
Appeal Decision

Site visit made on 21 July 2020

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 July 2020

Appeal Ref: APP/D1590/W/19/3243705
135 Marine Parade, Leigh-on-Sea SS9 2RF

- 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 Paul Miller of P & PR Property Developments Ltd against the decision of Southend-on-Sea Borough Council.
 - The application Ref 19/01417/FUL, dated 22 July 2019, was refused by notice dated 2 October 2019.
 - The development proposed is to remodel and extend the existing building to create 6 apartments.
-

Decision

1. The appeal is allowed and planning permission is granted to remodel and extend the existing building to create 6 apartments at 135 Marine Parade, Leigh-on-Sea SS9 2RF in accordance with the terms of the application, Ref 19/01471/FUL, dated 22 July 2019, as amended by revised plan 17.195/08B dated August 2019, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are the effect of the proposal on:
 - The character and appearance of the area
 - The living conditions of future occupants with regards to outdoor space, and living space in Flat E
 - The living conditions of neighbouring occupants of 104 Thames Drive, with respect to noise and disturbance.

Procedural Matter

3. The appellant submitted a revised first floor plan 17.195/08B after the Council's decision showing amended internal layouts to Flats D and E. The Council has responded to the revised plan in its appeal correspondence. Because the amendments are internal only, and the Council has had the opportunity to respond, I do not consider that any interested parties would be prejudiced by the proposed changes. I have therefore taken the revised plan into account in reaching my decision.

Reasons

Character and appearance

4. Marine Parade is characterised by large detached and semi-detached villas, generally two storeys in height although a number have dormers lighting accommodation in their roof space. A degree of regularity is formed by similar plot widths leading to similar sized buildings although a few, including the appeal site, occupy wider plots. Many buildings reflect the Arts and Crafts and mock Tudor styles popular when the Marine estate was first built, although there are other styles present. Buildings have been designed individually or in small groups, leading to a variety of different architectural detailing to roof forms, fenestration and external surfaces.
5. 135 Marine Parade is one of the more prominent buildings in the Parade, occupying a double width corner plot. It has a double height splayed bay window with feature gable that emphasises its corner location. The wider plot provides more space around the building than is the case on other plots. There is a flat roofed garage at the side, with access taken from Thames Drive.
6. The enlargement of the roof by filling in the south eastern corner of the building, extending the ridge line and introducing another dormer window would create a larger roof form but one that would be simpler in shape to the current roof. It would be no higher than the existing main ridge, project no further forward than the existing front elevation, and would retain the fully hipped roof form of the existing building. The dormer windows would be of a scale similar to that of the existing dormer and would sit comfortably within the roof plane.
7. The Council criticises the design as failing to achieve a suitable transition to the buildings to the east in terms of height and forward position. It would indeed be higher and slightly forward of the immediate neighbouring property, but as that property is atypical of the area, I do not think that a fair comparison. Compared to the wider street scene, the proposal would equate more closely to the heights of other buildings so as not to appear incongruous. Similarly, its forward projection would not be unduly prominent, given the variety of projections, such as front gables and bay windows, found on other properties in the Parade.
8. Having regard to these parameters, I do not consider that this element of the extension would be excessive in size or appear unduly prominent in views along Marine Parade, any more than the existing building does at present.
9. The single storey extensions would replace an existing flat roofed garage and store. Although wider than the garage, the corner extension would be recessed back further and, in my view, would appear subservient to the main building and would not be any more prominent in public views than the existing garage. I also find no harm arising from the entrance arrangements as proposed in the appeal scheme.
10. The contemporary design would contrast with the prevailing Arts and Crafts and mock Tudor designs of many of the other buildings in the Parade. However, there are variations in building design along Marine Parade, both in terms of detail and overall form. I consider that the Parade is not so uniform in character or appearance that it cannot accommodate additional change and

variation of the style proposed in the appeal scheme. Contemporary design has been accepted by the Council at 131 Marine Parade, which exhibits many of the features proposed in the appeal scheme. Indeed, variation in design can provide visual interest that adds rather than detracts from the appearance of the street scene, and I consider that would be the case here.

11. I conclude that the extension and remodelling of the existing building in the manner proposed, while departing from the prevailing design of buildings in the area, would not appear over scaled or incongruous in the street scene, and would not harm the character or appearance of the area. Consequently I find that the proposal would comply with Policies KP2 and CP4 of the Southend-on-Sea Core Strategy and Policies DM1, DM3 and DM6 of the Development Management Document, which seek to promote high quality design, the efficient and effective use of land, and reflect the particular importance of the seafront to the history and evolution of Southend-on-Sea. For the same reasons it would also comply with the Southend-on-Sea Design and Townscape Guide.

