



Appeal Decision

Site visit made on 31 July 2019

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 August 2019

Appeal Ref: APP/D1590/W/19/3229735

60 Barnstaple Road, Thorpe Bay, Southend-on-Sea, SS1 3PA

- 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 Matthew Porter against the decision of Southend-on-Sea Borough Council.
 - The application Ref 19/00209/FUL, dated 8 February 2019, was refused by notice dated 29 March 2019.
 - The development proposed is to sub-divide the house into two residential units.
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Decision

1. The appeal is allowed and planning permission is granted for the sub-division of the existing house into two residential units at 60 Barnstaple Road, Thorpe Bay, Southend-on-Sea, SS1 3PA in accordance with the terms of the application, Ref 19/00209/FUL, dated 8 February 2019, and the plans submitted with it, subject to the following 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: Site Plan 1:1250, 19/1341/01 (Existing Plans), 19/1341/01 (Proposed Plans), 19/1341/03, 19/1341/04.
 - 3) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. 19/1341/01 (Existing Plans) Site Plan 1:200 for at least 2 cars to be parked and that space shall thereafter be kept available at all times for the parking of vehicles.
 - 4) No dwelling shall not be occupied until the Building Regulations Optional requirement Part G (water efficiency) of Schedule 1 and regulation 36 (2b) to the Building Regulations 2010, as amended has been complied with.

Main Issues

2. The main issues are:
 - The effect of the proposed dwelling on the character and appearance of the area.
 - Whether the development would provide acceptable living conditions for future occupiers, with particular reference to internal living standards.

- The effect of the proposed parking arrangement on both highway and pedestrian safety.

Reasons

Character and appearance

3. Barnstaple Road is a predominantly residential street with a mix of low rise flats, two storey and three storey dwellings. The site, which is set back from the main part of Barnstaple Road in its own cul-de-sac, is triangular in shape.
4. The plot comprises a 3 storey end terrace 4 bedroom dwelling, which has been extended to the side. The extension is set back from the frontage of the site and the ridge height is lowered to give the appearance of a subservient addition. A similar extension exists at the other end of the terrace.
5. The site includes an integral garage with a parking area provided to the front of the dwelling.
6. The development proposes the subdivision of the existing dwelling into 2 dwellings, by converting the existing extension into a separate 2 bedroom dwelling. The external alterations would be limited to the insertion of a door in the ground floor front elevation of the existing extension.
7. The impact on the character and appearance of the area would be limited, given the extension already exists and the insertion of a door would be the only visual change to the appearance of the structure. The position of the dwelling within a small cul-de-sac off Barnstaple Road, with the presence of a recently constructed low rise flatted development at the entrance to the cul-de-sac means that any changes would be imperceptible.
8. In addition, the impact on the terrace itself is not considered harmful given the changes to the external appearance would be minor and both ends of the terrace already have a subservient addition. Due to the arrangement of the parking area it would not be possible to introduce subdivision to the front of the site and as such the site would still read as one unit. Therefore limiting any impact on the terrace as a whole.
9. I therefore conclude that the proposed development would not harm the character and appearance of the area. It would not conflict with Policy CP4 of the Southend-on-Sea Borough Council Core Strategy, Development Plan Document One (dated December 2007) (CS) which requires development to maintain and enhance the appeal and character of residential areas, securing good relationships with existing development and respecting the scale and nature of that development and Policy KP2 of the CS which reiterates these development principles.
10. The development would also be in accordance with Policy DM3 of the Southend-on-Sea Borough Council Development Management Document (July 2015) (DMD) which supports the efficient and effective use of land, provided that there is no conflict with the character and grain of the local area and Policy DM1 which sets out the design principles for the development, which is linked to the Design and Townscape Guide Supplementary Planning Document (SPD).

