



Appeal Decision

Site visit made on 21 January 2020

by N Holdsworth MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 March 2020

Appeal Ref: APP/D1590/W/19/3240546

Garages adjacent to 115 Royston Avenue, Southend on Sea, SS2 5LB

- 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 Matthew Harding against the decision of Southend-on-sea Borough Council.
 - The application Ref 19/01504/FUL, dated 14 August 2019, was refused by notice dated 15 October 2019.
 - The development proposed is demolition of existing garages adjacent to 115 Royston Avenue and erecting a 2-storey, 2-bedroom dwelling house.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant made representations late in the appeal process, commenting on the publication of the 2019 Housing Delivery Test results. This indicates that, in common with the 2018 results, there has been a significant under delivery of housing over the past 3 years, within Southend. I have taken these comments in to account in this decision.

Main Issues

3. The effect on:
 - the living conditions of the occupants of neighbouring residential properties at 271 and 275 Bournemouth Park Road, with particular regard to whether or not the proposal would create an overbearing effect;
 - the character and appearance of the area;
 - highway safety, with particular regard to parking; and
 - the living conditions of future residents, with particular regard to the size of the residential unit and whether or not inclusive access could be achieved.

Reasons

Living Conditions

4. The new building would be set on the immediate boundary of 271 and 275 Bournemouth Park Road. It would rise to 2 storeys in height. This would be considerably higher than a garden fence, which might ordinarily denote the boundary between residential properties in suburban areas.

5. Considering the effect on No.271, a living wall would tower above the neighbouring garden in a raised position, on part of its rear boundary. Because of its bulk and height, the proposed building and living wall would be an unduly prominent feature, attracting attention away from other landscaping features, in views around this garden. In consequence, the development would appear overbearing and visually intrusive, in relation to this neighbouring property.
6. In the case of No.275 the building would occupy a small proportion of the total side boundary. However, because of its height, it would also tower above part of the garden. As it would be so close to the common boundary, the proposed building would also be overbearing and visually intrusive in relation to this neighbouring residential property.
7. These affected neighbouring gardens are both reasonably large. However, this does not justify the harm that would occur due to the bulk and close proximity of the proposed development. Both currently benefit from an open outlook; this would be significantly diminished as a consequence of the development.
8. The proposal would therefore lead to unacceptable harm to the living conditions of the residents of neighbouring residential properties at 271 and 275 Bournemouth Park Road, as a consequence of the overbearing effect described above. The proposal conflicts with policies KP2 and CP4 of the Southend on Sea: Core Strategy (2007) ("Core Strategy"), together with policies DM1 and DM3 of the Southend on Sea: Development Management Document (2015) ("DMD") which require, amongst other things, that new development protects the amenity of immediate neighbours.
9. The proposal would also conflict with advice set out in the Southend on Sea: Design and Townscape Guide Supplementary Planning Document (2009) ("DTG") which states that new development should not be unduly obtrusive to adjacent properties. The objectives of this document are consistent with the development plan policies cited above.

Character and Appearance

10. The proposed building would face on to Royston Avenue. This exhibits a relatively uniform arrangement of 2 storey semi-detached houses with pitched roofs. Whilst some of the hipped roofs have been extended to create side facing gable walls, these buildings are generally set away from the side boundaries with visual space around them, particularly above ground floor level. This helps to give the area a spacious character.
11. The structure would rise to 2 storeys in height and would largely be built right up to its side and rear boundaries. In this respect the building would contrast significantly with other existing properties on Royston Avenue. It would sit very close to the existing building at No.115 Royston Avenue, almost abutting its existing side addition. Whilst this is true of the existing structure on the site, the proposal would rise to a greater height, having a more significant visual impact. Consequently, this would appear as a cramped development that detracts from the spacious quality of the existing built environment.
12. Furthermore, the side garden would be of an irregular shape and a much smaller size and depth to the gardens typically found amongst surrounding residential properties. In this context, the development would depart from the

prevailing character of the area. This would represent a further manifestation of an unduly cramped development.

13. In other respects, the proposed building would appear as a contemporary structure that has a different appearance to existing buildings along the road. This is reflected in its integral garage, and the fenestration found on the front elevation, together with its green wall and living roof. However, the elevations would not appear unduly cluttered. The lack of bulk at roof level and adherence to the established building line serves to limit the visual impact of this proposal, meaning that the building would broadly appear visually subservient to the prevailing row of semi-detached buildings found along Royston Avenue.
14. However, whilst certain elements of the design assist with assimilating the building into its surroundings, they do not overcome the harm that arises through its cramped appearance, principally due to the building being sited so close to its boundaries. For these reasons, the proposal would result in unacceptable harm to the character and appearance of the area. It conflicts with policies KP2 and CP4 of the Core Strategy and policies DM1 and DM3 of the DMD, which together aim to secure good quality design by ensuring new developments respect the character of the local context and surroundings.
15. The proposal would also fail to adhere to the guidance set out in the DTG, which, amongst other things, requires that development should preserve the characteristics of an area. In this respect, the objectives of this document are consistent with the development plan policies cited above.

