



Appeal Decision

Site visit made on 28 September 2021

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st October 2021

Appeal Ref: APP/B1550/W/20/3263489

22-24 Southend Road, Hockley SS5 4QH

- 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 Grange Road Developments against the decision of Rochford District Council.
 - The application Ref 19/00840/FUL, dated 13 September 2019, was refused by notice dated 3 June 2020.
 - The development proposed is demolition of two existing properties and the erection of 7no. 2 bed flats with associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council made its decision, the Government published a revised version of the National Planning Policy Framework (the Framework). The main parties were given the opportunity to comment on any implications for the appeal of this change, and I am satisfied that no prejudice would be caused by my consideration of the appeal in light of the revised Framework.
3. The appellant has submitted a revised 'proposed second floor & roof plan' (drawing No 1832 26A) with the appeal in response to the Council's concerns regarding compliance with the Technical Housing Standards – Nationally Described Space Standard (NDSS). This would reduce the proposed second floor flat from 2 bedrooms to a 1 bedroom (2 person) unit. The revised 'proposed elevations' plan (drawing No 1832 27A) provides annotated dimensions of the floor to ceiling height of the second floor and makes minor changes to the siting of the rooflights. Furthermore, a revised 'Proposed ground and first floor layout plan' (drawing No 1832 25A) has been submitted, which would reduce the number of proposed on-site parking spaces from 16 to 11 and alter the parking layout. A Parking Appraisal dated October 2020¹ has also been submitted during the appeal, which was not before the Council at the time of its decision and has not been subject to consultation.
4. The reduction of the proposed second floor unit to a 1 bedroom flat, together with the sizeable decrease in on-site parking spaces and changed parking layout would materially alter the proposal. Within this context, I am very conscious of the Wheatcroft Principles derived from *Bernard Wheatcroft Ltd v SSE* (1982) which are further explained in the Procedural Guide: Planning

¹ Prepared by Journey transport planning Ref. JTP32120

Appeals – England (the Procedural Guide). Annexe M Paragraph M.1.1 of the Procedural Guide states that if an applicant considers amendments to the proposal would overcome the local planning authority's reasons for refusal, they should normally make a fresh planning application. Paragraph M.2.1 continues that if an appeal is made, the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought.

5. It is my firm view, in the interests of fairness, that this appeal must be determined on the basis of the plans on which the Council made its decision, and which have been subject to consultation, and not the revised plans. To do otherwise could prejudice unacceptably the interests of interested people and/or consultees who would not have been consulted on the amended proposals and who may have observations to make.
6. The present appeal scheme follows a previous appeal at the site for the erection of 9no 2-bed flats, which was dismissed on 15 October 2019². I have had regard to the previous appeal decision, nevertheless I have determined the proposal on its own merits.

Main Issues

7. The main issues are:

- The effect of the proposed development on the character and appearance of the street scene and the surrounding area.
- Whether the proposed development would make satisfactory provision for on-site parking.
- Whether the proposed development would provide an acceptable living environment for future occupiers of the second floor flat, with particular regard to internal space standards.

Reasons

Character and appearance

8. The appeal site comprises a pair of bungalows located on the corner of Southend Road and Great Eastern Road. The former is one of the main thoroughfares in the area and is lined by residential properties, along with commercial uses further to the west. The street scene predominantly consists of two storey buildings of varied architectural design, comprising detached and semi-detached dwellings or short terraced blocks.
9. There is a purpose-built block of flats opposite the appeal site at Holly Court, which displays modest 2 storey scale and proportions, with a shallow pitched gabled roof. Oak Lodge comprises a more substantial block of flats, however there are limited views of this building in the area due to its position behind the built frontage in Southend Road. Great Eastern Road is a quieter residential side road, which comprises bungalows and 2 storey dwellings. The property immediately to the rear of the appeal site at No 1 Great Eastern Road is a modest chalet bungalow.

