
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/20/3249789

8A Salisbury Road, Leigh-on-Sea SS9 2JX

- 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 J Bell against the decision of Southend-on-Sea Borough Council.
 - The application Ref 19/01454/FUL, dated 6 August 2019, was refused by notice dated 3 October 2019.
 - The development proposed is the partial demolition of existing garage and construction of a new dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development in the header above has been taken from the submitted application form. However, it is agreed that this proposal represents the demolition of the shed in the garden to the rear of No 8 rather than the existing garage. The garage would remain to be used as off-street parking. I have assessed the appeal on this basis.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site is located to the rear of No 8, which is a detached three-storey property that accommodates three flats. It comprises a shed and a swimming pool in part of the rear garden that is now separated from these flats by fencing. In addition, the appeal site comprises a single storey garage and parking and turning areas beyond this garden. Access to the site is taken between No 8 and 12 Salisbury Road. The surrounding area is residential in nature and is characterised by a mix of properties that vary in type and design. Whilst the spacing about these properties differs, most are set behind relatively small front gardens (mainly used as parking areas) with larger gardens to the rear. This traditional layout gives the spatial pattern of nearby built form a sense of rhythm and uniformity.
5. This proposal seeks permission to demolish the existing shed and construct a detached dwellinghouse. This would be a two-storey property, but the lower

storey would utilise part of the excavated swimming pool and would be set below ground level. The proposal's contemporary nature would relate to the design of No 8. Nevertheless, it would be sited to the rear of this building, close to a side boundary and the private access road, with only a small, roughly triangular shaped, garden to its side. This layout would be markedly different to that of nearby properties. Consequently, and as backland development is not characteristic of this particular area, the proposal's layout would disrupt the rhythm and uniformity of nearby built form. In this context, it would also appear unduly cramped upon its plot in relation to its size.

6. The proposal's sunken design would reduce its perceived bulk and mass from some surrounding vantage points. However, such a design is not a feature of this area and, in my view, would draw the eye to its discordant layout and cramped appearance. Taking this, and all of the above into account, the proposal would fail to integrate effectively with the character and appearance of the area. Although not conspicuous from the streetscene, its harmful overall impact would be readily apparent from the rear of flats at No 8 and from adjacent properties.
7. The appeal proposal would be similar in terms of footprint and height above ground level compared to a garage that has been recently approved at the site. However, this garage would appear as an ancillary structure with a functional link to a host property rather than a new dwelling on a separate plot. Consequently, this approved development is not directly comparable to the appeal scheme and is not a reason to set aside the identified harm. For similar reasons, the existence of other ancillary outbuildings at surrounding properties does not justify permitting a scheme that would be harmful when assessed on its own merits.
8. I therefore conclude that the proposal would harm the character and appearance of the area. As such, it would conflict with Policies KP2 and CP4 of the Southend-on-Sea Core Strategy, Policies DM1 and DM3 of the Development Management Document and the advice of the Design and Townscape Guide Supplementary Planning Document 1. Amongst other things, these seek to ensure that proposals, including backland developments, respect, and do not conflict with, the character of existing neighbourhoods and contribute to the creation of high quality urban areas. The proposal would also conflict with the design advice of the National Planning Policy Framework (the Framework) insofar as it seeks to ensure that proposals add to the quality of areas.

Planning Balance

9. From the evidence, the Council cannot demonstrate a five year supply of deliverable housing land, which appears to be below 3 years. This is a considerable shortfall and under these circumstances paragraph 11 of the Framework is engaged. This states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
10. The Government is seeking to significantly boost the supply of housing and the principle of residential development would be acceptable. However, the proposal for one dwellinghouse would make only a minimal contribution to the Council's housing stock. The economic benefits associated with its construction and occupation would also be minimal. In this context, I give modest weight to these social and economic benefits.

11. The proposal would be acceptable in some respects. For example, it would afford suitable living conditions for future occupants and would not harm the living conditions of the occupants of surrounding properties. However, these are requirements of the development plan and are therefore neutral factors in the planning balance.
12. On the other hand, the scheme would harm the character and appearance of the area. It would therefore fail to fulfil the Framework's environmental objective of sustainability insofar as it seeks to protect and enhance our built environment. This is a matter which attracts significant weight against the development.
13. The above factors lead me to conclude that the adverse impacts of the scheme would significantly and demonstrably outweigh the benefits associated with the provision of a single dwelling at the site. Consequently, the proposal would conflict with the development plan when read as a whole and there are no material considerations, including the advice of the Framework, which outweigh this conflict.

Conclusion

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

M Heron

INSPECTOR