Living Conditions – Future Occupiers

11. Policy DM8 of the DMD requires development to meet specific residential standards, which are set out within the accompanying Policy Table 4 and 5. These state that for a 2 bedroom (3 bed spaces) (2b3p) two storey house or other dwellings on two floors, the minimum gross internal floor area shall be 66m². The nationally described space standards requires 2b3p houses to have a gross internal floor area of 70m².
12. I have taken the figure provided by the nationally described space standards to have the greatest weight as required by the written ministerial statement of March 2015 which requires internal space standards within existing local plan policies to be interpreted to the nearest equivalent national technical standard.
13. The appellant and the Council agree that unit 1 at 100m² would comply with the standards set out within the nationally described space standards for both a 2 bedroom (4 bed space) unit which is 79m² over two storeys and a 3 bedroom (4 bed space) unit which is 90m² over three storeys.
14. Unit 2 has a floor area of 74m² which therefore complies with the nationally described space standard for a 2b3p two storey dwelling. There are no standards set out for a 2b3p dwelling over three storeys. The bedrooms within the property meet the standards required and each have access to their own bathroom. The ground floor accommodation provides a good sized lounge and kitchen diner.
15. Whilst the Council consider a higher standard should be applied as the property is over three storeys, I can not see any justification for this either within Policy DM8 of the DMD or within the nationally described space standards. The layout indicated within the submitted plans demonstrates that the proposal would provide a good sized dwelling with rooms of adequate size.
16. Therefore I conclude that the proposed development would provide acceptable living conditions for future occupiers in accordance with Policy DM1, DM3 and DM8 of the DMD which require high quality internal environments which do not adversely impact upon the living conditions of intended occupants and KP2 and CP4 of the CS which set out the design principles for development and the SPD

Parking

17. The site currently benefits from an integral garage and a parking forecourt at the front of the site, where 3 small vehicles were parked at the time of my visit. The triangular nature of the parking court makes it difficult to assess how many cars could be parked within the area without preventing ingress and egress to each others spaces. It has been put to me that the garage does not meet the required space standards. Whilst I have not been provided with these, taking the level of concern raised with regard to parking I have taken the Council's worst case scenario that the site could only provide 2 off street parking spaces.
18. Policy DM15 and appendix 6 of the DMD sets out the parking standards required for all development. These require that a flat with 2 or more bedrooms requires 1 space per dwelling and a house with 2 or more bedrooms requires 2 spaces per dwelling. There is no explanation as to why a house with 2 bedrooms requires 1 more space than a flat with 2 bedrooms. It is also noted

that a 4 bedroom dwelling has the same requirement for parking provision as a 2 bedroom dwelling.

19. I consider that the existing dwelling, with 4 bedrooms could generate the same demand for parking spaces as 2 no. 2 bedroom dwellings, and therefore it is not the case that the proposal would result in pressure for additional parking to be provided.
20. However, I am mindful of the Policy position set out in the policies above and the concerns that have been raised by third parties with regard to existing parking problems. I did not witness any parking problems at the time of my visit, noting that this was during the day, and that demand for parking is likely to be greater during the evening and weekends. However I did note that it was possible to park along Barnstaple Road except between the hours of 2-3pm Monday-Friday and therefore on-street parking was available during evenings and weekends.
21. In addition to setting out parking standards, Policy DM15 of the DMD allows for the parking standards to be applied flexibly where the development is in a sustainable location with frequent and extensive links to public transport, this is echoed in paragraph 105 of the Framework. I noted from my visit that the site is within a short walking distance of Thorpe Bay station which provides rail services into London Fenchurch Street and bus stops in Station Road are also easily accessible. Therefore I consider that the site's location is sustainable and that the occupiers of the proposed dwellings would have options other than the private motor car.
22. In conclusion, noting the scale of the dwellings proposed and the proximity of the site to public transport options, I consider that the level of parking provision provided is sufficient and would not be detrimental to highway or pedestrian safety and as such would accord with Policy DM3 and DM15 of the DMD which set out the parking standards for new development and allows for these to be applied flexibly in sustainable locations and policy CP3 of the CS which seeks to reduce reliance on the car.

Other matters

23. I note that concerns have been raised with regard to the potential for overlooking and loss of privacy, however noting that the extension already exists and that no additional openings are proposed, other than for the insertion of a front door, I am content that there would be no impact on the living conditions of existing occupiers, even having regard to the intensification of the use of the site.

Conditions

24. The Council has suggested 6 conditions. I have considered these in light of the Planning Practice Guide and the tests of the Framework and where necessary amended them for clarity. In addition to the standard implementation condition it is necessary, for the avoidance of doubt, to define the plans with which the scheme should accord.
25. Noting the requirements of Policy DM2 of the DMD and KP2 of the CS I have also found it necessary to impose a condition relating to water efficiency.

26. In order to ensure an appropriate level of parking provision, I have imposed a condition requiring the parking spaces to be provided prior to occupation of the dwelling and retained for the life of the development.
27. I have not imposed a condition removing permitted development rights as the Planning Practice Guidance advises that conditions restricting the future use of permitted development rights "*will rarely pass the test of necessity and should only be used in exceptional circumstances*". I do not consider it is necessary in this instance. I have also not imposed a condition relating to refuse and bicycle storage, as this has already been detailed within the submitted plans and therefore I do not consider a condition necessary.

Conclusion

28. For the reasons given above I conclude that the appeal should be allowed.

G. Pannell

INSPECTOR