
Appeal Decision

Site visit made on 1 June 2021

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 25 June 2021

Appeal Ref: APP/D1590/W/20/3264663

15 Aylesbeare, Shoeburyness, SS3 8AE

- 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 Thompson against the decision of the Southend-on-Sea Borough Council.
 - The application Ref. 20/01146/FUL dated 30 July 2020, was refused by notice dated 8 October 2020.
 - The development proposed is the erection of a dwellinghouse adjacent to existing dwellinghouse, install two vehicular accesses onto Aylesbeare, associated layout, parking to front and rear.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The application form described the development as 'Erect 2 bedroom house adjacent to 15 Aylesbeare, with associated dropped kerbs'. The council amended this description to 'Erect dwellinghouse adjacent to existing dwellinghouse, install two vehicular accesses onto Aylesbeare, associated layout parking to front and rear.' Since the council's description is more comprehensive in describing what is proposed, I have adopted it in the heading above.

Main Issues

3. The main issues in the case are i) the effect on the character and appearance of the locality in respect of size, design and siting; and ii) the effect of the development on highway safety due to the height of the boundary treatments and position of the vehicular crossovers.

Reasons

4. The first issue, the effect on the character and appearance, relates to the immediate surroundings of neighbouring houses, rather than a wider area. The character of the immediate area is fairly consistent in so far as the houses are generally detached or semi-detached and of two-storey with pitched roofs, although there is some variety in terms of the appearance of the houses. Whilst there is variety in individual houses, there is a general conformity in the amount of space at junctions along the flanks of end houses. The appeal proposal would conflict with this by bringing the flank wall of the new house

close to the short cul-de-sac that runs in between Nos. 15 and 55 Aylesbeare, with a very narrow side garden, enclosed by a 1.8m high fence.

5. In addition, whilst in the immediate locality the houses are both detached and semi-detached, the latter are consistent 'handed' pairs around a central axis. The appeal proposal is attached to the host dwelling, set 1m back from the front elevation and is of narrower width than the host and the generality of nearby houses. This would not provide a satisfactory appearance, because of the disparity of the elements and the resulting cramped appearance, at odds with its neighbours.
6. The appellant draws attention to the enlarged house at No. 55 Aylesbeare, the other side of the cul-de-sac, where the property has been extended to the side to within 1m of the footpath. I observed this at my site visit, and found it very different from the appeal proposal. It is a relatively small extension in relation to the host dwelling, as compared to the full dwelling now proposed, and it is set well back from the front of the house, leaving a reasonable sense of an open junction.
7. Turning to the second issue, I consider that the parking arrangements would look contrived, the one at the front adding to the cramped appearance of the proposal. Both parking spaces would be likely to lead to manoeuvring conflicts to the inconvenience of other road users, a degree of harm to highway safety and pedestrian wellbeing. I note that a post-decision amended plan has been submitted. I give this little weight because it has not been subject to the required consultation. However, I do remark that the possible sight splay at the rear parking space would appear to come at the expense of the removal of a tree which is an attractive feature in the street scene. This would add to the loss of foliage and planting which is an important part of the open character at the junction, and exacerbate the sense of an ill-conceived addition to the area. I also note that this amended plan also shows that it may be possible to move the street lamp standard to a satisfactory position, but that does not weigh in my consideration.
8. In the council's response to the appeal, it notes that, since the decision was issued, the RAMS Supplementary Planning Document (SPD) has been adopted. The site falls within the Zone of Influence for one or more European designated sites scoped into the emerging Essex Coast Recreational Disturbance Avoidance Mitigation Strategy (RAMS). It is the council's duty as a competent authority to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation. Any new residential development has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. The RAMS SPD requires that a tariff of £125.58 (index linked) is paid per dwelling unit, to be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement. In response, it is stated that the appellant would be willing to make such payment
9. Since I am now the competent authority, I must ensure that necessary mitigation takes place; without it, this would also be a reason for the appeal to fail. It is possible for the tariff to be paid on line: had I been satisfied that the appeal should be allowed, I would have provided the opportunity for the

payment to be made. In the circumstances of my decision, on the basis of the council's refusal reasons, this is a point that need not be pursued.

Conclusions

10. Clearly the appeal site is in a well-established sustainable urban location, where the principle of residential development is not in dispute, and the proposed external materials, pitched roof, etc, fit with the surroundings. However, it is the impact on a rather local part of the general area that makes this proposal unacceptable, by creating what would be a cramped looking development, reducing the sense of openness at this junction and the opportunity for shrubs and small trees to enhance the suburban fabric. It would thereby have an unacceptable effect on the character and appearance of the locality in respect of size, design and siting. Additionally, it would create parking arrangements that would be harmful to pedestrian and highway safety and the convenience of users of the cu-de-sac from which access would be gained. Having taken all matters into consideration, I therefore dismiss the appeal.

Terrence Kemmann-Lane

INSPECTOR