
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: 02 April 2020

Appeal Ref: APP/D1590/W/19/3233414

4 - 6 Redcliff Drive, Leigh-On-Sea SS9 1AY

- 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 Kingsbury against the decision of Southend-on-sea Borough Council.
 - The application Ref 19/00436/FUL, dated 7 February 2019, was refused by notice dated 7 May 2019.
 - The development proposed is the demolition of existing three storey building containing two flats and erection of new building of part single, four and six storey building containing six flats with private gymnasium and associated car parking.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development on the original application form differs from that on the Council's decision notice. The Appellant has advised that it was the Council who changed the description therefore, in the absence of agreement from the Appellant to the new description, I have used the one from the application form in the above heading.

Main Issues

3. The main issues are:
 - The effect of the development on the character and appearance of the area and the adjacent Leigh Cliff Conservation Area; and
 - The effect of the development on the living conditions of neighbouring residents.

Reasons

Character and Appearance and Conservation Area

4. The appeal site comprises a residential plot occupied by an existing detached property which fronts onto Redcliff Drive with a garden area to the rear. The existing property has been subdivided into two residential flats. The appeal site is located in proximity to the Leigh Cliff Conservation Area which is located to the north along Broadway and incorporates the southern junction of Redcliff Drive with Queen's Road.

5. The wider surrounding area is somewhat mixed in character. There are residential and commercial properties in the wider surroundings. The residential properties comprise of a mix of housing and blocks of flats. Redcliff Drive is characterised mainly by terraced housing, with the presence of a modest hall also (Redcliff Hall), and a tall block of residential flats at the junction with Broadway.
6. The appeal site occupies a position between a tall block of flats and Redcliff Hall which is around one and a half storeys in scale and reasonably modest. Beyond this, along both sides of the road are two to two and a half storey residential terraces. The proposed development would comprise varied heights to form a stepped transition between the significant height differences of Grand Court West (Nos 1 – 14) and the smaller terraced properties and the Hall. Whilst Grand Court West (1 – 14) is viewed in the context of Redcliff Drive, it is on a corner plot and relates also to the blocks of flats to the rear. Redcliff Drive itself is predominantly characterised by the smaller scale terraces and at present the appeal site relates well to this context. The introduction of a larger scale, up to six storey building, whilst remaining smaller than Grand Court West (1 - 14), would see the encroachment of the dominant buildings along Redcliff Drive, eroding the established character.
7. Whilst the proposal would be located adjacent and in proximity to the cluster of taller flat blocks, its design and overall appearance would be at odds with the relatively simple facades of these. The upper features and materials would make the building visually dominant from a number of views within and around Redcliff Drive. The curved section to the rear would be highly incongruous within the surroundings where no such other design features exist. The rendering of this section, despite render being found in the vicinity, would serve to exacerbate its prominence and highlight its incongruity within the surroundings.
8. The proposed building would occupy much of the width of the appeal site and would be in proximity to Grand Court West (1 – 14). This would result in a less spacious and more cramped development than Grand Court West (1 – 14) and the other blocks, which are set out in a more spacious relationship to each other. It would result in limited scope for landscaping to the front and sides which would serve to exacerbate the dominance of the building.
9. I recognise that the use of varied materials and balconies, the stepped nature of the height and elevational treatments have been proposed to minimise the visual impact of the proposed building. In addition, I acknowledge the use of glazing and linear design details to reflect the verticality of the adjacent flats. However, I do not find these to be collectively sufficient to mitigate the harm arising for the above reasons which would result in a building at odds with the modest properties along Redcliff Drive, which form the prevailing character of the immediate area.
10. Views of the appeal site from within the nearby Conservation Area on Broadway are somewhat restricted by the existing buildings which line Broadway. The proposed development would therefore only be partially visible from the very edge of the Conservation Area, and from this point it would be screened to a degree by the existing block of flats on the corner. In addition, whilst the proposed development would be visible to a degree from the southern part of the Conservation Area, the width of Redcliff Drive would mean

that views from the Conservation Area would be somewhat oblique and the building would not be as prominent from this distance. As such, whilst the proposed development would be harmful in terms of the character and appearance of the area for the above reasons, I consider that as a result of the location of the appeal site in relation to the Conservation Area the character or appearance of the Conservation Area would be preserved in this instance.

