The Planning Inspectorate

Appeal Decision

Site visit made on 26 June 2019 by C Brennan BAE (Hons) M.PLAN

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 September 2019

Appeal Ref: APP/D1590/W/19/3226185
112 The Fairway, Leigh-on-Sea SS9 4QS

- 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 Joe Albert against the decision of Southend-on-Sea Borough Council.
- The application Ref 18/01749/FUL, dated 9 August 2018, was refused by notice dated 11 January 2019.
- The development proposed is a detached chalet bungalow.

Decision

1. The appeal is allowed, and planning permission is granted for a detached chalet bungalow at 112 The Fairway, Leigh-on-Sea, SS9 4QS, in accordance with the application, Ref 18/01749/FUL, dated 9 August 2018, subject to the conditions set out in the attached schedule.

Application for Costs

2. An application for costs was made by Joe Albert against Southend-on-Sea Borough Council. This application is the subject of a separate Decision.

Appeal Procedure

3. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

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

Reasons for the Recommendation

Character and Appearance

5. The appeal site is located to the rear of 112 The Fairway, a semi-detached bungalow situated on the corner of The Fairway and Thorndon Park Drive. The site had accommodated a single-storey garage which has since been demolished. Thorndon Park Drive is characterised by detached and semi-detached bungalows and chalet bungalows with front gardens. Properties generally have hipped or pitched roofs, although Nos. 92 and 94 to the west of the appeal site, which have gable-style features on the front facing roofs and incorporate side dormer windows, are relatively bulkier than other properties within the street. Similarly, No. 96, which lies immediately to the west of the

appeal site, incorporates side and front dormer windows and so also has a relatively bulkier appearance than most other properties within the streetscene.

6. The proposal is a chalet bungalow with a half-hipped roof. It would be set within the same footprint of a proposal that was allowed at appeal for a chalet bungalow with a hipped roof form and side dormer window (Ref APP/D1590/W/15/3133851). While the half-hipped roof form would result in a marginally bulkier roof form relative to the previously allowed scheme, the proposal would not appear overly bulky, incongruous or obtrusive within the immediate context of Nos. 92-96 to the west which are relatively larger than and architecturally distinctive from other properties along Thorndon Park Drive. Furthermore, during my site visit, I observed that No. 119 Woodside (on the western end of Thorndon Park Drive at the junction with Woodside) has a half-hipped roof that is clearly visible from Thorndon Park Drive. While not in itself determinative, the presence of a comparable roof form within the wider streetscene provides further justification for the proposal.

7. I understand the concerns that the proposal would result in the overdevelopment of the site as it would occupy a significant percentage of the garden of the host dwellinghouse, and would appear overly prominent due to its siting forward of the building line. While I accept that the current proposal is bulkier at roof level than the previous scheme, it is comparable in footprint. When seen in the context of the large neighbouring properties to the west, I do not consider that the proposal in question would appear as an overdevelopment of the appeal site. Furthermore, although, it would be set forward from the existing building line along Thorndon Park Drive and, as a result of the increase in bulk, would have a relatively more prominent appearance than the previous scheme, it would be about 0.85m lower in height than the previous proposal and would be set back from the side elevation of No. 112. As such I do not consider that the proposal would be so prominent as to warrant refusal in this particular case.

8. For the above reasons, I conclude that the proposal would not cause harm to the character and appearance of the surrounding area and would therefore comply with Policies CP4 and KP2 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the Design and Townscape Guide SPD (2009), which broadly require that development proposals must respect and enhance the character and appearance of the surrounding area.

Conditions

9. The conditions which are imposed are those which have been suggested by the Council, but with some variation in the interest of clarity and precision having regard to the advice on imposing conditions in the National Planning Policy Framework and Planning Practice Guidance.

10. In addition to the standard timescale condition, I have imposed a condition requiring that the scheme be built in accordance with the approved plans for the avoidance of doubt. I have also required the submission of samples of materials so as to safeguard the character and appearance of the area.

11. Conditions requiring a renewable energy scheme and water efficiency measures are imposed in the interests of minimising the environmental impact of the proposal.

12. I have imposed conditions to ensure that an appropriate level of car parking will be provided for future occupiers, in the interests of highway safety, and to ensure that sufficient waste storage is provided to protect the appearance of the area. In response to neighbour's concerns, a condition has also been imposed requiring that the rear facing rooflights will be obscure glazed and fixed shut, to ensure the privacy of occupiers of neighbouring properties.

13. As recommended by Environmental Health during the application's consultation period, I have imposed a condition controlling the hours of construction and demolition to respect the living conditions of nearby residents.

14. The Council have suggested that a condition should be imposed to remove permitted development rights as set out within Schedule 2, Part 1, Classes A, B, C, D, E, F or G of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The National Planning Practice Guidance states that conditions restricting the future use of permitted development rights or changes of use are unlikely to meet the tests of reasonableness and necessity. No evidence has been provided by the Council to demonstrate why it would be reasonable or necessary to remove permitted development rights in this case, and I see no reason to impose this condition.

Conclusion and Recommendation

15. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

C Brennan

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Andrew Owen

INSPECTOR

Schedule of Conditions

1) The development hereby permitted shall begin no later than 3 years from the date of this decision.

2) The development shall be carried out in accordance with the following approved plans: 3433-08 Rev B (sheet 1 of 2) and 3433-08 Rev C (sheet 2 of 2).

3) No development shall take place, other than for demolition works and the construction up to ground floor slab level, until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in full accordance with the approved samples.

4) A scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources must be submitted to and agreed in writing and implemented in full prior to the first occupation of the development. This provision shall be made for the lifetime of the development.

5) Water efficient design measures as 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 shall be installed prior to the first occupation of the development hereby approved and retained in perpetuity.

6) The development shall not be occupied until space has been laid out within the site in accordance with drawing 3433-08 Rev C (sheet 2 of 2) for two cars to be parked. These two spaces shall thereafter be kept available at all times for those purposes.

7) Prior to first occupation of the development hereby granted, secure, covered refuse and recycling storage areas to serve the development shall be provided in accordance with details that have been previously submitted to and agreed in writing by the local planning authority prior to the occupation of the development. These facilities shall be permanently retained as such thereafter.

8) The building hereby permitted shall not be occupied until the rooflights in the rear south roof slope have been fitted with obscured glazing and shall be fixed shut. Details of the type of obscure glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.

9) Demolition or construction works shall take place only between 0730 and 1800 Monday to Friday, 0800 and 1300 Saturday and not at all on Sundays or on Bank or Public Holidays.