



Appeal Decision

Site visit made on 11 November 2021

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2021

Appeal Ref: APP/D1590/W/21/3273489

6 Crescent Road, Leigh-on-Sea SS9 2PF

- 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 T Brazier against the decision of Southend-on-Sea Borough Council.
 - The application Ref 20/01833/FULH, dated 23 December 2020, was refused by notice dated 1 February 2021.
 - The development proposed is to erect a two storey side extension and roof extension to convert existing two self-contained flats to form two semi-detached dwellinghouses, alterations to elevations, bin, cycle storage and amenity space to rear and parking with associated dropped kerb/crossover to front.
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Decision

1. The appeal is allowed and planning permission is granted to erect a two storey side extension and roof extension to convert existing two self-contained flats to form two semi-detached dwellinghouses, alterations to elevations, bin, cycle storage and amenity space to rear and parking with associated dropped kerb/crossover to front at 6 Crescent Road, Leigh-on-Sea, SS9 2PF in accordance with the terms of the application, Ref: 21/01833/FULH, dated 23 December 2020, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the proposal on the the effect of the development on the character and appearance of the area, also having regard to trees.

Reasons

3. The appeal property relates to a two-storey detached building that forms two flats. It is located on Crescent Road, a predominantly residential thoroughfare which includes a mix of flats and houses of varying scale, design and character in a high density, urban environment. To the north are properties fronting London Road, a busy arterial route also including retail outlets, and beyond on the opposite side is a substantial development of apartments.
4. I note that the appeal building and surrounding properties are not locally or statutorily listed and the appeal site is not located in a conservation area. Amongst other things there are differences in nearby roof forms, materials and other detailing. Taken in the round, these characteristics demonstrate the variation in built form within the street scene and such differences add to the visual interest of the area.

5. The National Planning Policy Framework (the Framework) states at paragraph 130 that development should not prevent or discourage appropriate innovation or change. I acknowledge that the property is in a relatively prominent position, being one of the first viewed following the turn from London Road onto Crescent Road. However, to my mind the proposed extensions would neither be awkward, discordant or contrived forms of development, nor would they be disproportionate to the existing building. I also note that appropriate space separation to units on London Road would be retained, as there is an access way to commercial premises at the rear of the appeal site.
6. The proposed area of crown roof to the property is small and would not appear prominent in the context of the scheme and the surrounding area. I also note the myriad roof shapes in the immediate neighbourhood, including flat and pitched elements. Given these factors, I consider that the inclusion of the crown roof is not sufficiently harmful as to warrant dismissal of the appeal on this ground.
7. The staggered wall to the north side of the proposal would articulate this elevation and is an acceptable design solution. It also serves to provide a pleasing sense of symmetry to the front, with balanced gable features and a central porch canopy. All in all, within the context of the neighbourhood I do not consider that the proposed width, height and general design ethos would be at odds with the multifaceted character of the locality, and it would not represent an overdevelopment of the site.
8. There does not appear to be any dispute between the main parties that the creation of the southern crossover would result in the removal of the tree on the highway verge. The Council has objected to its loss in that it would be detrimental to the character of the area. I agree that the specimen provides amenity value in combination with the other trees in the street scene, and have no substantiated evidence before me to demonstrate that the tree would be unlikely to survive in perpetuity.
9. The appellant has provided a revised site plan which shows the crossover relocated further from the tree. The Council has been consulted on the plan and no representations have been received. I am satisfied that the increased space separation would be unlikely to affect the root protection area of the tree, and its continued presence would therefore be secured.
10. I conclude that there would be no harm in terms of the effect of the development on the character and appearance of the area, also having regard to trees. The proposal meets policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Council's Development Management Document (2015) and the Design and Townscape Guide (2009). Collectively these seek to improve the quality of the environment and ensure that development contributes to the streetscene. The proposal would also be consistent with the advice in the Framework, which states that good design is a key aspect of sustainable development and requires developments to be visually attractive as a result of appropriate and effective landscaping.

Conditions

11. The Council has not provided a specific list of suggested conditions, but I note the delegated report addresses situations where the Authority would have imposed conditions had the original application been approved. On this basis, and given the nature and scale of the proposals, I am satisfied that conditions

are required in the context of approved plans, materials, obscure glazing, landscaping, parking, refuse, cycle storage, renewable energy, water efficiency and drainage.

Conclusion

12. For the reasons given above I conclude that the appeal should succeed.

C Hall

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: CR-BR-01 C, CR-BR-02
- 3) Except for demolition, no development shall take place above slab level until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority (LPA). Development shall be carried out in accordance with the approved details.
- 4) The windows in the first floor side elevations hereby permitted shall be fitted with obscured glazing (to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority), and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter.
- 5) No development above slab level shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 6) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. CR-BR-01 C for bicycles to be stored and that space shall thereafter be kept available for the parking of bicycles.
- 7) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. CR-BR-01 C for refuse storage and the space shall be kept available for that use thereafter.

- 8) No dwelling shall be occupied until the parking spaces have been laid out within the site in accordance with drawing no. CR-BR-01 C and the spaces shall be kept available for that use thereafter.
- 9) The dwellings shall not be occupied until the Building Regulations Optional requirement G2 – Water efficiency (2015 edition) - has been complied with. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.
- 10) Except for demolition, no development shall take place until a scheme to secure at least 10% of the energy supply of the development from decentralised and renewable or low carbon energy sources shall have been submitted to and approved in writing by the LPA. The approved scheme shall be implemented and thereafter retained in operation
- 11) Except for demolition, no development shall take place until a scheme for the proposed method of surface water drainage has been submitted to and approved in writing by the LPA. The scheme shall include details of the timetable for provision and future management and maintenance. The approved surface water drainage facilities shall be constructed in accordance with the approved details before the development is first occupied and shall be retained and maintained thereafter in accordance with the scheme as approved.