



Appeal Decision

Site visit made on 22 September 2022

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7TH October 2022

Appeal Ref: APP/D1590/W/22/3299029

12 Victoria Road, Leigh-on-Sea, SS9 1AU

- 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 Laurence Dunn against the decision of Southend-on-Sea Borough Council.
 - The application Ref 22/00151/FULH, dated 24 January 2022, was refused by notice dated 28 April 2022.
 - The development proposed is to remove front boundary wall, layout parking to front and form vehicle crossover onto Victoria Road.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application form contained a long description of the proposed works which included reference to the installation of a drop-down kerb for car access and to pave over the front garden at 12 Victoria Road for single vehicle parking. The appeal form contained an alternative but similarly wordy description. For the sake of brevity, I have used the description that was used by the Council on their decision notice but which accurately reflects the proposed works.

Main Issues

3. The main issues are the effects of the proposal on the character and appearance of the Leigh Cliff Conservation Area, and upon highway safety.

Reasons

Character and Appearance

4. The appeal property is a semi-detached dwelling on the west side of Victoria Road, a residential side street within the Leigh Cliff Conservation Area (LCCA), which is typical of the late Victorian and Edwardian architecture in the locality and which contributes positively to the area's architectural and historic significance. Victoria Road, together with the other residential side streets within the LCCA, is covered by a direction under Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015. This removes certain permitted development rights in the area including the installation of a hardstanding for vehicles.

5. The Council's Leigh Cliff Conservation Area Appraisal July 2010 (LCCAA) places Victoria Road in Character Zone 2, defined as 'Urban Residential'. The LCCAA recognises that parked cars are part of the street scene in the residential side streets but that their neat alignment to one side only, with double yellow lines controlling parking to the opposite side, helps to control and limit their visual impact. The LCCAA further recognises that the effect of parked cars is much worse where gardens are hard-surfaced and where the softening effect of planting is lost. The paving over of front gardens is identified within the LCCAA as being a particular problem and pressure within the LCCA.
6. During my visit I was struck by the very significant difference between both sides of Victoria Road. Most front gardens to the east side have been converted to hardstanding with open frontages. In contrast, all bar two properties on the west side have retained their front gardens and boundary enclosures at the back edge of the pavement, including the appeal property. The exceptions to this are at No 14, which had a car parked on its frontage parallel to the road at the time of my visit, and at No 4, which had a hard surface but which also retained part of its front wall enclosure. The variance between both sides of the road is stark and distinctive, and is specifically identified within the LCCAA.
7. The existing brick wall to the front of No 12 is obviously not original. I saw this to be true for most of the front enclosures to this side of the road. Nevertheless, it contains the front garden in a form which is typical for this period of dwelling. This enclosure would be lost in favour of a largely featureless, open fronted hard surface. Although this would mimic the arrangement next door at No 14, regardless of the surface materials that would be used, it would perpetuate a predominantly uncharacteristic feature to this side of the road and would introduce a parking space in a form that is openly recognised within the LCCAA as being harmful.
8. The appellant has argued that some of the existing mature landscaping within the front garden would be replanted adjacent to the southern side wall of the site. However, in my assessment there would be very limited space to accommodate both a parked car and landscaping that would be meaningful and which would have any significant softening effect. Any benefit from opening up the site's frontage to better display architectural and historic features of the original dwelling would be offset by the presence of any parked car that in my view would be likely to appear squeezed onto a space unintended for such use and which would be visually dominant.
9. Overall, I find that the proposal would detract from the character and appearance of No 12 within the street scene. This would have a negative impact upon the character and appearance of the LCCA. As such, the area's significance as a heritage asset would be harmed. Although the harm to the heritage asset would be less than substantial there are no public benefits to be had from the proposal that would outweigh this harm. In these circumstances there would be clear conflict with Policies KP2 and CP4 of the Southend-on-Sea Core Strategy 2007 (CS), and Policies DM1, DM3 and DM5 of the Council's Development Management Document 2015 (DMD) which, between them, require developments to respect the character of the site and existing neighbourhood, to maintain and enhance the character of residential areas, and to conserve and enhance the historic and architectural character, setting and townscape value of a heritage asset. In this regard there would also be conflict

with the National Planning Policy Framework's (the Framework) objectives for achieving well-designed places and for conserving and enhancing the historic environment.

Highway Safety

10. The Council's *Vehicle Crossover Policy July 2021* explicitly states that for parking parallel to the footway there must be an unobstructed off-street parking place of not less than 2.6m deep and 6.5m wide. The proposed hardstand would measure just over 3m in depth and just under 6.2m in length. Its length would fall short of the minimum size required for a parked car. Despite a suggestion by the appellant that the space would accommodate a small car, there would be no reasonable means to control the size of a vehicle owned by any occupier of the property.
11. Parking parallel to the road normally requires considerably more space than the size of a typical parking bay. At a size below the minimum normally required, the proposed space would have no scope to enable a vehicle to easily park. The manoeuvre would not be straightforward and would be across a pavement and potentially between a car parked on the roadside in front of No 10 and the limitations imposed by a pavement lamp post positioned close to the boundary on the opposite side with No 14. Due to the limited space available and potential for restricted visibility, there would be risk that a car either attempting to access or leave the appeal site would seriously compromise pedestrian safety along the footpath and the safety of drivers and cyclists passing on the road.
12. By failing to improve road safety and thereby adding stress to local infrastructure, the proposal would conflict with the requirements of CS Policy CP3 for seeking improvements to transport infrastructure, and DMD Policy DM3 as far as it seeks to secure development that responds positively to the local context. DMD Policy DM15 encourages the provision of facilities for charging electric vehicles, as is the appellant's stated desire. However, the inability to provide access in a safe manner means that it would not pass the policy's further test of being practical and feasible. In addition, it would also conflict with the Framework's requirement for development to achieve safe and suitable access to a site.

Other Matters

13. I am mindful of the circumstances prevailing next door at 14 Victoria Road where the frontage is hard-surfaced and a pavement crossover exists. However, I do not know the planning history to this property. In addition, I find the arrangement at No 14 to be at odds with the prevailing character to this side of Victoria Road. Additionally, the existence of a parking space within the curtilage of No 14 does not indicate to me that the arrangement is necessarily safe.
14. The spaces opposite, including at No 13 where I understand that planning permission was granted approximately six years ago, operate in a different context where cars are prohibited from kerbside parking on this side of the road, and the character of the dwellings' settings is openly recognised as different.

15. I appreciate that the scheme would enable an electric vehicle to be charged within the curtilage of the property and I am mindful that this would make a contribution to local and national sustainable transport objectives. I have also carefully considered the benefits of having a car parked on the premises for a disabled member of the appellant's family. I attribute some weight to these arguments in the overall planning balance.

Conclusions

16. For the reasons given, I have found that the proposal would be harmful to the character and appearance of the Leigh Cliff Conservation Area. There is a statutory duty for me to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. This carries significant weight. I also find that it would be harmful to highway safety. The circumstances at No 14 and on the opposite side of Victoria Road do not alter these findings. When weighed in the overall balance, the weight I attach to the other considerations that have been put to me do not outweigh the harms that I have identified and the conflicts with the development plan.
17. Accordingly, and having regard to all other matters raised, the appeal is dismissed.

John D Allan

INSPECTOR