² Ref APP/B1550/W/19/3234163

10. The main alterations compared to the previous appeal scheme consist of the reduction in length of the south-eastern facing elevation, which has resulted in a greater level of separation to No 1 Great Eastern Road, and the provision of a hipped rather than gabled roof form. Furthermore, the height of the main roof has been reduced to reflect the ridgeline of the adjacent 2 storey terrace to the west, and there would be an increased step down in the roof at the rear towards No 1. Changes have also been made to the detailing of the elevations, including a reduction in balconies and bays, and the removal of the large dormer towards No 1.
11. The above alterations would combine to reduce the bulk of the proposed building compared to the scheme previously dismissed at appeal. Furthermore, there would be a less jarring transition to the lower chalet bungalow at No 1 due to the increased separation and the stepping down of the roof. The materials and detailing, including projecting gables and recessed balconies, would provide articulation and break up the bulk of the building to some extent.
12. Nevertheless, despite the alterations, the length of the Southend Road and Great Eastern Road elevations would be considerable and extend across a large proportion of the width and depth of the plot. This would be viewed in the street scene as a building of significant scale adjacent to a prominent road junction, which would be at odds with the scale and proportions of the buildings in the vicinity of the site. I have had regard to the appellant's reference to the adjacent 2 storey terraced building to the west and the detached dwelling on the corner of Gladstone Road. However, these properties are of a significantly smaller scale due to their limited depth and modest pitched roofs. They reflect the other buildings in the area, which have shorter elevations. Furthermore, the modest set back of the proposed building from Great Eastern Road would allow for only limited soft landscaping, which would exacerbate the dominance of the proposed development in the street scene.
13. For the above reasons, I conclude that the proposed development would cause significant harm to the character and appearance of the area. The proposal would therefore be contrary to Policies DM1 and DM3 of the Rochford District Council Local Development Framework Development Management Plan 2014 (the DMP) and Policies CP1 and H1 of the Core Strategy 2011 (the CS), which, amongst other things, seek to secure development that respect, and make a positive contribution towards, the built environment and only permits limited infilling provided it relates well to the character of the locality.

Parking provision

14. The proposal would provide 16 no on-site spaces in a parking court to the rear of the proposed building, which would be served by a vehicular access from Great Eastern Road. This would consist of 2 no visitor spaces and 2 spaces per flat in a tandem arrangement. The number of parking spaces would meet the parking standards referred to in Policy DM30 of the DMP.
15. Whilst the rearmost spaces would only block in the other space allocated to the same flat, this would provide a poor quality layout and excessive manoeuvring of vehicles close to No 1 Great Eastern Road. The arrangement would cause inconvenience to the future occupiers of the proposed development because the rearmost vehicles would have to be moved in order to access the blocked in cars. It is also unclear from the submitted information as to whether there is

sufficient space in the parking area for the process of manoeuvring 2 vehicles. Consequently, residents may find it more convenient to park on the street and therefore exacerbate demand for on-street parking, which would increase competition for spaces and harm the living conditions of neighbouring occupiers. Furthermore, the process of moving the cars would result in idling engines and door slams adjacent to No 1 Great Eastern Road, which would cause noise and disturbance to the neighbouring occupiers to the detriment of their living conditions. I note that the Local Highway Authority raised no objection to the parking layout, however this would not alter my findings.

16. For these reasons, I conclude that the proposed development would provide inadequate parking provision, which would be harmful to the living conditions of future occupiers of the proposed development and neighbouring occupiers. The proposal would therefore be contrary to Policies DM1 and DM3 of the DMP, Policy CP1 of the CS and guidance contained in the Parking Standards Design and Good Practice Supplementary Planning Document December 2010, which amongst other things, seek adequate parking provision and to ensure that development positively contributes to the surrounding built environment and residential amenity.

