



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: 09 JULY 2021

Appeal Ref: APP/D1590/W/20/3265456

Land to the rear of 19-20 Clifftown Road, Southend-on-Sea, SS1 1AB

- 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. Hyde against the decision of Southend-on-Sea Borough Council.
 - The application Ref 20/00793/FUL, dated 20 May 2020, was refused by notice dated 15 July 2020.
 - The development proposed is erect three storey building comprising 6 no flats, layout associated landscaping, cycle and bin store.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The application form described the development as the erection of 6 No. new flats on overspill car park land at rear of offices with associated landscaping. The description of the proposed development was amended by the council at validation to that set out in the heading above. it was subsequently used on the appeal form, and as it is more comprehensive than that shown on the application form, I have adopted it.

Main Issues

3. The main issues in this case are: i) the effect on the character of the surroundings in respect of bulk, siting and design; ii) whether the proposal provides for satisfactory living conditions for future occupiers, in respect of outlook, daylight and privacy; iii) the effect on the living conditions of the occupiers of No. 20 Weston Road, particularly in regard to daylight and outlook of the ground floor residential accommodation.

Reasons

The character of the surroundings

4. The application site fronts onto Weston Road and is currently used for car parking for the offices to the north of the appeal site at 19-20 Clifftown Road. This area of the town has buildings mainly 3-4 storeys tall. Weston Road features mainly Victorian and Edwardian terraces comprising brick and render elevations, many featuring decorative stone and stucco detailing. The street

includes decorative gable facades, including the County Chambers opposite and the locally listed frontage of *The Last Post* towards the High Street.

5. The site, as a private car park, forms a gap in the established tight urban development of this part of Southend's town centre, between buildings at Clarence Road and Weston Road. There is a brick retaining wall and planter which extends along most of the frontage, some 1m in depth, containing low growing shrubs. The car park is accessed by a ramp down to a level some 1-2m below the adjacent street on the eastern side of the site. At the back of the car park, to the north, is part of the building which it serves - 19-20 Clifftown Road. This building seems to be an extension of the frontage building, and is 4 and 5 storeys in height including sub-basement. The façade facing the car park has 4 windows equally spaced across basement, ground, first and second floors. On the west side of the car park are the undistinguished rendered backs of the 3 storey buildings fronting Clarence Road, each having small back yards. On the eastern side of the site is a rendered elevation where part of the terrace fronting Weston Road has been demolished. This elevation of No.20 has windows serving this now end of terrace 3 storey dwelling (including sub-basement).
6. In judging the effect of the proposal on the character of the surroundings, the importance of good design is reflected both in the local policies that are referred to and those of the National Planning Policy Framework. It is sufficient here for me to mention the council's Design and Townscape Guide – Supplementary Planning Document 1 of 2009, which notes (paragraph 202) the importance of successful integration of infill development, having regard to drawing strong references from surrounding buildings - for example: 'maintaining the scale, materials, frontage lines and rooflines of the neighbouring properties, reinforces the rhythm and enclosure of the street'. Of importance is that there are a number of 'frontages of townscape merit' (policies KP1, CP4, DM5) on Weston Road, Clarence Road and Clifftown Road. In particular, on Weston Road, these are Nos.25-27 'County Chambers' immediately opposite the site, Weston Chambers Block A and Block B, No.11, and 'The Last Post' (a former Post Office) at the eastern end of the road.

Size, scale, siting and design

7. At present, the appeal site is an unfortunate gap in a street which mainly has fine facades, particularly those identified as 'frontages of townscape merit', and there is an opportunity to make a substantial improvement to the streetscape. Without pronouncing the detail as being entirely satisfactory, I consider that the front elevation makes reference to traditional style and detailing, with decorative gables to the north and south elevations, albeit with a contemporary approach to fenestration and balustrades. In particular I can see that the gables make reference to the decorative gable facades of the County Chambers opposite and The Last Post further down the road. The front elevation has been brought forward of the general building line, but there are similar examples of this such as the County and Weston Chambers buildings. The general scale of this elevation also accords with the adjacent terrace.
8. However, the view of the east elevation would be quite apparent in the street scene, and this is less than satisfactory in terms of its depth and the relatively low pitch of the roof, the lack of articulation and its bland appearance in spite of the attempt to enliven it with string-courses. The obscure gazed windows

and their disposition does nothing to help. The depth, bulk and unsatisfactory detailing of the block is more apparent because of the forward projection that I have mentioned and the width of the retained access to the remaining car parking area. The result of these considerations is that I judge that the bulk, siting and design of the proposed building would be unduly dominant and somewhat incongruous in its context, to the extent that it would be harmful to the character of the surroundings. These surroundings are of a quality that warrants a more sympathetic design than that proposed.

