



Appeal Decision

Site Visit made on 6 April 2021

by Graham Wyatt BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd April 2021

Appeal Ref: APP/D1590/W/20/3262556

47 Prince Avenue, Southend-on-Sea SS2 6RL

- 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 Hon Shu Pang against the decision of Southend-on-Sea Borough Council.
 - The application Ref 20/00212/FUL, dated 7 February 2020, was refused by notice dated 5 May 2020.
 - The development proposed is described as "proposed conversion from 3 x 1 bedroom apartments to 1 x 1 bedroom apartment and 1 x 3 bedroom apartment".
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposal on:
 - the living conditions of future occupiers with particular regard to internal floor space, layout, and cycle and refuse storage, and
 - highway safety.

Reasons

Living Conditions

3. The appeal site consists of a two storey, semi-detached dwelling that is set back from the road. The area is predominantly residential and suburban in character, containing a similar style of property that are arranged in a linear manner along Prince Avenue. The proposal seeks to convert the building from a single dwelling into two flats with accommodation for flat 1 being provided on the ground floor and accommodation for flat 2 proposed within the first floor and roof space areas, utilising an existing rear dormer.
4. Flat 1 as a one person, one bed dwelling would meet the space standards as set out within the NDSS¹ and Policy DM8 of the Southend-on-Sea Borough Council Development Management Document 2015 (DMD). However, Policy DM8 and the NDSS state that single bedrooms must have a floor area of at least 7.5m² and a width of 2.15m. The two bedrooms proposed within the roof space would provide some 6.2m² and 6.4m² of floor space, with one bedroom having a width of some 1.8m, failing to meet the requirements of the NDSS and Policy DM8 of the DMD.

¹ Technical housing standards – nationally described space standard March 2015

5. Furthermore, bedrooms are not always used exclusively at night just for sleeping, but are also areas where occupants may choose to relax, away from other family members or occupants of a flat. As such, the outlook from the bedroom within the roof space that is served only by a roof light would not provide a reasonable level of amenity for future occupiers. The appellant has also failed to identify secure cycle storage within the site.
6. The appellant suggests that matters relating to cycle storage and the removal of the dividing wall within the roof space to create a larger, single bedroom could be controlled via a suitably worded condition. However, it is for the appellant to demonstrate that the development would meet expected space standards and the appeal system should not be used to evolve a scheme that has already been considered by the Council. Furthermore, without evidence to the contrary, I cannot be certain that storage space for cycles can be provided within the site.
7. The area proposed for wheeled refuse bins is not ideal being close to the communal entrance. However, it appears that adequate space would still be provided to enter and leave the building without the refuse bins inhibiting occupiers. I also acknowledge the criticisms of the Council regarding the layout of flat 1 and the access to its bedroom via the kitchen and shower room and that the WC would be accessed directly from the kitchen. However, the level of accommodation would nonetheless meet the expectations of Policy DM8 in that the rooms are useable and effective. Furthermore, given the size of the dormer that would serve the rear bedroom to flat 2, I am not persuaded that the living conditions for that particular room would be unacceptable.
8. Thus, the proposal would fail to provide adequate internal floor space and secure cycle storage. It would be in conflict with Policies DM1, DM3 and DM8 of the DMD and Policies KP2 and CP4 of the Southend-on-Sea Borough Council Core Strategy 2007 (CS) and paragraph 127 of the National Planning Policy Framework (the Framework) which seek, amongst other things, to ensure that developments provide adequate internal living space for occupiers and secure cycle storage. In reaching this decision I have also had regard to the Southend-on-Sea Design and Townscape Guide 2009.

Highway Safety

9. The appeal site is accessed off Prince Avenue which is a dual carriageway and the subject of vehicle parking restrictions via double yellow lines. Although I acknowledge that the appellant has failed to demonstrate that there is adequate space within the site for a vehicle to turn around, it remains that the appeal property is already in residential use and as a family dwelling, may be occupied by adults with cars. Moreover, notwithstanding current policies within the development plan, this is the same arrangement for the majority of residential properties that front Prince Avenue in the vicinity of the appeal site.
10. I have not been presented with any substantive evidence that vehicles reversing onto Prince Avenue from residential properties, or those reversing off Prince Avenue into parking spaces, has resulted in accidents or that this is a particular issue that would cause harm to highway safety. Consequently, it is highly unlikely that a change of use to flats would generate the level of additional movements that could materially affect the existing network or harm highway safety.

11. Thus, the development would not result in harm to highway safety. It would not be in conflict with Policies KP2 and CP3 of the CS, Policy DM15 of the DMD and paragraphs 108 and 109 of the Framework which seek, amongst other things, that developments can accommodate traffic generated in a safe and sustainable manner. In reaching this decision, I have also had regard to the Southend-on-Sea Borough Council Vehicle Crossing and Application Guidance November 2014.

Other Matters

12. The site falls within the Zone of Influence of the Essex Estuaries Special Area of Conservation and Special Protection Areas, as defined in the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy May 2020. Had the proposal been acceptable in planning terms, it would have been necessary for me to have undertaken an Appropriate Assessment (AA) as the competent authority, including any suitable mitigation measures. However, the Conservation of Habitats and Species Regulations 2017 indicates the requirement for an AA is only necessary where the competent authority is minded to approve planning permission, so I have therefore not undertaken an AA.
13. I note that representations were made by a local resident, raising additional concerns. However, given my findings on the main issues, it is not necessary to consider these matters in detail.

Conclusion

14. Thus, for the reasons given above, I conclude that there are no material considerations of such weight as to indicate that a decision be taken other than in accordance with the development Plan. Therefore, the appeal is dismissed.

Graham Wyatt

INSPECTOR