11. I note the Appellant's reference to the nearby sites of the Grand Hotel and No 120 Broadway which are in proximity to the appeal site and subject to development proposals. However, the Grand Hotel is an existing large building and therefore is not wholly comparable to the appeal proposal. In addition, I have been presented with limited details of either case and whilst they may change the character of the area in due course, these developments have not yet been carried out. Based on the level of information before me and the current character and appearance of this part of Redcliff Drive, these examples do not set a precedent for the scheme before me.
12. With regard to Eden Point, 87 Rectory Grove, this is located west of Redcliff Drive and although I have limited details of the considerations behind this example, it is likely that the context would differ from the appeal site and surroundings. I therefore give this limited weight in my consideration of the proposal.
13. Consequently, I find for the above reasons that the proposed development would be harmful to the character and appearance of the area. It would therefore fail to comply with Policies KP2 and CP4 of the Southend on Sea Core Strategy (2007) (Core Strategy), Policies DM1, DM3, DM4 and DM5 of the Southend on Sea Development Management Document (2015) (DMD) and the Design and Townscape Guide (2009). Collectively these seek to ensure that development achieves high quality design, respects the character of the site, its local context and surroundings and in the case of tall buildings, will only be permitted in appropriate locations where it would be within the street block of an existing cluster of tall buildings, where it can be demonstrated that it would not be incongruous with the character and function of the area, amongst other things. It would also fail to meet the aims of Section 12 of the National Planning Policy Framework (2019) (the Framework) which seeks to achieve high quality design which improves the character and quality of an area.

Living Conditions

14. The appeal site is located adjacent to existing buildings, with Grand Court West (1 – 14) being located to one side and Redcliff Hall to the other. To the rear is an access road to garaging, and beyond this are more blocks of flats.
15. The proposed development would extend beyond the footprint of the existing building and would be in proximity to the side boundary and the adjacent flats at Grand Court West (1 – 14). In addition, it would increase in height by a significant amount. Grand Court West (1 – 14) has a number of windows in the side elevation facing the appeal site which would look directly onto the enlarged building. Some of these serve main habitable rooms. The proposed building would also project back beyond Grand Court West (1 – 14) by a substantial amount.
16. I note that the Appellant identifies that the Council do not have specific separation distances, as well as the information submitted in relation to the 45-

degree rule from the nearest windows. From the rear windows of Grand Court West (1 – 14), the building would be highly visible, particularly from the lower floors. Nevertheless, from the evidence provided by the Appellant, I consider that this would not be significantly oppressive to the outlook for residents from the rear windows, nor would it result in an unacceptable sense of enclosure from these windows. However, I find that the increased height in combination with the proximity of the proposed building to the side boundary would result in a substantial enclosing effect and would significantly harm the outlook from the side windows of Grand Court West (1 – 14). It would therefore have a harmful effect on the living conditions of the occupiers of the flats which face onto the appeal site.

17. I therefore find that the proposed development would be unacceptably harmful to the living conditions of adjoining occupiers, specifically those who occupy the directly adjacent flats in Grand Court West (1 – 14). As a result, the proposal would fail to comply with Policies KP2 and CP4 of the Core Strategy and Policies DM1 and DM3 of the DMD. These seek to protect the amenities of immediate neighbours and secure good relationships with existing dwellings, amongst other things. It would also fail to accord with the provisions of the Design and Townscape Guide and paragraph 127 of the Framework which requires development to provide a high standard of amenity for existing and future users.

Other Matters

18. The Appellant considers that the Council are currently unable to demonstrate a five-year supply of housing land. The Council have not confirmed their current supply of housing land nor have I been provided with full copies of relevant documents referred to by the Appellant in their consideration of the supply. Accordingly, I do not have sufficient information before me in order to make an informed judgement on this matter. In the absence of a five-year supply of housing land, the tilted balance should be engaged and policies relating to the supply of housing would be considered out of date.
19. Notwithstanding this, having considered the Appellant's views on the Council's housing land supply, I have had regard to the level of development proposed. The development would result in an increase in 4 units of accommodation which, were I to find there was a current shortfall, would make only a very limited contribution to the housing land supply. The Appellant has identified benefits in addition to the provision of additional housing, comprising making efficient use of previously developed land in accordance with paragraphs 122 and 123 of the Framework, economic benefits during construction and from council tax and new homes bonus payments and the proximity to local services and public transport facilities.
20. With regard to the use of previously developed land, I have given this limited weight given the harm that I have identified above. In relation to the economic benefits, these would be somewhat limited given the small scale of the development proposed. I have carefully considered these benefits, however, taken collectively they would not be sufficient to significantly and demonstrably outweigh the adverse impacts on the character and appearance of the area and neighbouring living conditions.
21. A number of local objections have been received concerning, in addition to the above matters, a precedent for similar schemes, impact on public services, lack

of car parking and impacts on highway safety. However, it is not necessary for me to consider these matters further as they would not alter my conclusions above.

Conclusion

22. For the reasons given above, and having carefully considered all matters raised, I conclude that the appeal should be dismissed.

R Norman

INSPECTOR