
Appeal Decision

Site visit made on 22 December 2020

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 25 January 2021

Appeal Ref: APP/D1590/W/20/3250922

555 London Road, Westcliff-on-Sea, Essex, SS0 9LJ.

- 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 RG Airspace Developments Ltd against the decision of Southend-on-Sea Borough Council.
 - The application Ref 20/00139/FUL, dated 24 January 2020, was refused by notice dated 24 March 2020.
 - The development proposed is demolition of existing buildings and construction of a part 3 storey, part 4 storey building comprising one commercial unit to the ground floor and nine residential apartments to the upper storeys incorporating balconies, refuse and cycle storage, layout of parking and landscaping to rear and alter crossover access to site.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing buildings and construction of a part 3 storey, part 4 storey building comprising one commercial unit to the ground floor and nine residential apartments to the upper storeys incorporating balconies, refuse and cycle storage, layout of parking and landscaping to rear and alter crossover access to site at 555 London Road, Westcliff-on-Sea, Essex, SS0 9LJ in accordance with the terms of the application, Ref 20/00139/FUL, dated 24 January 2020, and the plans submitted with it, subject to the conditions set out below:

Main Issue

2. I consider the main issues to be the effect of the proposed development on the character and appearance of the site, the street scene and the wider surrounding area.

Reasons

3. The appeal site, 555 London Road, is a corner plot at the junction of London Road and Northview Drive. The site currently comprises a two-storey building set back from its London Road frontage. It is in commercial use on the ground floor with residential accommodation over. There is a two-storey storage building to the rear fronting Northview Drive.
4. The surrounding area is generally characterised by a mix of buildings largely in commercial uses on the ground floor with residential uses on the upper floors. The buildings in the vicinity of the appeal site are mostly of a similar vernacular

- design to that currently on the appeal site. However, these are interspersed with some more recent contemporary developments.
5. The appellant proposes the demolition of the existing buildings on the site and the construction of a part three/part four-storey building comprising retail use with associated storage on the ground floor with nine self-contained flats above. Parking, cycle and refuse storage would be provided to the rear of the ground floor unit, with new vehicular access from Northview Drive.
 6. The Council state that, in principle a larger building than that which exists fronting London Road, subject to its form, scale, siting and design, may not be out of keeping with the immediate street scene given the flat developments to the east and west. However, as the site is removed from the nearest of those taller flatted developments to the east by the two storey Argosy Toy building and given the two-storey domestic scale of the neighbouring properties in Northview Drive the proposed building would not respect the established relationships.
 7. There are primarily two traditional ways for a building to address a prominent corner plot such as this. These are for the building to be set back from both streets or pulled forward and its height raised as it turns the corner. In my opinion, I consider that the new building, by being pulled forward, the introduction of a splayed corner at street level and the increase in its height at the corner would result in a satisfactory design solution here respecting its prominent corner location.
 8. The adjoining development in Northview Drive is generally of a two-storey domestic scale. The proposed building as it turns the corner into Northview Drive would be reduced in height such that, given its flat roof form it would relate better to the scale of the existing buildings.
 9. Given the corner location of the building the siting of the entrance doors to the retail unit on the corner of the property is a legitimate traditional design solution. It also has the advantage of maximising the potential window display area of the unit to the main street. I acknowledge that the access to the flats and their service yard would be off the side street, but given the secondary nature of the residential use and as Northview Drive is primarily residential I consider this to also be an appropriate design solution.
 10. I agree with the Council that the proposed building would change the existing setting of the Argosy building given the height and overall scale and form of that building. However, I am not persuaded that this would either detract from the distinctive characteristic of the street scene or cause significant harm to the setting and scale of the Argosy Toy building, which given the scale of adjoining development may well in itself change over time.
 11. Given the three dimensional form of the building, the modulation of the street facades and the mix of textures resulting from its detailed design and choice of materials I do not agree with the Council's contention that the proposed building would be poorly articulated, bland, bulky, obtrusive or incongruous in the street scene. Although the building would be of a contemporary design it would nevertheless respect traditional townscape architectural solutions.
 12. I conclude in respect of the main issue that the proposed development would appear as a well-mannered building that would serve to complement the

character and appearance of the site, the street scene and the wider surrounding area. It would therefore accord with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Southend-on-Sea Borough Council Local Development Framework–Development Plan Document 1-Core Strategy (Adopted December 2007) and Policies DM1 and DM3 (as amended by Technical Housing Standards Policy Transitional Statement (2015) of the Southend-on-Sea Borough Council Local Development Framework - Development Management Document (Adopted July 2015) and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009) as they relate to, amongst other things, the quality of development and the enhancement of the character and appearance of the area.