9. I have taken account of the appellant's comments about the prominence of the outrigger, raised parapet, and significantly sized chimney stack of No 20, and the variety of depths and rhythm of stepped facades as well as the variety of roof pitches. There is no denying the desirability of developing the existing gap in the built frontage, to the advantage of the street scene and the benefit of additional housing that this could bring. I appreciate that there is a desire to make best use of previously developed land in a highly sustainable location. However these matters do not persuade me to reach a different view.

Living conditions for future occupiers, in respect of outlook, daylight and privacy

10. The appeal documentation included details of a previous refusal for a similar scheme on the site. The reasons for refusal in that case included that the development would not provide adequately for the living conditions of future occupiers, given the limited outlook, daylight and privacy conditions for habitable rooms within a number of dwellings in the development. In the present case, this reason was not advanced. However, following my initial appraisal of the scheme, I referred this to the parties and invited comments, the replies to which I have taken into account.
11. As far as this issue is concerned, the difference between the previous scheme and the present appeal proposal is that the building would be positioned 1.4m further into the site. This means that the rear elevation of the building would be 9.1m from the back of the existing building that I have described at paragraph 5 above. Another difference is that previously flat 1's sole living space windows had faced directly on to the access road in close proximity to the side of No. 20 Weston Road. Whilst that unsatisfactory situation has been overcome, all the 2-bedroom flats would have the principal windows of their living rooms looking at the back of the existing building, across the remaining car park space. These windows are a pair of full depth double doors and a full depth single window. Such an outlook would be oppressive and without any visual delight, would likely give a sense of a lack of privacy, due to the windows in the existing building, and/or of an over-bearing presence. The lack of any immediate open amenity area, since the scheme has no useable private outdoor amenity space, would add to the impact of the oppressive outlook. I regard this as a negative aspect of the proposal that adds weight to the conclusion that I reach at paragraph 16 below.

Living conditions of the occupiers of No. 20 Weston Road, having regard to daylight and outlook of the ground floor residential accommodation

12. I am told by the council that No.20 is a house in multiple occupation or bed-sits, and the officer's report states that there would be a material impact on daylight and outlook, in particular to the ground floor accommodation, as a result of the plan-form and depth of the proposed building presenting a deep, tall side wall towards No.20. However, the officer also notes that the appeal

building has been relocated to the north (compared to the previous scheme) which would reduce shadowing impacts on living accommodation at No.20 to a reasonable degree, and that a certain degree of impacts from new buildings must be expected where there are uncharacteristic gap sites, particularly in the town centre where there are higher densities and economic activity is concentrated. I agree with this assessment and therefore I consider that this refusal reason carries limited weight, insufficient to warrant refusal of permission.

Other matters

13. Subsequent to the determination of the application for planning permission, the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy Supplementary Planning Document (SPD) (2020) has been adopted by the Council (29 October 2020). 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. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. This would be a significant issue in this appeal if the matter had not been addressed by the appellant.
14. The RAMS SPD requires that a tariff of £125.58 (index linked), plus administration fee, is paid per dwelling unit. The Council has set up provision for applicants to make a direct payment on its website. The appellant confirms that the RAMS tariff has now been paid and the receipt has been submitted. I am therefore satisfied that my obligation as competent authority in this case has been discharged, and this matter has therefore played no part in my consideration of the merits of the appeal.

Conclusion

15. I conclude that the bulk, siting and design of the proposed building would be unduly dominant and harmful to the character of the surroundings. In addition I consider that the living conditions for future occupiers of the flats situated at the rear of the building, in respect of outlook, privacy and overbearing aspect, would not be acceptable. For these reasons, I will dismiss the appeal.

Terrence Kemmann-Lane

INSPECTOR