
Appeal Decision

Site visit made on 2 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/20/3251181

Land Adjacent 1A Friars Street, Shoeburyness, Southend-on-Sea, Essex, SS3 9BG.

- 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 Messers Hyde and Thorpe against the decision of Southend-on-Sea Borough Council.
 - The application Ref19/02199/FUL, dated 29 November 2019, was refused by notice dated 13 February 2020.
 - The development proposed is described as amended submission of proposed one 1-bed house and one 2-bed house, demolish existing storage/garages, retain existing parking area to end of existing driveway.
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Decision

1. The appeal is allowed and planning permission is granted for a proposed one 1-bed house and one 2-bed house, demolish existing storage/garages, retain existing parking area to end of existing driveway at Land Adjacent 1A Friars Street, Shoeburyness, Southend-on-Sea, Essex, SS3 9BG in accordance with the terms of the application, Ref Ref19/02199/FUL, dated 29 November 2019, and the plans submitted with it, subject to the conditions set out below:

Procedural Matters

2. The appellant has submitted revised drawings, not previously considered by the Council in substitution of the application drawings. I consider, having reviewed the drawings that they represent a material change to the scheme considered at application stage. Accordingly I will proceed to determine the appeal on the bases of the drawings considered by the Council that were subject to public consultation.
3. The application description, as set out in the bullet point above, is for a *1-bed house and 2-bed house*, with no reference to the number of occupants. In their evidence the appellants alternatively refer to the western unit as being both for a 2-bedroom dwelling to accommodate up to 4 occupants and then later as a 2-bed 3-person unit. However, at paragraph 7.6 of their Planning Appeal Statement the appellants confirm that the western house would be a 2-bed unit for just 3 people.
4. The Council clearly considered the application on the bases that the western unit would, because of the size of the second bedroom, as a 2-bed unit for 4 people.

5. At paragraph 6 of the Nationally Described Space Standards (NDSS) it is stated, that relating to internal space the number bedspaces is a means of classification for assessment purposes and it does not imply actual occupancy other than complying with the standard. Accordingly, I shall proceed to determine the appeal on the bases that western unit is intended, as confirmed by the appellants, as a 2 bed 3-person unit.

Main Issue

6. The Council has advised that following the submission by the appellants of a Preliminary Roost Assessment Report that the second reason for refusal namely that: *The proposal fails to demonstrate that the development would not result in the loss of local ecological assets including wildlife habitats. The proposal is therefore unacceptable and contrary to the Framework, CS Policies KP1, KP2 and CP4 and DMD Policies DM1 and DM*, has been overcome and it will no longer seek to defend this reason for refusal.
7. Accordingly, I consider that the main issue in this case to be whether the proposed development would result in a satisfactory standard of accommodation for future occupiers.

Reasons

8. The appeal site, land adjacent 1A Friars Street, is currently occupied by a block of semi-derelict single storey garages along with an area of open ground. It is located in wider residential area, characterised by terraced and semi-detached dwellings.
9. The appellants propose the demolition of the existing garages and the erection of a pair of semi-detached, two-storey houses.
10. In respect of the Nationally Described Space Standards (NDSS) standards the eastern unit with a floor area of 58 square meters and the western unit at 72 square meters would provide adequate floor area for a two-storey 1-bed 2-person unit and a two-storey 2-bed 3-person unit respectively.
11. The Council state that the storage area of the western unit would only be 1.0 square meter. The appellants claim that, in addition to the under stair cupboard of 1.0 square meter each of the bedroom would have 1.0 square meters of storage, giving a total of 3 square meters which would exceed the standard in the NDSS for both a 2-bed 3-person and a 2-bed 4 person unit.
12. The NDSS states, in respect of built-in wardrobes that: *the built in area in excess of 0.72 square meters in a double bedroom and 0.36 square metres in a single bedroom counts towards the built-in storage requirement*. Having regard to the foregoing and based on the floor area given for the two wardrobes of 1.0 square meter each I calculate that the floor area of the proposed wardrobes in bedrooms 1 and 2 that could count as general storage would amount to 0.92 square meters in total. This would give a total storage area of 1.92 square meters. Which would be some 0.58 square meters below the required standard.
13. In my judgement, with regard to the layout of the bedrooms alone there would be the opportunity, by careful design, to increase the floor area for storage to at least the 2.5 square meters required by the NDSS for a 2-bedroom 3-person

dwelling. This is a matter that if I am minded to allow the appeal could be conditioned.

