefore I afford this aspect limited weight.

Conditions

11. The Council have suggested a number of conditions which I have considered and amended where necessary against the advice contained in the Planning Practice Guidance.

-
12. In addition to the standard time limit condition I have included a condition listing the approved plans in the interests of clarity. A condition in relation to materials is necessary in the interests of the visual character of the area. A condition to secure obscure glazing is necessary as set out above. A condition to secure the provision of the parking is necessary in the interest of highway safety.
 13. Conditions in relation to a landscaping scheme and its ongoing maintenance are not necessary; each individual occupant will form their gardens as they require on such a small scale development. A condition for details of bin and cycle storage, due to the small scale nature of the development and the preferences of the future occupants is also not necessary.
 14. Removal of permitted development is only required in exceptional circumstances. None have been identified in this instance to warrant the inclusion of a condition in that regard. I note that energy efficient requirements are justified by part 11a of Policy KP2 of the Southend on Sea Core Strategy, 2007, and as such consider this condition to be reasonable. I have also considered the water efficiency requirements condition necessary, which is also supported by Policy requirements. I do not consider it necessary to impose a condition relating to the Building Regulations standard for the accessibility and adaptability of the internal layout of the dwellings as this is dealt with by the current Building Regulations.

Conclusion

15. Having had regard to the above and all other matters raised I conclude that the proposed development is acceptable and the appeal is allowed.

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: 100; 101e; 102d; 103d and 105b.
- 3) No development within the area shown edged in red on approved drawing no. 101e shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 4) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. 101e for cars to be parked and that space shall thereafter be kept available at all times for the parking of vehicles.
- 5) The buildings hereby permitted shall not be occupied until the windows at the first floor side elevations serving the landings and bathrooms have been fitted with obscured glazing. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the windows are installed and once installed the obscured glazing shall be retained thereafter.
- 6) 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 scheme approved shall be implemented and brought into use on first occupation of the development unless otherwise agreed in writing with the Local Planning Authority.
- 7) Prior to the occupation of the development hereby approved, 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 agreed in writing with the Council. The scheme shall be implemented in accordance with the approved details.