



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: 23 August 2019

Appeal Ref: APP/D1590/W/19/3229872

64 Southchurch Boulevard, Southend-on-Sea, SS2 4XA

- 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 Paul Miller against the decision of Southend-on-Sea Borough Council.
 - The application Ref 18/02280/FUL, dated 28 November 2018, was refused by notice dated 18 March 2019.
 - The development proposed is removal of garage and creation of 1 bedroom bungalow with associated parking and amenity space.
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Decision

1. The appeal is allowed and planning permission is granted for the removal of the garage and creation of 1 bedroom bungalow with associated parking and amenity space at 64 Southchurch Boulevard, Southend-on-Sea SS2 4XA in accordance with the terms of the application, Ref 18/02280/FUL, dated 28 November 2018, 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 area.

Reasons

3. The site is located on the corner of Southchurch Boulevard and Pilgrims Close, a predominately residential area, comprising the rear garden of 64 Southchurch Boulevard and the existing garage. The area is characterised by a range of dwelling types, with bungalows in particular within Pilgrims Close.
4. The size of the plot is reasonable given the scale of the dwelling proposed and would replace an existing garage. The proposed dwelling would have its frontage and vehicular access onto Pilgrims Close and therefore would be read within the context of the existing dwellings in Pilgrims Close.
5. The existing single garage is visible from Pilgrims Close and would be demolished in order to facilitate the development. The garage is limited in scale and fails to positively contribute to the character and appearance of the area given its age and appearance.
6. The plot is of sufficient size to provide an appropriate level of parking and amenity space and the proposed dwelling would not appear cramped within the plot with spacing available to the side and rear. The plot is of a similar size to that of the existing bungalows within Pilgrims Close, which are semi-detached and therefore would not be out of character with the wider area.

7. The siting of the proposed dwelling whilst being close to the frontage of the site, is not consider detrimental to the character of the area, having regard to the width of the road, including the existing footpath.
8. Whilst there are no other properties on the appeal site side of Pilgrims Close, the development would continue the built form from Southchurch Boulevard, including that of the host property whose side boundary extends along Pilgrims Close. The proposed dwelling, by virtue of its modest size and scale, reflects the dwellings within Pilgrims Close and would contribute positively to the character and appearance of the area.
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 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 2015 (DMD) which supports the efficient and effective use of land and enables infill development to be considered on a site by site basis, 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). Paragraph 200 of the SPD advises that development of existing rear and side gardens may be acceptable where the local character is informal and where there are no issues of space and overlooking. In these circumstances the subdivision of existing garden areas may be acceptable in principle.

Other matters

11. I am content that the proposal would not lead to overlooking of 66 Southchurch Boulevard due to the single storey scale of the dwelling and the boundary treatment between the two properties. Whilst concern has also been raised that the development of the site may lead to future applications for the development of the adjacent school playing fields, each case is determined on its own merits. There is no substantive evidence before me that allowing the appeal proposal would affect the development of the playing fields, favourably or otherwise.
12. I have taken into account the development currently being undertaken at 64 Southchurch Boulevard and whilst I have not been provided with plans of this, it was possible to see the extent of the development from my site visit. It is apparent that the extended property has utilised some of the existing amenity space shown on the block plan to be allocated as garden for the host property. However, I am content that whilst the remaining garden area would be modest for the size of the extended dwelling, the subdivision would not result in an overdevelopment of the plot.

Conditions

13. The Council has suggested 11 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. In the interests of the character and appearance of the area a condition requiring the submission of samples of the materials is necessary and reasonable. I also consider that a condition to agree a scheme of landscaping, would be necessary in this case given the lack of detail on the submitted plans.
14. Given the proximity to other residential properties, I have imposed a condition limiting the hours of construction to protect residential amenity. Noting the requirements of policy DM2 of the DMD and KP2 of the CS I have also found it necessary to impose conditions relating to water efficiency and renewable energy.
15. In order to ensure an appropriate level of parking provision, I have imposed a condition requiring the parking space to be provided prior to occupation of the dwelling and retained for the life of the development.
16. 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 requiring the development to be in accordance with Building Regulations part M4(2) as I have not been provided with a policy which allows this condition to be imposed. I have also not imposed a condition relating to refuse and bicycle storage, as there is sufficient space within the proposed amenity space for storage and therefore I do not consider a condition necessary.

Conclusion

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

G. Pannell

INSPECTOR

Condition Schedule:

- 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: 17.142/01, 17.142/02, 17.142/03 & 17.142/04.

- 3) No development above slab level shall take place until samples of the materials to be used in the construction of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development above slab level shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) Demolition or construction works shall take place only between 0800-1800 on Monday to Friday and 0800-1300 on Saturday, and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 7) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. 17.142/01 for 1 car to be parked and that space shall thereafter be kept available at all times for the parking of vehicles.
- 8) No development shall take place until a scheme (including a timetable for implementation) to secure at least 10% of the energy supply of the development from decentralised and renewable or low carbon energy sources shall have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented and thereafter retained in operation.
- 9) The 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.