Living conditions

17. The proposed second floor plan (drawing No 1832 26) shows a 2-bedroom (3 person) flat. The NDSS states that the minimum gross internal area (GIA) for this type of dwelling is 61 square metres. Furthermore, the NDSS states that a minimum floor to ceiling height of 2.3 metres is required for at least 75% of the GIA. The Council states that the proposed second floor flat would fail to provide at least 75 percent of the GIA with a floor to ceiling height of 2.3 metres, which has not been disputed by the appellant. The sloping roofs would restrict the internal ceiling height and result in cramped and oppressive living conditions for future occupiers.
18. I appreciate that the appellant submitted amended plans with the appeal to reduce the second floor flat to a 1-bedroom (2 person) unit, which would therefore reduce the number of occupiers. However, as discussed in the preliminary matters above, this would materially change the description and nature of the proposal and therefore I have not considered this amendment in my decision.
19. For these reasons, I conclude that the proposed development would fail to provide acceptable living conditions for future occupiers of the proposed second floor flat. The proposal would therefore be contrary to Policy DM4 of the DMP, which states that new dwellings should have a good internal layout with reasonably sized habitable and non-habitable rooms that are well designed, planned and useable.

Other Matters

20. The proposed development would be located within the Zone of Influence of the Crouch and Roach Estuaries Special Protection Area (the SPA) and Ramsar, and the Essex Estuaries Special Area of Conservation. The SPA is a designated habitat site which is subject to statutory protection under the Habitat Regulations³. Had the proposal been acceptable in planning terms, it would

³ The Conservation of Habitats and Species Regulations 2017

have been necessary for me to have undertaken an Appropriate Assessment (AA) as the competent authority. However, regulation 63(1) of the Habitat Regulations indicates that the requirement for an AA is only necessary where the competent authority is minded to give consent for the proposal. As I am dismissing the appeal for other reasons, it has not been necessary for me to consider this matter further.

Planning balance and conclusion

21. The appellant states that the Council is unable to demonstrate a deliverable 5 year housing land supply, which is not disputed by the Council. In these circumstances, the most important policies for determining the application are out-of-date in accordance with footnote 8 of the Framework. Paragraph 11(d) ii of the Framework is therefore engaged.
22. Paragraph 60 of the Framework sets out the Government's objective of significantly boosting the supply of housing. The proposed development would provide a net increase of 5no dwellings in an accessible location close to various modes of transport, services and facilities, which would make a small contribution towards the supply of housing in the district. Small sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly, as indicated in paragraph 69 of the Framework. The proposal would also create some employment at the construction stage, although this would be relatively short lived and so a limited benefit. The occupiers of the proposed dwellings would help to support local facilities and services, although the economic contribution arising therefrom would be limited again by the scale of the proposals. Taking the benefits together, and for the reasons I have given, I would afford them moderate weight.
23. Paragraph 124 of the Framework states that planning decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting, amongst other matters. In this case, whilst the proposal would make a contribution of 5 additional dwellings towards housing supply, it would cause significant harm to the character and appearance of the area and so the environmental role of sustainable development would not be achieved. The Framework sets out the importance of achieving well-designed and attractive places, and to ensure that developments are sympathetic to local character. Consequently, I afford significant weight to the harm to the character and appearance of the area and the associated conflict with the development plan.
24. The proposal would fail to provide acceptable living conditions for future occupiers of the proposed second floor flat due to the cramped internal space. Moreover, the inadequate parking arrangement would cause inconvenience to future occupiers and harm the living conditions of the occupiers of neighbouring properties. This would conflict with paragraph 130 of the Framework which seeks to create places with a high standard of amenity for existing and future users, and therefore attracts significant weight.
25. Even if I had found that the proposal would avoid an adverse effect on the integrity of the SPA, and hence that there was not a clear reason for refusing the development proposed, I conclude that the identified adverse effects of the proposal would significantly and demonstrably outweigh the benefits outlined above, when assessed against the policies in the Framework taken as a whole.

26. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal is dismissed.

C Osgathorp

INSPECTOR