
Appeal Decision

Site visit made on 18 August 2020

by M Heron BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd September 2020

Appeal Ref: APP/D1590/W/20/3249868

39 Chalkwell Esplanade, Westcliff-On-Sea SS0 8JQ

- 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 Cheek (Barron Homes South East Ltd) against the decision of Southend-on-Sea Borough Council.
 - The application Ref 19/02312/FUL, dated 17 December 2019, was refused by notice dated 10 February 2020.
 - The development proposed is described as 'demolish dwellinghouse and construct detached apartment block, comprising two flats and four off-street car parking spaces. Layout amenity areas and landscaping'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupants of 37 Chalkwell Esplanade and 1-6 Viceroy Court, with particular regard to outlook.

Reasons

3. The appeal site is located on the northern side of Chalkwell Esplanade and accommodates a detached, two-storey, dwelling. This is positioned in-between a three-storey block of flats to the west (Nos 1-6) and a detached two-storey dwelling to the east (No 37). This proposal seeks permission to demolish the existing dwelling at the appeal site and construct a detached, three-storey, block of two flats. It follows the refusal of a scheme for four flats at the site under application Ref 19/00933/FUL.
4. The proposal has been reduced in terms of height and depth compared to the previously refused development and would not extend beyond the principal elevation of No 37. Nonetheless, although stepped down in height towards the rear, it would still extend at three storey level a considerable distance (over 10 metres from the evidence before me) beyond the rear elevation of No 37. This depth would be excessive and, whilst set away from the shared neighbouring boundary compared to the existing property, the proposal's overall size and positioning would appear visually dominant and oppressive from the primary garden area close to the rear elevation of this neighbouring property. This would make this rear garden a significantly less pleasant space in which to spend time, to the detriment of the living conditions of the occupants of No 37.
5. Notwithstanding the above, from the evidence, the proposal would not cause a significant loss of outlook to windows within the side elevation of No 37 that face

the appeal site. However, this does not justify permitting a scheme that would so harmfully impact upon the external living space at this property in the manner identified.

6. Turning to Nos 1-6, there are only obscure glazed, secondary light sources within the side elevation of this block of flats that faces the appeal site. In addition, the proposal would not extend significantly beyond the rear elevation of these flats and only its glass balconies would project beyond their principal elevation. Taking this into account, although the proposal would be positioned closer to Nos 1-6 compared to the existing property, it would not appear visually oppressive from within these flats or their associated external amenity space.
7. Nevertheless, for the reasons given, I conclude that the proposal would harm the living conditions of the occupants of No 37 in terms of outlook from the rear garden. It would therefore conflict with Policies DM1 and DM3 of the Development Management Document. Amongst other things, these seek to ensure that proposals do not have a detrimental impact upon the living conditions of the occupants of neighbouring properties in terms of outlook. It would also conflict with the Council's supplementary planning document 1 design and townscape Guide which has a similar objective. I have been referred to Policies KP2 and CP4 of the Southend-on-Sea Core Strategy. However, these deal with matters such as character and appearance and infrastructure and are not relevant to this main issue.

Planning Balance

8. The Government is seeking to significantly boost the supply of housing. However, whilst in an accessible location, the development for a single additional dwelling at the site would make only a minimal contribution to the Council's housing stock. In addition, the economic benefits associated with the construction and occupation of the scheme would be relatively small. In this context, I give modest weight to these social and economic benefits.
9. The proposal would be acceptable in some respects. For example, in terms of flooding and highway safety. In addition, it would not result in harm to the character and appearance of the area or harm the living conditions of the occupants of surrounding properties in terms of privacy and access to daylight. However, these are requirements of the development plan and are therefore neutral factors in the overall balance.
10. On the other hand, the proposal would harm the living conditions of the occupants of No 37 in terms of outlook from the rear garden. It would therefore fail to accord with the National Planning Policy Framework (the Framework) insofar as it seeks to secure a high standard of amenity for existing users. This carries significant weight against the scheme.
11. Overall, the adverse effects would outweigh the benefits associated with the provision of one additional dwelling at the site. The proposal conflicts with the development plan and there are no material considerations, including the advice of the Framework, which outweigh this conflict.

Conclusion

12. For the above reasons, and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

M Heron

INSPECTOR