



Appeal Decision

Site visit made on 21 August 2019

by J E Jolly BA (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State for Communities

Decision date: 4th October 2019

Appeal Ref: APP/D1590/W/19/3229915

3 Thorpe Esplanade, Thorpe Bay SS1 3BG

- 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 18/01881/FUL, dated 9 October 2018, was refused by notice dated 11 December 2018.
 - The development proposed is replace existing building to provide 3 x 2-bedroom residential units and associated amenity, parking, refuse and cycle storage.
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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 and (ii) the living conditions of the occupants of neighbouring properties with regard to car-parking, overshadowing, outlook and daylight

Reasons

Character and appearance

3. Thorpe Bay is a typical sea-side location with a variety of commercial and residential dwellings of differing ages and styles along the Esplanade.
4. The appeal site is a two-storey brick and tile dwelling flanked by large, bay fronted, detached residential buildings of a similar size, scale and design, many of which have been converted to flats. Access to the rear of 3 Thorpe Esplanade is found to the side of the property which leads to a large, mature garden that is surrounded by other residential gardens providing a feeling of general openness.
5. The existing dwelling would be demolished and replaced on a larger footprint with 3 x 2-bedroom flats. To the rear there would be a shared outside area and 5 parking spaces. A further parking space would be available to the front of the property which would be accessed via a dropped kerb.
6. The proposal is of similar size and scale to the properties along Thorpe Esplanade which demonstrate a range of styles and ages. Therefore, in this case, and within the immediate context, the proposed contemporary sea-side type design is acceptable.

7. However, the proposal would include a car park hard-standing to the rear of the property and, despite the presence of a shared open space, would be incongruous with the existing pattern of development which is typified by large, open gardens.
8. Further, the layout would cause encroachment into the back garden and harm the visual character and appearance of the area when viewed from the surrounding area.
9. Therefore, whilst I have found in favour of the scheme scale and design, the proposal, in respect of layout, is contrary to Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (CS) (2007) and Policies DM1, DM3 and DM6 of the Southend-on-Sea Development Management Document (DMD) (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (DTG) (2009) which state 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

10. The current arrangement already creates some overshadowing and loss of outlook and daylight to the window on the side elevation of No 2.
11. However, the relocation of the window in the proposed development would mitigate harm related to outlook. As such, the proposal is unlikely to be materially harmful to the living conditions of the neighbouring property.
12. I note the noise impact assessment provided by the Appellant related to car-parking. However, in this location, activity such as engine noise and door closing as well as disturbance associated with fumes and headlights would cause harm to the living conditions of the surrounding occupiers.
13. Therefore, while I have found in favour of the Appellant on living conditions in respect of overshadowing, outlook and daylight, the proposed development would have a harmful effect on the living conditions of neighbours in respect of car-parking.
14. Consequently, the proposal it is contrary to Policies KP2 and CP4 of the CS and Policies DM1 and DM3 of the DMD and the advice 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.

Conclusion

15. For the reasons given above I conclude that the appeal should be dismissed.

J E JOLLY

INSPECTOR