
Appeal Decision

Site visit made on 29 October 2019

by R Norman BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2019

Appeal Ref: APP/D1590/W/19/3235620

69 Picketts Avenue, Leigh-on-Sea SS9 4HW

- 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 Richard Kebbell against the decision of Southend-on-Sea Borough Council.
 - The application Ref 19/00992/FUL, dated 23 May 2019, was refused by notice dated 23 July 2019.
 - The development proposed is a detached bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - The character and appearance of the area; and
 - The ecology within the site with particular reference to Great Crested Newts.

Reasons

Character and Appearance

3. The appeal site is set within a residential street and comprises a single storey dwelling with associated driveway, garage and rear garden. The dwelling is set towards the front of the site and forms part of a pair of semi-detached dwellings with No 67.
4. The proposed development would introduce one detached dwelling into the rear of the site, with access along the existing driveway. The existing frontage dwelling would be retained with the garage being demolished to make way for the extended access. An area of rear garden would be retained to serve the existing dwelling. The proposed dwelling would be a bungalow with 3 bedrooms and be of a relatively simple design with gable feature to the front.
5. Picketts Avenue is residential in nature with the majority of the dwellings sited in a linear arrangement, fronting the road. Dwelling designs are varied with a mix of bungalows and two storey dwellings. There are some examples of dwellings set back from the road however these are not a common feature of the area. Consequently, the introduction of the proposed dwelling to the rear of

- the existing property, would result in a tandem style of development that would not reflect the prevailing character of linear, road frontage development.
6. Adjacent to the appeal site, there is an existing dwelling, Brookside Lodge, which is set back behind numbers 63, 65 and 67 and would be in line with the proposed dwelling. However, this forms somewhat of an anomaly within the area. In addition, this dwelling is set within a much larger site than the proposed development, which would appear cramped and incongruous in comparison. I therefore find that this would not be sufficient to set a precedent for the proposal in this location.
 7. To the rear of Nos 58 and 60 Picketts Avenue is an in-depth development, forming Picketts Close. However, this forms a comprehensive cul-de-sac development with the dwellings fronting the hammerhead. I therefore find this example to not be sufficiently comparable to the proposed development of one single dwelling set to the rear of no 69.
 8. I note that the single storey scale of the proposed dwelling and the presence of the existing property would ensure that the house would not be highly visible from the public realm. However, although not necessarily readily apparent from the public realm, the area has a well-established character of linear, road frontage dwellings and as such this development would not be in keeping with this arrangement and would therefore be incongruous in terms of the character and appearance of the area.
 9. Accordingly, I find that the proposed development would therefore fail to comply with Policies KP2 and CP4 of the Southend on Sea Core Strategy (2007) (Core Strategy) and DM1 and DM3 of the Southend on Sea Development Management Document (2015). Collectively, these seek to ensure that development respects the character of the site, responds positively to the local context and does not conflict with the character and grain of the local area, amongst other things. In reaching this conclusion I have had regard to the advice contained within the Design and Townscape Guide (2009) and the provisions of the National Planning Policy Framework (2019).

Ecology

10. The existing rear garden to No 69 includes a pond, which would sit to the rear of the proposed dwelling. An initial Ecology Report was submitted to support the planning application which identified that there may be hedgehogs and common toads in the area but there was no evidence of bats, badgers or barn owls within the site and little potential for roosts. However, the Council considered that this was inadequate in relation to the potential for Great Crested Newts to be present within the site.
11. An updated Ecological Survey and Assessment (August 2019) has been submitted as part of the appeal. This identifies that the pond within the appeal site does not meet the requirements to support a population of Great Crested Newts and is poor as a habitat for these, based on a Habitat Suitability Index. The survey also identifies that as a result of the hard surfacing and residential nature of the surroundings there are limited suitable habitats available. The survey also concludes that there was no evidence of Great Crested Newts having been present.

12. The Council have not provided comments on the additional updated Ecological Survey. However, based on the information before me, it would be unlikely that the pond and the appeal site would support Great Crested Newts. Accordingly, I find that it has been adequately demonstrated that there would be no undue harm in this regard.
13. Consequently, I find that the proposal would comply with Policies KP1, KP2 and CP4 of the Core Strategy insofar as they relate to ensuring development respects, conserves and enhances the natural environment and does not result in the loss of ecological assets including wildlife habitats.

Conclusion

14. For the reasons given above, and having had regard to all matters raised, I conclude that the appeal should be dismissed.

R Norman

INSPECTOR