



Appeal Decision

Site visit made on 13 March 2022

by J E Jolly BA (Hons) MA MSc MCIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th April 2022

Appeal Ref: APP/D1590/W/21/3275287 1575a London Road, Leigh-on-Sea SS9 2SG

- 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 Mrs Venkat against the decision of Southend-on-sea Borough Council.
 - The application Ref 20/01257/FUL, dated 4 August 2020, was refused by notice dated 24 November 2020.
 - The development proposed is for the change of use of shop (Class A1) to financial and professional Services (Class A2), part change of use of ground floor from shop (Class A1) to residential (Class C3) to provide additional residential accommodation for flat 1575A London Road, proposed refurbishment of commercial unit, proposed refurbishment of existing flat to include part of existing ground floor, basement, loft conversion, rear and side infill extension to include balcony at the rear at first floor with a canopy at ground floor, proposed erection of garden wall, timber pedestrian gate and timber gate to driveway.
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Decision

1. The appeal is dismissed.
2. An application for costs was made by Mrs Venkat against Southend-on-Sea Borough Council. This application will be the subject of a separate Decision.

Procedural Matters

3. The Government published a revised National Planning Policy Framework (the Framework) in July 2021. All references to the Framework in this decision relate to the updated document.

Main Issues

4. The main issues are the effect of the proposal on:
 - the character and appearance of the area, and;
 - the living conditions of the neighbouring occupiers.

Reasons

Character and appearance

5. The appeal property known as 1575a London Road is an end of terrace dwelling that is located at the junction with London Road and Herschell Road. The host dwelling forms part of a terrace of commercial properties facing the main highway. The terrace is typified to the front by shop frontages that have bay windows at first-floor level with simple roof panes above other than a small number of roof lights.

6. The residential accommodation of the host property can be accessed via a doorway to the side elevation that is found on Herschell Road. To the rear of No 1575a there is an outrigger with a side return that is infilled by a mono-pitch single-storey extension. There is also an off-road parking area to the rear that is lined by a wall. The neighbouring dwelling at No 1577 London Road has a similar outrigger extension to the host dwelling with a dormer above.
7. The proposal is to refurbish the existing dwelling and to construct a pitched roofed, single-storey side extension with roof-lights above in the side return adjacent to No 1577, and a tiled, mono-pitch hipped roof side and rear extension in similar materials to the surrounding dwellings. The rear extension would have a vertical elevation facing No 1577 and be formed over the existing outrigger. There would be dormers to the front, side and rear of the loft conversion. In addition there would be a first-floor balcony to the front of the proposal and a recessed balcony to the rear. The existing entrance to 1575a would be blocked off. Internally the ground-floor area to the front of the property would be changed in part from a shop (Class A1) to an office for financial and professional services (Class A2). The shop (Class A1) would also be reconfigured the rear to provide additional living space (Class C3), and a basement for storage. The living space would be accessed from an new opening to the rear of the dwelling via a timber gateway. There would be new windows to the side and rear elevations as well as two parking spaces and refuse and cycling storage. I noticed at my site visit that the proposed garden wall has been constructed as well as a new crossover.
8. The appellant has brought to my attention developments nearby in support of her case¹. However, I have limited details of those schemes before me, some of which are of relative vintage. Therefore, I have considered the proposal on its own planning merits. As such, the proposed development, which would meet nationally described space standards, would be located in an established residential and commercial/retail type area. Therefore, the principle of development on the appeal site is accepted. Indeed, there is an extant planning permission for a development on the appeal site that is similar in some, but not all, respects to the proposal before me.² I also acknowledge in this case that the appellant has made a number of changes to an earlier proposal³ that was previously found wanting by the Council.
9. However, while it is possible to integrate the reconfigured outrigger with the host building, it would nonetheless be an extension of some considerable scale and mass that would be readily seen by motorists and passers-by alike on this prominent junction location. Indeed, while the appellant contends that the urban typology of Southend can appear generally 'jumbled', and that the built form is likely to change in character along roads of significant length, the fact remains that the bulky and awkward development would dominate the host building and appear as a prominent addition to the roofscape when viewed from the north and west. Moreover, whether the proposal would be clad in tiles or not, the vertical west flank of the outrigger would appear as a stark and unusual element in comparison to the modest elevations of the host and surrounding dwellings.

¹ 13/01291/FUL and 19/00881/FUL

² 18/00841/FUL

³ 19/01714/FUL

10. Indeed, the height of the outrigger would be highly incongruous with similar extensions in this specific location, such as that seen at the neighbouring property of No 1577, which I noticed at my site visit is subservient to the host property and more simple in nature than the proposed development.
11. I conclude therefore, when considered as a whole, that the scale and mass of the proposal would harm the character and appearance of the area.
12. It follows then, in respect of the character and appearance of the area, that the proposal is contrary to Policies KP2 and CP4 of the Southend on Sea Core Strategy, 2007 (SCS), and Policies DM1 and DM3 of the Southend on Sea Development Management Document, 2015 (SDMD), as supported by the Southend on Sea Design and Townscape Guide, 2009, (DTG), which say, amongst other things that development proposals will be expected to contribute to the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend.
13. For similar reasons, the proposal does not meet the aims of Paragraph 130 (c) of the Framework (2021) which is clear that development should be sympathetic to local character and history, including the surrounding built environment and landscape setting.

Living conditions

14. The host dwelling is located in a dense residential area and has an outrigger to the rear in close proximity to the neighbouring dwelling on No 1577. This spatial relationship has been long established. However, the proposal would substantially increase the size of the outrigger and have a sheer west face elevation adjacent to the north facing windows of No 1577. As such, notwithstanding that the neighbouring dormer would be partially shielded from the wider street-scene, the immediate outlook from No 1577, other than one obscured window, would be onto the tall and largely blank elevation of the new extension. Consequently, notwithstanding the inclusion of an inset balcony, the immediacy and scale of the new development would limit the daylight available to the occupiers living on the first-floor of No 1577, create a sense of enclosure and erode the outlook of the existing and any future occupiers.
15. I conclude therefore, that the proposal would harm the living conditions of the neighbouring occupiers.
16. It follows then that the proposal, in respect of the living conditions of neighbouring occupiers, is contrary to Policies KP2 and CP4 of the SCS and Policies DM1 and DM3 of the SDMD as supported by the DTG, and Paragraph 130 (f) of the Framework which is clear that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Conclusions

17. For the reasons given above, I conclude that the appeal should be dismissed.

J E JOLLY

INSPECTOR.