



Appeal Decision

Site visit made on 17 June 2019

by C J Leigh BSc(Hons) MPhil MRTPI

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

Decision date: 15 July 2019

Appeal Ref: APP/D1590/W/19/3222699

128 Richmond Avenue, Shoeburyness, Southend-on-Sea, SS3 9LF

- 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 Marchant Developments Ltd against the decision of Southend-on-Sea Borough Council.
 - The application Ref 18/01787/FUL, dated 20 September 2018, was refused by notice dated 17 December 2018.
 - The development proposed is the demolition of the existing bungalow and rebuild seven new-build self-contained flats.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues in this appeal are the effect of the proposed development on the living conditions of adjoining residents, and on the character and appearance of the surrounding area. A further main issue is whether the proposed development would be consistent with development plan policies relating to the mix of housing in the Borough.

Reasons

a) Effect on living conditions

3. The appeal site contains a bungalow that is set away from the boundary with 130 Richmond Avenue to the south. The proposed development would see a two storey development, with accommodation in the roofspace, which would be sited close to No. 130. This would be of considerable depth and height, extending notably beyond the rear elevation of No. 130 and very close to the garden of that house.
 4. I note the depth of the proposed extension would not breach a 45 degree line drawn from the rear window of No. 130 and, with that property lying to the south, I am satisfied there would not be any material loss of light. However, from my observations at the site visit I could ascertain that the depth, siting and height of this new building would have a very dominant effect on the outlook from the windows and garden of No. 130. This would be overbearing and lead to a harmful sense of enclosure, to the detriment of living conditions.
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5. I have further concerns that the scale, siting, height and design of the flats would lead to a loss of privacy to No. 130 and to 33 & 35 Church Road. The development would introduce self-contained dwellings at first and second floors with primary living space looking towards the gardens of those houses, and also with Flat 3 showing a balcony in close proximity. This arrangement would allow clear views over the currently private garden areas. Similarly, the living accommodation and balcony to Flat 4 would enable new views over the garden to 126 Richmond Avenue, which would result in a loss of privacy.
6. The proposed layout would see a vehicular parking and circulation area adjoining the gardens of 130 Richmond Avenue and 33 & 35 Church Road. I could appreciate at my site visit that this would lead to a significant change to the living conditions of those occupiers: noise and disturbance from maneuvering vehicles would be introduced to a currently peaceful area, leading to serious harm to amenity. I note a similar arrangement exists in the flats opposite but I do not consider this justification for introducing a new layout that I can appreciate would be harmful to the Church Road and Richmond Avenue residents. On the basis of the information presented to me I am also not persuaded that this harm could be adequately mitigated by fencing.
7. On the first issue it is my clear conclusion that the design, scale, height and layout of the proposed development would be harmful to the living conditions of adjoining occupants with regards to outlook, privacy, noise and disturbance. This would be contrary to Policies DM1 and DM3 of the Southend-on-Sea Borough Council Development Management Document 2015 (DMD) and Policy CP4 of the Southend on Sea Core Strategy 2007 (CS), whose objectives include seeking to ensure new development maintains and enhances the amenities of residential areas and neighbours.

b) Character and appearance

8. The existing bungalow on the site lies between two storey houses to the north and a later 20th Century house to the south. Opposite the site are modern flats. The appeal site therefore appears as being in an area of mixed character, where modern infill development has occurred, and hence it appears that redevelopment would be consistent with those changes.
9. However, the design approach for the new flats lacks cohesion and does not relate well to the area, despite that mixed character. The three gables, which rise to the ridge, are of different proportions and the fenestration differs across the frontage. Combined with the undercroft access through one gable – which leads to an awkward ‘hanging’ effect to the gable at first floor – these features lead to a building with an uncomfortable appearance in the streetscene.
10. The proposals are therefore not consistent with the objectives of Policies DM1 and DM3 of the DMD, Policies KP2 and CP4 of the CS, and the Southend-on-Sea Design & Townscape Guide Supplementary Planning Document 2009, which seek a high standard of design. On the second main issue it is concluded there would be harm to the character and appearance of the area.

c) Housing mix

11. Policy DM3 4(ii) of the DMD resists the redevelopment of bungalows except where, amongst other matters, a proposal does not lead to a net loss in housing accommodation suitable to meet the needs of older residents having regard to Lifetime Homes Standards.

12. Whilst no detailed specification has been given regarding the compliance with Lifetime Homes, the Council's Delegated Report stated that this matter could be dealt with by condition. The submitted drawings show two ground floor flats would be provided with step-free access, and the appellant has stated such a condition would address this matter. On the basis of the drawings and information provided to me I am satisfied this matter could be addressed by a condition.
13. On the third issue it is therefore concluded that the proposed development would be consistent with the development plan relating to the mix of housing and so satisfies the relevant provision of Policy DM3.4 (ii) in this regard.

Other consideration and conclusions

14. I acknowledge that the development plan and the Framework seek to make the most efficient use of land for housing. However, I must determine this appeal on its own merits. There is conflict with the development plan with regards to the first two main issues and this clearly outweighs the benefits of providing new dwellings. The appeal is dismissed accordingly.

C J Leigh

INSPECTOR