Highway safety

16. The proposal includes two parking spaces, one of which comprises a garage. The plans indicate that both spaces exceed the typical dimension for parking spaces of 2.4m x 4.8m. They are big enough to contain an average sized car.
17. One of the parking spaces is enclosed, falling within a garage. This would not meet the garage size requirements set out in the DMD. However, there is an additional storage room shown next to the main entrance. This could be used in addition to the garage, which would be large enough to function as a parking space. Overall, the two off-street parking spaces proposed would satisfy the likely demand from the development, and would not add to parking stress.
18. The appellant indicates the site has an existing commercial use, reflected in its business rating. Any vehicular movements associated with these premises would cease upon redevelopment. This traffic would be unlikely to be displaced on to the adjacent street.
19. Overall, the proposal broadly complies with policy DM15 of the DMD, which requires 2 bedroom houses in this location to provide two off street parking spaces. There is no unacceptable harm to highway safety and no conflict with policy CP3 of the Core Strategy, nor policies DM1 or DM15 of the DMD which require, amongst other things, that the access to new development and traffic generated must not unreasonably harm its surroundings.

Living conditions of future residents

20. On the calculations provided by the Council the internal area of the habitable living space would comprise 68.6 sqm and would not therefore meet the Nationally Described Space Standard ("NDSS") of 70 sqm for a 2 bedroom, 2

storey unit. It also notes that the master bedroom, at 11.3 sqm, is below the required standard of 11.5 sqm, and the single bedroom would be 7.4 sqm, 0.1 sqm less than the requirement of 7.5 sqm.

21. These breaches, which the appellant disputes, are marginal. Furthermore, this internal space is complemented by 2 external amenity areas including a large roof terrace and a garden. Considering the proposal as a whole, the living environment would be acceptable.
22. Considering accessibility, the appellant maintains the proposal as initially submitted could comply with the relevant Building Regulation M4(2) standards, and there is nothing before me to cast significant doubt on this assertion. Were the proposal to be acceptable, compliance could be secured by planning condition.
23. Overall, the proposed building would provide acceptable living conditions for its future occupants, and inclusive access could be achieved by way of planning conditions. It broadly accords with KP2 and CP4 of the Core Strategy, and DM1, DM3 and DM8 of the DMD which seek, amongst other things, to secure a high-quality internal environment where new development is proposed.

Other Matters and Conclusion

24. There was a previous planning appeal decision on this site¹, which I have had regard to. However, the design has changed, so I have assessed the proposal afresh on its own merits. I have come to a similar conclusion as the previous Inspector on character and appearance and additionally found that the proximity of the walls to neighbouring properties would lead to harm to living conditions. However, the proposed parking arrangement resolves the issue previously identified in relation to highway safety.
25. The proposal would result in the redevelopment of an existing garage block, which it is suggested detracts from the street scene. It would achieve a good standard of living accommodation and environmental performance, whilst avoiding overlooking in relation to neighbouring properties. The additional house would help fulfil a local demand, within an existing built up area promoting sustainable travel choices whilst providing economic benefits through construction activity. In this respect the proposal would achieve an effective use of land and ensure that a sufficient supply of housing is achieved, helping to meet policy objectives in the National Planning Policy Framework ("the Framework") and other policies in the development plan². This would occur in a context where the 2019 housing delivery test³ results indicate there has been a significant under delivery of housing over the past 3 years.
26. The proposal would not lead to harm to highway safety and provides acceptable living conditions for future residents. However, it would respond poorly to its surroundings, for the reasons discussed in this decision. Overall, it would not achieve a well-designed place with a high standard of amenity for existing users, and therefore conflicts with a key policy objective set out in the Framework. I attach substantial weight to the harm that would arise, in consequence.

¹ APP/D1590/W/16/3148068

² As identified by the appellant in the appeal statement.

³ Published in February 2020.

27. Overall, the considerations that weigh in favour of the proposal do not, even cumulatively, outweigh the harm identified. The proposal conflicts with the development plan, when it is considered as a whole and there are no other considerations that outweigh this finding. The presumption in favour of sustainable development does not apply.

28. For the reasons given above, the appeal should be dismissed.

Neil Holdsworth

INSPECTOR