
Appeal Decision

Site visit made on 30 August 2022

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 September 2022

Appeal Ref: APP/D1590/W/22/3291566

22 - 24 St. Benet's Road, Southend-on-Sea, SS2 6LF

- 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 Paul Miller against the decision of Southend-on-Sea Borough Council.
 - The application Ref 21/01058/FUL, dated 12 May 2021, was refused by notice dated 3 November 2021.
 - The development proposed is described as 'demolition of dilapidated dwellings on site and provision of new build residential block to comprise of 6 x self-contained apartments with associated parking, amenity, cycle storage and refuse area'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are the effects of the proposed development on:
 - The character and appearance of the area; and
 - Living conditions of the occupants of No 16 St Benet's Road, with particular regard to outlook.

Reasons

Character and appearance

3. The appeal site was originally constructed as a pair of semi-detached dwellings, of which one dwelling is understood to have been converted to two flats. At the time of my site visit, the site was enclosed by hoardings and the garden overgrown. I found the building to be vacant and in a state of disrepair.
4. Despite its current poor condition, the building is prominent in the street scene. The façade contains numerous attractive features, such as the three front gables with ornate motifs, bay windows at ground and first floor levels, white render with red brick detailing, and painted decorative metalwork and woodwork. The building therefore adds considerable visual interest to the street-scene. Whilst the building has been modified through the addition of an unsympathetic two-storey rear extension, overall, the building contributes positively to the character of the area.
5. St Benet's Way is a tree-lined, residential, one-way street. Dwellings are situated close to the pedestrian footway, with parking generally on-street,

creating a tight, urban feel. The appeal site is adjacent to a pair of semi-detached bungalows and is located at a slight bend, making the building especially prominent in the street-scene. Beyond the appeal site are more modest two-storey semi-detached and terraced dwellings of similar form and architectural style to the appeal site dwellings.

6. The proposal would involve demolition of the existing building and construction of a new building to provide 6 flats. Whilst the scheme appears to take some cues from the vernacular character, such as the inclusion of a pitched roof and front gables, overwhelmingly the proposed building is of a bold, modern design which would appear out of keeping with the character of the area and unsympathetic to local context.
7. The proposed building would be significantly wider than the footprint of the existing building, occupying almost the full width of the appeal site and infilling the gap which presently exists between the existing building and No 28. To accommodate 3-storeys of living accommodation, the proposal would be taller than the existing building. The scale and massing of the proposed development would appear incongruous and dominant within the street-scene and would detract from the area's character and appearance.
8. Having reached the conclusions above, the proposal would therefore materially harm the character and appearance of the area. The proposal is contrary to Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) which include a range of requirements and design principles to ensure development proposals maintain and enhance the character of residential areas.

Living conditions

9. The side elevation of the proposed development would be in close proximity of the boundary with the neighbouring bungalow (No.16) and would project significantly beyond its rear elevation. Due to its height, scale and siting, the proposal would have an overbearing effect upon outlook from the back garden and rear facing habitable rooms of No 16.
10. The proposal would therefore have a harmful effect upon the living conditions of the occupants of the neighbouring residential property at No 16, with particular regard to outlook. The proposal is therefore contrary to policy CP4 of the Southend-on-Sea Core Strategy (2007) which requires development proposals to secure good relationships with existing development, and policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) which require new development to protect the outlook of immediate neighbours and not adversely impact upon the living conditions of neighbouring residents.

Other Matters

Extant planning permission

11. The appeal site benefits from extant planning permission for the alteration and extension of the dwellinghouses to form 6 self-contained flats. The permitted scheme involves the conversion of the existing building, as opposed to its demolition. The scale and massing of the permitted scheme and its relationship to neighbouring dwellings materially differs from that of the proposed scheme.

12. The permitted and proposed developments are not, therefore, directly comparable and would have differing effects in respect of character and appearance and living conditions. Consequently, the existence of the permitted scheme does not in itself provide justification for the proposed scheme.

Presumption in favour of sustainable development

13. There is agreement between the parties that the delivery of housing was substantially below the housing requirement for the LPA area over the previous three years, as indicated by the Housing Delivery Test measurement.
14. The National Planning Policy Framework (the Framework) sets out the course of action which decision-makers should take in the event there is a shortfall of housing. Even if I were to conclude that relevant policies are out-of-date, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Notably, para. 130 states that planning decisions should ensure that new development is sympathetic to local character and not undermine quality of life.
15. Therefore, where assessed against the Framework, the proposal's modest increase in the supply of dwellings does not outweigh the harm I have identified in respect of character and appearance and living conditions.

Conclusion

16. For the reasons given above, having assessed the case against the development plan as a whole and having had regard to all other relevant material considerations, I conclude that the appeal should be dismissed.

E Dade

INSPECTOR