



Appeal Decision

Site visit made on 21 August 2019

by J E Jolly BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities

Decision date: 30 September 2019

Appeal Ref: APP/D1590/W/19/3230816

Land at rear of 26-28 Caulfield Road and adjacent to 190 West Road

- 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 Stephan Maslyak against the decision of Southend-on-sea Borough Council.
 - The application Ref 19/00405/FUL, dated 28 February 2019, was refused by notice dated 26 April 2019.
 - The development proposed is a residential development for a 1-bedroom single dwelling house with front garage and amenity space to rear.
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Decision

1. The appeal is dismissed.

Main Issues

2. The effect of the proposed development on; (i) the character and appearance of the area; (ii) the living conditions of neighbouring properties with regard to outlook, sunlight and daylight; and (iii) the effect on highway safety with particular reference to parking.

Reasons

3. The appeal site is located within a suburban residential area where the properties are predominantly Victorian terrace and post-war semi-detached brick and tile dwellings. The area has local shops and regular transport links.
4. The site is a small, overgrown plot of land adjacent to West Road, Shoeburyness and lies between the gardens of the existing residential homes at 26 and 28 Caulfield Road, 190 West Road and 2 and 4 Trafalgar Road. It is accessed from a wooden gate on West Road and is flanked by single-storey garages/buildings associated with the gardens of the adjacent terraces. On-street parking is permitted on West Road and the surrounding streets.
5. The proposal is a two-storey, 1 bedroom, 2-person dwelling. The development would have a gable end and low eaves and contain one-parking space within the dwelling at street level. A bathroom and bedroom would also be located on this level with stairs to the lower main living/kitchen area, toilet, storage area and patio garden.
6. The brick and timber building would sit below the surrounding properties and the roof would have 4 photo voltaic panels, a part glazed roof and roof-light above.

Character and Appearance

7. The development would be constructed of materials that would match the adjacent fenced boundary treatments and brick elevations of the surrounding properties.
8. However, due to the limited space available, the development would be cramped within the plot. Further, its sunken position and lack of front and side fenestration would be incongruous with the prevailing pattern of development along the adjacent street-scene.
9. Similar plots along West Road have been left as surface parking spaces which help to retain a sense of spaciousness and provide views along the 'green corridor' between the tight terraces. The development would harm this general openness and detract from the character and appearance of the area.
10. This is contrary to Policies KP2 and CP4 of the Southend-On-Sea Core Strategy (CS), Policies DM1 and DM3 of the Southend-on-Sea Borough Council Development Management Document (DMD) 2015, and guidance contained within the Design and Townscape Guide (DTG) 2009 which expect that development should add to the overall quality of the area and respect the character of the site, its local context and surroundings.

Living Conditions

11. As part of my site visit assessment I noticed that the proposal is unlikely to be significantly harmful to the daylight and sunlight experienced by the neighbouring properties. This is due to the East-West orientation of the appeal site and relative height of the proposed development. This is further reinforced by the unchallenged daylight and sunlight drawings submitted by the appellant.
12. However, the close proximity of neighbouring properties and the cumulative effect of the new development would create a sense of enclosure which would be harmful to the living conditions of the neighbouring occupants.
13. As such, the proposal is contrary to Policies KP2 of the CS and DM1 of the DMD and the guidance contained within the DTG which state, amongst other things, that development should seek to positively contribute to the space between buildings, protect the amenity of the site, immediate neighbours and surrounding area including outlook and visual enclosure.
14. For similar reasons the proposal is contrary to aims set out in Paragraph 127 (f) of the National Planning Policy Framework which indicates that planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Highway Safety

15. West Road is a traffic calmed, residential area with no obvious parking restrictions. I noted some on-street parking opportunities at the time of my afternoon site visit. The availability of on-street parking may well rise and fall during the course of the day, but I have limited evidence before me to support this either way.

16. My attention has been drawn to the supporting text in Paragraph 7.12, of the DMD Policy DM15, which indicates that new residential development should typically provide 7m x 3m of garage and storage space. The proposal, in this case, provides 2.5m x 5.5m. Whilst I acknowledge that this would be smaller than the suggested size in the DMD, a pragmatic approach should be applied as appropriate to a one-bedroom dwelling.
17. The submitted drawings show that it is possible to park a motor vehicle within the courtyard. Therefore, I find in this instance, that whilst the size of the proposed courtyard is not as large as the Council would typically seek, it would nonetheless be usable as a garage space.
18. Further, the impact of one additional unit is likely to be limited on car parking and traffic flow, as the site is well within reach of public transport and local services.
19. On this basis, the proposed development would be unlikely to have a significant effect on highway safety having particular regard to parking. Consequently, it accords with Policy CP3 of the CS and Policy DM15 of the DMD which sets out requirements related to any additional traffic generated by new development.

Conclusions

20. Although I have found in favour of the appellant with regard to Highway Safety this does not overcome the harm to the Character and Appearance of the area and the Living Conditions of neighbouring occupants.
21. For the reasons given above, I conclude that the appeal should be dismissed.

JE JOLLY

INSPECTOR