
Appeal Decision

Site visit made on 26 September 2019

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 25 October 2019

Appeal Ref: APP/D1590/W/19/3229730

1 Lancaster Crescent, Southend-On-Sea SS1 2NU

- 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 Marcus Bennett of RG Airspace Developments Ltd against the decision of Southend-on-sea Borough Council.
 - The application Ref 19/00581/FUL, dated 26 March 2019, was refused by notice dated 21 May 2019.
 - The development proposed is demolish existing property, erect three self-contained flats, form cycle and bin stores and layout parking to front, amenity space to rear.
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Decision

1. The appeal is allowed and planning permission is granted for demolish existing property, erect three self-contained flats, form cycle and bin stores and layout parking to front, amenity space to rear at 1 Lancaster Crescent, Southend-On-Sea SS1 2NU in accordance with the terms of the application, Ref 19/00581/FUL, dated 26 March 2019, subject to the attached schedule of conditions.

Procedural Matter

2. While I note the company name on the application form, I have used the company name in the appeal form in the interests of certainty.

Main Issue

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

Reasons

4. The appeal property forms the end of a terrace of five properties that are divided into flats. There are rear dormer extensions on each of the other properties that form the terrace. The wider area is characterised by two storey dwellings in a traditional style with front gardens that gives the area a unified feel.
5. The proposal includes the demolition of the existing dwelling and erection of an end-of-terrace property in a similar form and style to the existing with an additional rear two storey element and a rear and side dormer roof element. From the evidence before me there is no dispute that the parts of the building that would be similar to the existing building and the two-storey rear element of the proposal would be acceptable in terms of character and appearance and

I see no reason to disagree. Therefore, I will focus my assessment on the proposed flat roof rear dormer extension which is in dispute.

6. The proposed dormer extension to the side of the property would roughly mirror that on the opposite end of the terrace in terms of size. It would therefore visually balance the terrace and given its position facing the railway would not have adverse effects on the wider residential area. The rear dormer would be set slightly deeper than the adjacent dormer. However, when viewed against the terrace as a whole, the difference would be imperceptible such that it would not have an adverse effect on the character and appearance of the terrace. While there may be glimpses of the rear dormer from the footpath adjacent to the terrace, given its position on the end of the terrace farthest away from the footpath, and viewed against the whole property it would not appear incongruous.
7. Consequently, the proposal would not harm the character and appearance of the area. Therefore, it would accord with Policy CP4 of the Southend on Sea Core Strategy Adopted December 2007 (CS) which among other things seeks development that enhances and compliments the built assets of the borough. It would also accord with CS Policy KP2 and Policy DM1 of the Development Management Document July 2015 (DMD) which together among other things seek development that respects the character and scale of the site and existing neighbourhood, local context and surroundings. In addition, it would accord with DMD Policy DM3 which among other things requires development that responds positively to local context. The proposal would also accord with the Supplementary Planning Document 1 Design And Townscape Guide 2009 and the National Planning Policy Framework (Framework) in this respect.

Conditions

8. I have considered the suggested conditions by the Council. I have made minor changes having regard to the Planning Practice Guidance as well as paragraph 55 of the Framework. I have amended some of the wording of the conditions in the interests of precision and clarity.
9. As well as the standard condition relating to the timing of the development, I have attached a condition specifying the approved drawings in the interests of certainty. A condition relating to external materials is necessary to safeguard the character and appearance of the area. Conditions relating to cycle and refuse storage and the hours of construction are necessary to safeguard the living conditions of future and neighbouring occupiers.
10. A condition relating to energy efficiency is necessary in the interests of environmental sustainability and a condition relating to water efficiency is required to accord with DMD Policy DM2.

Conclusion

11. For the reasons given above the appeal should be allowed.

R Sabu

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 hereby permitted shall be carried out in accordance with the following approved plans: 18-1LCSOS-01, 18-1LCSOS-02 Rev A, 18-1LCSOS-03 Rev A, 18-1LCSOS-04 Rev A, 18-1LCSOS-05 Rev A.
- 3) Except for demolition, no development above ground shall commence until details of the materials to be used in the construction of the external surfaces of the extension hereby permitted, including balconies, balustrades, screening and fenestration 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) Secure, covered cycle parking and refuse and recycling storage areas to serve the development shall be provided in accordance with details that shall have been submitted to and agreed in writing by the local planning authority prior to the occupation of the development and these facilities shall be permanently retained as such thereafter.
- 5) Demolition or construction works shall take place only between 0800 and 1800 on Mondays to Fridays and between 0800 to 1300 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 6) Prior to occupation of the development hereby approved details of energy efficiency and other sustainability measures to be included in the scheme, including the provision of at least 10% of the energy needs of the development hereby approved being provided from onsite renewable sources, shall be submitted to, agreed in writing by the local planning authority and implemented on site in accordance with the agreed details. The agreed measures shall be permanently retained thereafter.
- 7) Prior to occupation of the development hereby approved, details of the water efficient design measures 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 such as grey water and rainwater harvesting to be included in the scheme shall be submitted to and approved in writing by the local planning authority. The development shall subsequently be undertaken in accordance with the approved details before it is occupied and retained as such thereafter.

END OF SCHEDULE