Conditions

13. The conditions follow from those suggested by the Council. To ensure a high quality development, I shall include conditions about the materials, to be used in the construction of the external surfaces of the buildings, as well as hard and soft landscaping.
14. To ensure and appropriate standard of accommodation to meet the changing needs of future residents I will require compliance with Building Regulation M4 (2) - *Accessible and adaptable dwellings*. I will also seek to protect future residents from external noise disturbance and require adequate on site storage for refuse and recycling.
15. To maintain the retail offering on the high street I shall control the use of the commercial floor space to Class A1 only.
16. To safeguard the private amenity of neighbouring occupiers I shall condition the time when demolition and construction work can be undertaken and in turn when the commercial premises can be open to the public and take deliveries.
17. To make sure that the development does not increase the risk of flooding I will require a surface water management strategy to be approved and then implemented before occupation. To minimise the environmental impact of the development I will include conditions in respect of energy and water.
18. To ensure that adequate car and cycle parking provision is provided on site I will require car and cycle parking to be provided before occupation of the development and then retained for that sole use.
19. In the interests of certainty, I shall impose a condition requiring the development to be undertaken in accordance with the approved plans

Conclusions

20. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Philip Willmer

INSPECTOR

Conditions:

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans, drawings: 2981 01, 02, 03, 04, 05 and 06.
- 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the development, including fenestration details, hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) The retail floorspace of the development hereby approved shall not be used for any purpose other than purposes within Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 5) The retail use hereby permitted, shall not be open to customers outside the following hours: 8am to 8pm Monday to Saturday. The premises shall not be open to customers on Sundays or on Bank or Public Holidays.
- 6) Deliveries for the commercial premises shall be taken at or despatched from the site only between 7am and 7pm Monday to Friday and 8am to 1pm on Saturdays and at not at any time on Sundays or on Bank or Public Holidays.
- 7) Demolition or construction works shall take place only between hours of 8am and 6pm on Monday to Friday and 8am to 1pm on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 8) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of soft landscaping. The scheme shall include measures to enhance the biodiversity on the site, details of the species to be planted, the treatment of the ground before planting and on going maintenance details. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing with the local planning authority.
- 9) The development hereby approved shall not be occupied until a scheme of hard landscaping, previously submitted to and approved in writing by the local planning authority, has been carried out as approved. The details of the scheme shall include hard surfacing materials and boundary treatments.
- 10) Construction work shall not take place until a scheme for protecting the proposed residential units from noise from the A13 and the communal parking area shall have been submitted to and approved in writing by the local planning authority. All works which form part of the scheme shall be completed before any part of the noise sensitive development is occupied and retained thereafter.

- 11) No part of the development shall be occupied until space has been laid out within the site in accordance with drawing no. 2981 03 for nine cars to be parked and that area shall thereafter be kept available at all times for the parking of vehicles.
- 12) No part of the development hereby approved shall be occupied until space has been laid out within the site in accordance with drawing no. 2981 03 for eleven bicycles to be parked and that space shall thereafter be kept available for the parking of bicycles.
- 13) No part of the development hereby approved shall be occupied until the refuse and recycling store areas (both the retail and residential) shown on drawing 2981 03 have been equipped and are available for use and operation in accordance with a waste management plan which has previously been submitted to and approved in writing by the local planning authority. The refuse and recycling areas shall thereafter be managed and maintained in accordance with the approved details.
- 14) No construction works shall take place unless and until a drainage management strategy, incorporating principles for a Sustainable Drainage System (SuDS), has been submitted to and approved in writing by the local planning authority. The water drainage management strategy shall be implemented in full accordance with the details approved before first occupation of the development.
- 15) No construction works shall commence until details of energy efficiency and other sustainability measures to be included in the scheme, including the provision of at least 10% of the energy needs of the development hereby approved being provided from on site renewable sources, shall be submitted to and agreed in writing by the local planning authority. The energy efficient design measures shall be implemented in full accordance with the details approved before first occupation of the development.
- 16) No construction works shall commence until details of water efficient design measures for the residential element of the development hereby approved, as set out in Policy DM2 (iv) of the Southend-on-Sea Borough Council Local Development Framework - Development Management Document (Adopted July 2015), to limit internal water consumption to 105 litres per person per day (lpd) or 110 lpd when including external water consumption have been submitted to and approved in writing by the local planning authority. The measures shall incorporate water efficient fittings and appliances along with water recycling systems such as grey water and rainwater harvesting. The water efficient design measures shall be implemented in full accordance with the details approved before first occupation of the development.
- 17) The residential units hereby approved shall not be occupied until Building Regulation M4 (2) - *Accessible and adaptable dwellings* has been complied with.