
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: 12th December 2019

Appeal Ref: APP/D1590/W/19/3237190

2 Shoe Lane, Westcliff-on-Sea SS0 9LD

- 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 Andy Janes against the decision of Southend-on-Sea Borough Council.
 - The application Ref 18/02286, dated 5 December 2018, was refused by notice dated 17 June 2019.
 - The development proposed is clear derelict building and erect two storey mews town house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) whether the proposed development would provide acceptable living conditions for future occupants in respect of outlook, provision of waste/cycle storage facilities and outside amenity space and (ii) the effect of the development on the character and appearance of the area.

Reasons

Living conditions- outlook

3. The appellant and the Council agree that the proposed dwelling at 72m² would comply with the standards set out within the nationally described space standards for a 2 bedroom (3 bed space). I have taken the figure provided by the nationally described space standards to have the greatest weight as required by the written ministerial statement of March 2015 which requires internal space standards within existing local plan policies to be interpreted to the nearest equivalent national technical standard.
4. The rear elevation of the proposed dwelling would be approximately 2m from the rear boundary of the site. Given the lack of windows within the side elevation, the outlook from both the kitchen and living room would be confined to the views from the front and rear windows of the proposed dwelling.
5. The kitchen windows would look out onto the proposed parking space and over the access road onto the rear of the adjacent building. Owing to the close proximity of the proposed car parking space, the outlook from the kitchen windows would be severely restricted if a car was parked in this area.

6. The outlook from the living room would be from the proposed bifold doors over the rear courtyard. Given the very close proximity of the rear boundary treatment it would represent a dominant and oppressive feature which would have a significantly adverse impact on the outlook from the rear facing habitable room. The loss of outlook to the rear would be compounded by the poor outlook from the proposed kitchen windows.

Living conditions - outside amenity space

7. I note that the Council does not have any minimum standards for amenity space. I consider that the limited depth of the amenity space results in a small and cramped space which would not provide acceptable living conditions.
8. I have had regard to the points made by the appellant in relation to the size of the proposed amenity space relative to the sort of people that may occupy the proposed dwelling. Whilst a two bedroom dwelling may be occupied by a single person or childless or older couples, who may not wish to have a large garden, the proposal is still required to provide a good standard of accommodation for all potential future occupiers.

Living conditions – refuse and cycle storage

9. The proposed plot is limited in size and no details have been provided to indicate where refuse bins would be stored or whether there is sufficient space for the secure cycle storage. There are no details of where bins and cycles would be stored and this is of concern given that I have already found that the proposed outside amenity space would be small and cramped. Therefore, the imposition of a planning condition would not be appropriate in this case.
10. For the collective reasons outlined above, I conclude that the proposed development would not provide acceptable living conditions for future occupiers of the dwelling in respect of outlook, provision of waste/cycle storage facilities and outside amenity space. It would therefore conflict with policies DM1 and DM8 of the Southend-on-Sea Borough Council Development Management Document 2015 (DMD) which require high quality internal environments which do not adversely impact upon the living conditions of intended occupants, and policies KP2 and CP4 of the Southend-on-Sea Borough Council Core Strategy Development Plan Document One 2007 (CS) and the Design and Townscape Guide Supplementary Planning Document (SPD) which seek to promote good design.

Character and appearance

11. The size and scale of the proposed dwelling would be similar to that of the converted workshops and the building opposite. The design of the proposed dwelling has taken its cue from those workshop buildings and would, despite the degree of separation, be read in context with those when viewing the area as a whole.
12. I do not consider that there is a defined urban grain within this location and the proposed dwelling would not appear incongruous in character and appearance terms. Furthermore, whilst views of the development from London Road would be possible, the introduction of a dwelling would improve the views into Shoe Lane and it would make a positive contribution to the site and the area reflecting nearby residential development.

13. The proposal would result in the removal of trees which are present on the site. These are visible from the entrance to Shoe Lane. However, these are not protected by any preservation order and could be removed by the appellant at any time. The site as a whole does not currently make a positive contribution to the area despite the existence of some trees. Whilst trees would be lost to facilitate the development proposal, this loss would be outweighed by the provision of a well-designed dwelling on a poorly maintained and neglected site. Furthermore, and in any event, there would be some limited opportunities for some new planting as part of the imposition of a landscaping condition.
14. I accept that the proposed dwelling, given its separation from the converted workshops, would not continue the existing built form along Shoe Lane. However, the presence of the electrical substation does already establish built form on this side of Shoe Lane and overall the character of this area is now one that is predominately residential.
15. For the above reasons, I conclude that the proposed development would not cause harm to the character and appearance of the area. It would not therefore conflict with Policy CP4 of the 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, or with Policy KP2 of the CS which reiterates these development principles.
16. The development would also be in accordance with policy DM3 of the 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 with policy DM1 of the DMD and the SPD which set out the design principles for the development.

Other matters

17. I have taken into account that the development would result in an additional dwelling, in a highly accessible location, that would contribute to housing supply in the area. I have also had regard to the points made regarding how the development of the site would reduce incidents of fly tipping and vandalism which appear to have occurred on the site. However, these benefits are not of sufficient magnitude to outweigh my overall conclusion on the main issues.

Conclusion

18. In conclusion, whilst I have found that the development would not be detrimental to the character and appearance of the area, significant harm would be caused to the living conditions of future occupiers of the dwelling. Therefore, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

G. Pannell

INSPECTOR