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## Appeal Decision

Site visit made on 19 November 2019

**by G Pannell BSc (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12<sup>th</sup> December 2019**

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**Appeal Ref: APP/D1590/W/19/3236042**

**71 Walsingham Road, Southend-on-Sea SS2 4AL**

- 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 Naveed Riaz against the decision of Southend-on-Sea Borough Council.
  - The application Ref 19/00849/FUL, dated 8 May 2019, was refused by notice dated 12 August 2019.
  - The development proposed is development of a detached dwellinghouse.
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### Decision

1. The appeal is allowed and planning permission is granted for a detached dwellinghouse at 71 Walsingham Road, Southend-on-Sea in accordance with the terms of the application, Ref 19/00849/FUL, dated 8 May 2019, and the plans submitted with it, subject to the attached schedule of conditions.

### Main Issue

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

### Reasons

3. The appeal site is located to the rear of 71 and 73 Walsingham Road and fronts onto Selbourne Road. The general character of Selbourne Road is one of rear garden return frontages, however more recently properties have been constructed to the rear of both 1 and 2 Selbourne Road which has introduced an element of frontage development onto this part of road.
4. The wider area is characterised by bungalows with consistent pedestrian width gateway gaps to their side. This creates a dense urban grain of residential development.
5. The proposal before me follows the dismissal of a related appeal on the same site, APP/D1590/W/18/3197407. Whilst each case must be determined on its own merits, I have had regard to this decision in the determination of the appeal. In the consideration of that appeal the Inspector concluded that they were satisfied that "it may be possible for an acceptable scheme to be achieved" for a detached bungalow but that it would be necessary to have a "reduced front elevation width comparable to that of the adjacent new bungalow, so as to allow for wider corresponding gaps to both side elevations."

6. The proposed dwelling would sit centrally within the plot leaving a pedestrian width gap between both side boundaries. This spacing would be comparable to the general pattern of development in Walsingham Road and would ensure that the development does not look out of place with the existing development. The dwelling has been designed with a hipped roof and would mirror the scale and appearance of the bungalow adjacent. The proposed dwelling, by virtue of its modest size and scale, would suitably reflect the dwellings that have been constructed to the rear of Selbourne Road and would therefore maintain the character and appearance of the area.
7. Whilst the construction of a dwelling within the rear of 71 Walsingham Road would reduce the openness of this part of Selbourne Road, the remaining depth of the garden would still ensure a sufficiently open character in this locality.
8. I therefore conclude that the proposed development would not harm the character and appearance of the area. It would not conflict with Policy CP4 of the Southend-on-Sea Borough Council Core Strategy, Development Plan Document One 2007 (CS) which requires development to maintain and enhance the appeal and character of residential areas, securing good relationships with existing development and respecting the scale and nature of that development and Policy KP2 of the CS which reiterates these development principles.
9. The development would also be in accordance with Policy DM3 of the Southend-on-Sea Borough Council Development Management Document 2015 (DMD) which supports the efficient and effective use of land and enables infill development to be considered on a site by site basis, provided that there is no conflict with the character and grain of the local area and policy DM1 which sets out the design principles for the development, which is linked to the Design and Townscape Guide Supplementary Planning Document (SPD). Paragraph 200 of the SPD advises that development of existing rear and side gardens may be acceptable where the local character is informal and where there are no issues of space and overlooking. In these circumstances the subdivision of existing garden areas may be acceptable in principle.

### **Other matters**

10. I am satisfied that the single storey scale of the dwelling and the level of separation from the boundary of approximately 6m would ensure that the privacy of 75 Walsingham Road is maintained. Having regard to the position of the proposed dwelling, which is not directly adjacent to no. 75, there would also be no loss of sunlight.
11. I have also taken into account the matters raised in the representations received with regard to inadequate foul and surface water arrangements and highway safety concerns. The access and parking arrangements would be satisfactory and there is no evidence that highway safety would be compromised, or that local infrastructure would be unable to meet the needs of the development. Therefore, none of the matters raised provide a compelling reason why planning permission should not be granted.

### **Conditions**

12. The Council has suggested 11 conditions. I have considered these in light of the Planning Practice Guide and the tests of the Framework and where

necessary amended them for clarity. In addition to the standard implementation condition it is necessary, for the avoidance of doubt, to define the plans with which the scheme should accord. In the interests of the character and appearance of the area a condition requiring the submission of samples of the materials is necessary and reasonable, and details of refuse storage.

13. Given the proximity to other dwellings, I have imposed a condition limiting the hours of construction to protect the living conditions of the occupiers of such properties. Noting the requirements of policy DM2 of the DMD and KP2 of the CS, it is necessary to impose conditions relating to water efficiency and renewable energy/energy efficiency measures.
14. In order to ensure an appropriate level of on-site parking provision, I have imposed a condition requiring the parking space to be provided prior to occupation of the dwelling and retained for the life of the development. I consider that a condition to agree a scheme of landscaping, would also be necessary in this case given the lack of detail on the submitted plans.
15. I have imposed a condition removing permitted development rights in order to ensure that an adequate level of spacing is maintained around the dwelling and having regard to the modest size of the garden.
16. I have also not imposed a condition requiring the development to be in accordance with Building Regulations part M4(2) as I have not been provided with a policy which allows this condition to be imposed. I have had regard to the Design and Townscape Guide 2009 however it does not reflect current policy guidance.<sup>1</sup>

## **Conclusion**

17. For the reasons given above I conclude that the appeal should be allowed.

*G. Pannell*

INSPECTOR

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<sup>1</sup> Housing: Optional Technical Standards Paragraph: 007 Reference ID: 56-007-20150327

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not 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: 001 Site and Location Plan; 002 Existing Plans and Elevations; 003 Rev A Proposed Ground Floor; 004 Rev A Proposed First Floor and Roof Plan; 005 Proposed Elevations.
- 3) No development above slab level shall take place until samples of the materials to be used in the construction of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved materials.
- 4) No development above slab level shall take place until details of the areas to be provided for the storage of refuse have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained.
- 5) Demolition or construction works shall take place only between 0800-1800 on Monday to Friday and 0800-1300 on Saturday, and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 6) The dwelling shall not be occupied until space has been laid out within the site in accordance with drawing no. 003 Rev A for 2 cars to be parked and those spaces shall thereafter be kept available at all times for the parking of vehicles.
- 7) No development above slab level shall take place until a scheme (including a timetable for implementation) to secure at least 10% of the energy supply of the development from decentralised and renewable or low carbon energy sources has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to first occupation of the development and thereafter retained in perpetuity.
- 8) The dwelling shall not be occupied until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 9) The dwelling shall not be occupied until the Building Regulations Optional requirement Part G (water efficiency) of Schedule 1 and regulation 36 (2b) to the Building Regulations 2010, as amended has been complied with.

- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted under Schedule 2, Part 1 Classes A, B, C, D, E and F to those orders shall be carried out.

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