Living conditions of future occupants

12. As originally submitted, Flat E fell short of the minimum space standards¹ for a 2 bed 4 person flat. A revised plan 17.195/08B has been submitted with the appeal that reduces the size of one of the bedrooms in Flat E, so that as a 2 bed 3 person flat it now meets the minimum space standards.
13. The revised plan also makes a small change to Flat D to increase the size of its second bedroom. It now also accords with the minimum space standards, although the size of this flat did not form part of the reason for refusal.
14. The Council disputes the appellant's floorspace calculations on the revised plan in two respects. The first, that the width of the master bedroom in Flat D at 2.7m is 5cm short of standard, is in my estimation within measurement tolerance for the submitted plans and so small as not to be significant. The second, that Flat E at 59.6sqm is 1.4sqm below the minimum standard, conflicts with the appellant's measurements that put the flat at 62sqm. I am unable to determine which measurement is correct but given the very small variance I do not consider that my assessment of this issue should turn on this factor alone.
15. Policy DM8 of the Development Management Document requires that new dwellings should *'make provision for useable private outdoor amenity space for the enjoyment of intended occupiers; for flatted schemes this could take the form of a balcony or easily accessible semi-private communal amenity space'*. The Design and Townscape Guide provides further guidance including that *'there is no fixed quantitative requirement for the amount of amenity space as each site is assessed on a site by site basis according to local character and constraints. However, all residential schemes will normally be required to provide usable amenity space for the enjoyment of occupiers in some form'*.
16. In my view the development would meet the policy and Design Guide requirements. Private outdoor space would be provided by balconies or terraces assigned to each of the flats (other than for Flat F) and there would be an area of semi-private space immediately to the rear of the building. While

¹ National Described Space Standards, which have superseded the residential space standards set out in Policy Table 4 of the Development Management Document.

under surveillance from Flat C this space would still be accessible to all occupants. The balconies may experience some traffic noise, but that applies equally to the balconies on other properties along Marine Parade, all of which appear to be in regular use, and therefore perform their intended function irrespective of the road noise. There is adequate space for incidental facilities such as refuse and cycle storage, and open space would be retained to the front and side to provide a green setting to the building, to the benefit of the character and appearance of the wider area.

17. I conclude that the living conditions of future occupants in respect of the revised internal space standards for Flat E, and outdoor space for all the development, would be acceptable. The development would therefore meet the requirements of Policies KP2 and CP4 of the Southend-on-Sea Core Strategy and Policies DM1, DM3 and DM8 of the Development Management Document, which amongst other criteria seek to ensure minimum residential standards in new development. For the same reasons, I consider the development would accord with the advice on residential standards in the Southend-on-Sea Design and Townscape Guide.

Living conditions of neighbouring occupants

18. The proposed development would introduce a parking area adjacent to the side boundary with the neighbouring residential property at 104 Thames Drive. This would result in vehicle movements taking place in close proximity to the flank elevation and rear garden area of the neighbouring property.
19. The movement of cars, including opening and closing of doors and running of engines would undoubtedly generate some noise that would be heard both in the rear garden of the neighbouring property, and to a lesser extent within the building when windows are left open. However, the parking area is limited to seven vehicles (six adjacent to the joint boundary) which limits the amount of activity that could take place at any one time. There is also a solid brick wall along the boundary which provides sound attenuation and a visual screen between the two properties. Marine Parade and Thames Drive are well used, and there is already a relatively high ambient noise level caused by road traffic.
20. The Council's Environmental Health Officer has expressed concern about possible noise disturbance, in particular during the night-time. However, as the development would be residential in nature, it is reasonable to assume that vehicle movements associated with the flats would also be relatively low during the night-time period, with commensurately lesser noise generation.
21. Having regard to these factors, and the findings of the Noise Impact Assessment² submitted with the appeal, I consider that the additional noise caused by vehicle movements associated with the residential flats would not be intrusive or disruptive over and above the existing ambient noise climate as to significantly harm the enjoyment of the neighbouring property.
22. I conclude that the living conditions of the neighbouring occupants at 104 Thames Drive would not be harmed through an unacceptable increase in noise, and the development would therefore accord with Policies KP2 and CP4 of the Southend-on-Sea Core Strategy and Policies DM1, DM3 and DM6 of the

² Noise Impact Assessment, MLM Group, August 2019, updated September 2019

Development Management Document, which seek to protect the amenity of neighbouring residents of new development.

