



Appeal Decision

Site visit made on 16 July 2019

by M Savage BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 August 2019

Appeal Ref: APP/D1590/W/19/3226835

27 Cumberland Avenue, Southend-on-Sea SS2 4LF

- 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 Mark Summerhayes against the decision of Southend-on-sea Borough Council.
 - The application Ref 18/02118/FUL, dated 12 November 2018, was refused by notice dated 25 January 2019.
 - The development proposed is to demolish an existing dwelling and build six 1-bedroom flats with gardens.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

- The effect of the appeal scheme on the living conditions of occupants of No 31 Cumberland Avenue with particular regard to light and outlook; and
- The effect of the appeal scheme on the character and appearance of the area; and
- Whether the development would help meet the housing needs of the Borough; and
- The effect of the appeal scheme on highway safety.

Reasons

Living conditions

3. No 27 Cumberland Avenue is a modest chalet bungalow set back from the highway, located between two bungalows. Windows in the side elevations of Nos 27 and 31 face towards each other. The Council advise that the window in the side elevation of No 31 serves a bedroom and is its sole source of light. Although this results in a degree of overlooking between Nos 27 and 31, the distance between the side elevations of the two properties and the height of the buildings allows daylight to enter the side bedroom in No 31.
4. Policy DM1 of the DMD seeks to ensure that development protects the amenity of the site, immediate neighbours, and surrounding area, having regard to, amongst other things, outlook, visual enclosure and daylight and sunlight.

Policy DM3 of the DMD, whilst concerned with conversions and therefore not directly relevant to the appeal scheme before me, has similar aims and Policy CP4 of the Core Strategy seeks to ensure that development maintains and enhances the amenities, appeal and character of residential areas, securing good relationships with existing development, amongst other things.

5. Policy KP2 of the Core Strategy states that all development will need to have regard to the Council's guidance set out in its Supplementary Planning Documents. The Southend-on-Sea Design and Townscape Guide (DTG)(2009) sets out the Council's aim of improving the quality and sustainability of development throughout the Borough whilst protecting the town's built resources.
6. The proposed building would be closer to the side elevation of No 31 and would be two storey, extending much higher than the existing dwelling. It is asserted that the window in No 31 is not a defined principal elevation. However, the window serves a bedroom and is its sole source of light and outlook. I acknowledge that the outlook from No 31 is already affected by the appeal building and intervening boundary treatments. However, in the absence of evidence to the contrary, I am concerned that the appeal scheme would significantly diminish the light levels within the bedroom. This would result in an oppressive living environment, where occupants would be likely to need to use artificial light much of the time.
7. Thus, the appeal scheme would significantly harm the living conditions of the occupants of No 31 Cumberland Avenue, contrary to Policy DM1 of the DMD and CP4 of the Core Strategy and would therefore fail to improve the quality of development, contrary to the DTG and, as a consequence, contrary to Policy KP2 of the Core Strategy.

Character and appearance

8. Cumberland Avenue comprises an eclectic mix of dwelling styles including single storey and two storey dwellings, detached, semi-detached and terraced properties. The appeal site is a detached chalet style dormer bungalow located in a generally residential area of Southend-on-Sea set between two bungalows. The area to the front of the dwelling is largely paved and is bound by a low-level brick wall with planting.
9. Although there are examples of parking to the front of dwellings along Cumberland Avenue, frontages which are not entirely dominated by parking, such as the appeal site, make a positive contribution towards the character and appearance of the area. The proposed building would be two storey with a hipped roof and two-storey gabled bays to the front. Parking would be located entirely to the front of the building and would utilise the majority of the front garden.
10. Policy KP2 of the Core Strategy seeks to secure improvements to the urban environment through quality design and Policy CP4 seeks to maintain and enhance the appeal and character of residential areas, amongst other things. Policy DM1 of the DMD states, in part, that development should contribute positively to the space between buildings and their relationship to the public realm and Policy DM3 states that the Council will seek to support development that is well designed and, amongst other things, responds positively to local context.

11. The Southend-on-Sea Design and Townscape Guide (2009) discourages parking on the frontage and states that open frontages and total loss of front gardens or forecourts to parking will be considered unacceptable. I acknowledge that there are examples of parking to the front of dwellings along Cumberland Avenue, however, I have no substantive details of these before me. Furthermore, I must consider the appeal scheme on its own merits.
12. The site frontage would be dominated by areas of hardstanding for car parking leaving limited opportunity to implement any meaningful landscaping. As a result, parked vehicles would dominate the frontage which would diminish the character and appearance of the area. This would be contrary to Policies KP2 and CP4 of the Core Strategy and Policies DM1 and DM3 of the DMD, the requirements of which are set out above.
13. The garden to the rear would be subdivided to provide a garden for each of the flats. It would be possible to secure details of boundary treatments and fencing via condition which would ensure that the subdivision of the rear garden would not harm the character and appearance of the area. As such, there would be no conflict with Policies KP2, CP4, DM1 and DM3 in this regard.

