
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: 24 March 2021

Appeal Ref: APP/D1590/W/20/3251323

603 London Road, Westcliff-on-Sea, Essex, SS0 9PE.

- 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 M. Jupe against the decision of Southend-on-Sea Borough Council.
 - The application Ref 19/01770/FUL, dated 12 September 2019, was refused by notice dated 21 November 2019.
 - The development proposed is to modify existing structure, remove existing roof and construct two new floors, providing five apartments with associated parking and amenity. Provide commercial on ground floor.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant at paragraph 4.1 of his statement makes reference to the application being for the demolition of the existing building on the site and the erection of a replacement building. However, the description given on the application form and set out in the bullet point above refers to modifying the existing structure. As the appellant has not sought to formally to change the description I shall determine the appeal in accordance with the original application description.
3. The appellant has suggested that the Nationally Described Space Standards (NDSS) are not part of the adopted Local Plan. However, based on the Council's evidence I am satisfied that they are and therefore relevant in determining whether the accommodation provided can be considered satisfactory for future occupiers. I shall therefore take the standards into account when determining this appeal.

Main issues

4. I consider the main issues to be:
 - a) the effect of the proposed development on the character and appearance of the site, the street scene and the wider surrounding area; and,
 - b) whether the proposed development would result in a satisfactory standard of accommodation for future occupiers.

Reasons

Character and appearance

5. The appeal site, 603 London Road, is currently occupied by a two-storey semi-detached building. It has a retail use on the ground floor with a flat over. It is one of a group of similar two/three-storey mixed-use properties located on the north side of London Road, between Tintern Avenue and Southview Drive.
6. The wider area, while also mixed-use is made up of a more diverse form of properties including modern multi-storey blocks of flats, open forecourt petrol station etc.
7. The appellant proposes the reordering the existing property and construction of a new shop with 5 self-contained flats spread over the upper three floors.
8. The Council sets out in its evidence that in itself it considers that the overall simple form of the building proposed would be well articulated with some added visual interest by reason of the regular spacing of the windows and balconies. From what I have seen and read I would not disagree with this assessment.
9. However, the design of new buildings need be considered in the context of the adjacent buildings and structures. In this case the neighbouring buildings, numbers 601 to 619, are all vernacular style buildings with traditional pitched roofs and prominent gables giving them a vertical emphasis. In contrast the proposed building would be of a strikingly modern flat roofed design with balconies giving it a strong horizontal emphasis.
10. In my opinion, therefore in the context of the form and design of the neighbouring buildings it would appear as a dominant and incongruous form of development here. Despite the other larger flatted blocks in London Road this building would nevertheless cause harm to the street scene here and the wider area.
11. The appellant has referred me to a similar development at 659- 665 London Road. However, I do not consider that the urban design and planning considerations are directly comparable to this proposal that I have considered on its individual merits.
12. I therefore conclude in respect of the first main issue that the proposal would cause material harm to the character and appearance of the site, the street scene and the wider surrounding area. Even if there is a short fall in the Council's five-year housing land supply as contended by the appellant I do not consider that, in this case, given the limited number of dwelling proposed, this significantly and demonstrably outweighs the harm that I have identified if the development were to proceed as designed.
13. To allow the proposed development would be contrary to National Planning Policy Framework (2019) (the Framework), Policies KP2 and CP4 of the Southend-on-Sea Borough Council Local Development Framework–Development Plan Document 1- Core Strategy (Adopted December 2007) (CS) 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) (DM D) 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.

Standard of accommodation for future occupiers

14. The Nationally Described Space Standards (NDSS) requires the proposed 2-bed 4-person penthouse to have 2.0 square metres of built-in storage. The council contends that the unit as designed would have no built-in storage. The appellant states that 1.25 square metres of storage are proposed in each of the two bedrooms giving a total of 2.5 square metres of built-in storage.
15. The application drawing 2916-03 shows built in cupboard space in each of the bedrooms of the penthouse. In my judgement, given the floor plan of bedrooms, even if the storage is not shown at 2.5 square metres as contended by the appellant I believe that the required 2.0 square metres of storage could be accommodated. Accordingly this is a matter that could, if I were minded to allow the appeal, be addressed by a suitably worded condition.
16. The Council states in its evidence that bedroom 2 of flat 4, being a 2 bedroom 3 person unit, should, to comply with the NDSS, have a floor area of 7.5 square metres. However it says that bedroom 2 would only have a floor area of 7.3 square metres. The appellant argues that the correct floor area of bedroom 2 is 7.4 square metres and therefore the shortfall in floor area is de minimus.
17. However, I have not been provided with dimensioned drawings so I am not in a position to verify the floor area calculations of either party. If the bedroom does have a floor area of 7.4 square metres. I believe, given the small difference in floor area and the overall spacious nature of the flat that it would provide a satisfactory standard of accommodation for future occupiers. Accordingly, if I were minded to allow the appeal I would require, by condition, the appellant to submit detailed dimension drawing to the local planning authority to substantiate his claim and then for the bedroom as built to have a floor area of no less than 7.4 square metres.
18. Subject to the imposition of the above condition I conclude in respect of the second main issue, that the development would meet Nationally Described Space Standards. For this reason it would provide a satisfactory standard of accommodation for future occupiers. It would thereby accord with the Framework, CS Policies KP2 and CP4 and DMD Policies DM1, DM3 and DM8 and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009) as they relate to residential living conditions.

Conclusions

19. Having regard to all matters I have conclude that, subject to the imposition of a condition the proposal would not be prejudicial to residential living conditions. However, it would cause substantial harm to the character and appearance of the site, the street scene and the wider surrounding area. To my mind this is a compelling objection. I have concluded all the matters raised, but none change my overall conclusion, reached on the planning merits of the proposal, that the appeal should not succeed.

Philip Willmer

INSPECTOR