Other Matters

23. Several other issues have been raised in representations including concern about highway safety and congestion, change to outlook, lack of parking, additional pressure on local services, overlooking, loss of trees and greenery, and a potential loss of view. The Council has not objected to the development on any of these grounds, and I see no reason to do so either. The effect of the development on property values is not a material planning issue, and I have not taken it into account in reaching my decision.
24. The Council has drawn my attention to three appeal decisions. I have taken account of these decisions where relevant but given the differing circumstances between them and the current appeal site they only carry limited weight. I have reached my conclusions on the main issues based on the evidence before me and my own judgement. As I have concluded that the development is acceptable on the main issues and does not conflict with the development plan, I have not needed to consider issues relating to housing land supply.

Conditions

25. I have considered the conditions suggested by the Council and imposed them where I consider they meet the guidance contained in paragraph 55 of the National Planning Policy Framework. I have reworded conditions where necessary for consistency and to improve clarity. The conditions have been reordered in accordance with the advice in Planning Practice Guidance.
26. In addition to the standard time limit I have included a condition listing the approved plans to provide certainty on the development permitted.
27. I have imposed conditions requiring a construction method statement and limitations on hours of work to minimise disturbance to neighbouring residents during the construction phase. The appellant has raised no objection to the first of these conditions which needs to be submitted and approved prior to commencement.
28. I have imposed conditions requiring approval of external materials and details of the development, and hard and soft landscaping details, in the interests of the character and appearance of the area. I have combined the first of these conditions with another suggested by the Council requiring details of the bay and dormer windows to be approved.
29. I have imposed conditions requiring water efficiency savings and renewable energy generation in the interests of sustainable development requirements.
30. Notwithstanding comments made by the appellant, I consider a condition requiring implementation of the parking space as shown on the approved plans to be necessary in the interests of highway safety and the free flow of traffic in the vicinity of the site.
31. I have imposed conditions requiring cycle and storage facilities, and noise attenuation as part of the design of the façade and glazing in the interest of the living conditions of future occupants.

32. I consider a condition requiring submission and approval of surface water drainage details to be unnecessary in this instance. I have no evidence that surface water drainage is a problem on the site, nor that it cannot be adequately addressed through the normal Building Regulation process.

Conclusion

33. I conclude that the appeal is allowed.

Guy Davies

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin no later than three years from the date of this decision.
- 2) The development shall be carried out in accordance with the approved plans: 17.195/01, 17.195/02, 17.195/03, 17.195/04, 17.195/05, 17.195/06, 17.195/07A, 17.195/08B, 17.195/09A, 17.195/10A, 17.195/11A, 17.195/12A, 17.195/13, 17.195/14, 17.195/15, 17.195/17A, 17.195/18A, 17.195/19, 17.195/20A.
- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall include:
 - i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. measures to control the emission of dust and dirt during construction
 - v. a scheme for recycling/disposing of waste resulting from demolition and construction works that does not allow for the burning of waste on site
 - vi. noise mitigation measures to be used during construction.
- 4) Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place until details of the design and materials to be used on all the external elevations, including walls, roof, bay and dormer windows, fascia, windows and doors, balustrades and privacy screens 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.
- 5) Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place until details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the local planning authority. The

approved hard landscaping works shall be carried out prior to first occupation of any part of the development and the soft landscaping works within the first planting season following first occupation of any part of the development, unless otherwise agreed in writing by the local planning authority. The details submitted shall include, but not be limited to:

- i. details of the means of enclosure for all boundaries of the site
- ii. details of the proposed parking and turning area
- iii. details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification
- iv. details of measures to enhance biodiversity within the site.

Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as originally specified or as otherwise agreed with the local planning authority.

- 6) No construction works other than demolition and construction up to ground floor slab level shall take place until a scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the first occupation of any of the flats hereby permitted and thereafter retained.
- 7) Prior to first occupation of any of the flats hereby permitted not less than 7 car parking spaces shall be provided at the site in accordance with drawing reference 17.195/17A. The parking spaces shall be permanently retained thereafter only for the parking of occupiers of and visitors to the site.
- 8) Prior to the first occupation of any of the flats hereby permitted details of the cycle and refuse storage shall be submitted to and approved in writing by the local planning authority. The cycle and refuse storage at the site shall be implemented in accordance with the approved details before any of the flat are first occupied and be retained thereafter.
- 9) Prior to first occupation of any of the flat hereby permitted, appropriate water efficiency measures as set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to not more than 105 litres per person per day (110 litres per person per day when including external water consumption), to include measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be implemented for the development and thereafter retained.
- 10) The façade requirements and glazing for the development hereby permitted shall be carried out in accordance with Section 6.2 of the submitted Noise Impact Assessment by MLM Group reference 103024-MLM-ZZ-XX-RP-YA-0001 prior to first occupation of any part of the development.
- 11) Demolition or construction works associated with the development hereby permitted shall not take place outside 08:00 hours to 18:00 hours Mondays

to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time
Sundays or Bank Holidays.

***** End of conditions*****