Housing needs of the Borough

14. The appeal dwelling is a dormer bungalow with a room in the roof, set in spacious grounds. Although the room in the roof appears to have been used as a bedroom in the past, the stairs do not allow safe access to the room as they have a very steep gradient and are narrow. As such, I do not consider that the dwelling can be considered to have three-bedrooms.
15. The appeal scheme would involve the demolition of the bungalow and erection of six one-bedroom flats. Parking provision would be made to the front of the building and the rear garden would be subdivided to provide outside space for each of the flats. Three of the flats would be located on the ground floor and the remaining three would be located on the first floor.
16. Policy CP8 of the Southend on Sea Borough Council Local Development Framework Core Strategy Development Plan Document One (Core Strategy)(2007) states that the Borough Council will resist development proposals that involve the loss of existing valuable residential resources, having regard to the limited land resources in the Borough, including, amongst other things, the need to safeguard an adequate stock of single family dwellinghouses.
17. Paragraph 2.41 of the Development Management Document (DMD) July 2015 sets out that there is a lower percentage of accommodation of a suitable size for families in Southend, 52% 3+bed dwellings compared to an average of 61% 3+ bed across the other TGSE local authority areas. Whilst I have not been provided with a definition of 'family dwellings', given the above, it is reasonable to conclude that the appeal building is not a family sized dwelling since it has two bedrooms, not three.
18. Policy DM3 of the Southend-on-Sea Development Management Document (2015) states that the conversion of existing single storey dwellings (bungalows) will generally be resisted subject to exceptions where the proposal would not harm the character and appearance of the area and will not result in a net loss of housing accommodation suitable for the needs of Southend's older

residents having regard to Lifetime Homes Standards. Paragraph 96 of the Southend-on-Sea Design and Townscape Guide (DTG)(2009) states that the Borough Council will seek to protect its stock of bungalows across the town.

19. Although the appeal scheme would result in the loss of a detached, single storey dwelling, since the dwelling only has two bedrooms the appeal scheme would not result in the loss of a family dwelling. There would therefore be no conflict with Policy CP8 of the Core Strategy in this regard. Although the appeal scheme would result in the demolition of a bungalow, three of the proposed flats would be located on the ground floor which would provide accessible accommodation. As such, there would be no conflict with Policy DM3 or the DTG in this regard.
20. Policies KP2 and CP4 of the Core Strategy both seek to ensure that development makes the best use of previously developed land. The appeal scheme would increase the number of residential units within the site and, in this respect, would make good use of previously developed land, in accordance with Policies KP2 and CP4.

Highway safety

21. Cumberland Avenue is a generally residential street with parking on both sides of the highway. I visited the site around midday, during which time the road was lightly trafficked and ample on-street parking was available. Although I would expect on-street parking pressure to be higher in the evenings and at weekends given the residential character of the street, many of the dwellings have off-street parking provision.
22. Policy DM15 of the DMD states that development will be allowed where there is, or it can be demonstrated that there will be, physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner. Policy KP2 of the Core Strategy seeks to ensure good accessibility to local services and the transport network, amongst other things and Policy CP3 of the Core Strategy seeks to improve road safety, quality of life and equality of access for all, amongst other things.
23. The Council has drawn my attention to its Vehicle Crossing Policy and Application Guidance which, it states, specifies a maximum vehicle crossing width of 3.66m dropped kerb specifications for the public highway. The creation of a wider dropped kerb would reduce the availability of on-street parking. However, given the availability of off-street parking provision elsewhere within the street I consider it unlikely that the appeal scheme would significantly increase parking pressure on the road.
24. The appeal site is served by two drop kerbs and is mostly paved. I saw that parking in front of dwellings is a common feature along Cumberland Avenue, with most provision for parking at a right angle to the highway meaning that vehicles are unable to enter and exit in a forwards gear. Since each flat would have its own parking space, it is highly unlikely that future occupants would choose to enter or exit the site at the same time. Moreover, drivers of vehicles would have sufficient visibility to see pedestrians travelling along the road and would therefore be able to wait before entering or exiting the site. Thus, there would be no harm to highway safety arising from the appeal scheme and no conflict with Policy DM15 of the DMD and Policies KP2 and CP3 of the Core Strategy.

Conclusion

25. While I have not identified harm in respect of the housing needs and highway safety, I have identified significant harm in relation to living conditions in conflict with the development plan. I have also identified that there would be to the character and appearance of the area. There is no substantive evidence before me that the appeal should be determined other than in accordance with the development plan, and no benefits are before me of sufficient weight to outweigh the harm I have identified, including the provision of additional housing, to which I attach moderate weight in the circumstances before me.
26. For the reasons given above, and taking into account all matters raised, I therefore dismiss the appeal.

M Savage

INSPECTOR