14. The proposed external amenity space for the eastern unit would, according to the Council, and this is not disputed by the appellants, be 22 square meters and for the western unit 19 square meters. In my judgement, given that the Council finds 22 square meters to be acceptable for a 4-person unit I consider that 19 square meters would, in this case, be appropriate for the smaller 3-person unit.
15. I conclude in respect of the main issue that the proposed development would, subject to the imposition of a condition in respect of internal storage, result in a satisfactory standard of accommodation for future occupiers. 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, DM3 and DM8 (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) as they relate to the protection of residential living conditions.

Conditions

16. 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.
17. To ensure an appropriate standard of accommodation for future residents I will require compliance with both Building Regulation M4 (2) - *Accessible and adaptable dwellings* and the Nationally Described Space Standard.
18. To safeguard the private amenity of neighbouring occupiers I shall condition the time when demolition and construction work can be undertaken and also require a construction method statement to be submitted for approval and implemented.
19. 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.
20. In the interests of the protection and enhancement of ecology and biodiversity I will condition the implementation of the recommendations set out in the Preliminary Roost Assessment Report.
21. To ensure that adequate car and cycle parking provision is provided on site I will require parking to be provided before occupation of the development and then retained for that sole use.
22. In the interests of certainty, I shall impose a condition requiring the development to be undertaken in accordance with the approved plans

Conclusions

23. 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 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans, drawings: 2906 -01, 02, 03, 04 and 05.
- 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) 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 Statement shall provide for:
the parking of vehicles of site operatives and visitors;
loading and unloading of plant and materials;
storage of plant and materials used in constructing the development;
the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
wheel washing facilities;
measures to control the emission of dust and dirt during construction;
a scheme for recycling/disposing of waste resulting from demolition and construction works;
delivery, demolition and construction working hours.
The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 5) 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.
- 6) 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.
 - 7) 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.
 - 8) 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.
 - 9) No construction works shall commence until details of water efficient design measures for 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.
 - 10) The development hereby approved shall be undertaken in full compliance with the recommendations of the approved Preliminary Roost assessment prepared by Brindle and Green Ref: BG20.168 dated 20 April 2020, including the measures for grass cutting and the undertaking of construction works outside the bird breeding season. No part of the development hereby approved shall be occupied until all the biodiversity enhancement measures set out in the above report have been implemented and those measures shall be retained in perpetuity.
 - 11) 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 on Sundays or on Bank or Public holidays.
 - 12) No part of the development shall be occupied until space has been laid out within the site in accordance with drawing no. 2968 - 02 for two cars to be parked and that area shall thereafter be retained in perpetuity at all times for the parking solely for residents and their visitors of vehicles.
 - 13) No part of the development hereby approved shall be occupied until space has been laid out within the site in accordance with drawing no.

2968 - 02 for two bicycles to be parked and that space shall thereafter be retained in perpetuity at all times for the parking for the parking of bicycles.

- 14) The residential units hereby approved shall not be occupied until Building Regulation M4 (2) - *Accessible and adoptable dwellings* has been complied with.
- 15) No development shall commence until a scheme design for the provision of storage in the western unit in accordance with Nationally Described Space Standards has been submitted to and approved in writing by the local planning authority. Neither of the two dwellings shall be occupied until the nationally described space standard has been complied with and the details of compliance provided to the local planning authority.