



Appeal Decision

Site visit made on 11 October 2022

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2022

Appeal Ref: APP/D1590/W/21/3287594

135 Marine Parade, Leigh-On-Sea SS9 2RF

- 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 P Miller and P Hills of P + PR Property Developments Ltd against the decision of Southend-on-Sea Borough Council.
 - The application Ref 21/01685/FUL, dated 16 August 2021, was refused by notice dated 7 October 2021.
 - The development proposed is described on the application form as 'demolish existing extremely dilapidated large detached dwelling and construct development of 7 contemporary apartments'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's second reason for refusal relates to the requirement for reasonable mitigation in respect of the effect of the net increase of dwellings on habits and species associated with the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). The appellant has, during the course of the appeal, provided a financial contribution which addresses the second reason for refusal, as confirmed by the Council. I have no reason to disagree with this judgement. I address the matter further under 'other matters'.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the site and surrounding area.

Reasons

4. The appeal site comprises a large corner plot at the junction of Marine Parade with Thames Drive. The site is occupied by a two-storey detached dwelling with habitable roofspace and single storey garage. The prominent corner position of the site is such that it is highly visible from the public realm. The appeal property is sited roughly in line with, although slightly forward of, established building frontages on both Marine Road and Thames Drive, noting that the garage projects forward of the main dwelling.
5. The properties surrounding the site vary in their individual design but are generally consistent in their prevailing character of individual properties positioned within large garden plots, setback from adjacent roads. This creates a sense of harmony within the streetscene. I also note that some flatted

developments exist within the wider area. The proposed development would see the demolition of the existing building and its replacement with a three-storey building accommodating 7 dwellings.

6. Whilst the proposed development would take some of its design cues from nearby properties, the scale of those features, including its projecting bay, would be in excess of and out of proportion with the prevailing character of the site and surrounding area.
7. I acknowledge that the pitch of the roofslopes would be similar to nearby properties, and that the ridge level of the proposed roof would be no higher than the highest element of the existing dwelling. However, the extent of the proposed roof profile at this height would be far in excess of that as existing. Moreover, the eaves level for the majority of the proposed development would be positioned well above that of adjoining properties. As a consequence, the proposed roof profile would be overly large.
8. The existing building is articulated in such a way as to ensure that the overall height of the dwelling steps down towards the Thames Drive elevation. This is achieved through a significant reduction in height and its detailed design. In contrast, the full three-storey height of the proposed development would be stretched towards Thames Drive, with only a very modest set down in height and set back from the front elevation. The overall scale and form of the building would therefore appear overly large, dominating this highly prominent corner plot.
9. The siting of the proposed development, positioned very close to the Thames Drive boundary, would further emphasis the harmful scale and form of the building. This, combined with a lack of articulation along the Thames Drive elevation, is such that the building would form an overly large and bulky development. I do not agree with the comments in respect of the focus on the Marine Parade elevation as the primary elevation. This is a corner site and the existing building, as well as properties on other corner sites, respects both the Marine Parade and Thames Drive elevations, suitably articulated with windows and architectural detailing.
10. The footprint of the proposed development would not be dissimilar to the existing property and would sit comfortably within this plot without having a harmful effect on the grain of the site and surrounding area. Nevertheless, this does not mean that other elements of the design are therefore acceptable, as contended by the appellant.
11. Whilst I note the appellants reference to the Design and Townscape Guide's description of the Marine Estate as being occupied by large detached and semi-detached housing of an imposing and grand feel, this does not automatically mean that development which is harmful should be accepted, as already reasoned above.
12. My attention is drawn to a proposed development at Victoria Avenue¹ and to several examples of corner buildings. The circumstances of each site and location are different. The context of those examples and the circumstances that applied in those cases are not directly comparable with the appeal proposal before me, even where some similarities exist based on relationships

¹ Appeal reference APP/D1590/C/18/3218906

to adjoining roads. As such, I have considered the proposed development on the evidence before me and my observations on site.

13. Consequently, the scale, form, mass, siting and overall design of the proposed development would form an incongruous addition to the site, harming the character and appearance of the site, streetscene and surrounding area, contrary to the relevant provisions of Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM6 of the Development Management Document (2015). These policies, in summary, seek to encourage high quality in development. This is in a similar vein to the objectives of the Design and Townscape Guide (2009).

Other Matters

14. I note comments that the principle of development is accepted by the Council, that high quality units would be provided, the previously developed site in a sustainable location would be optimised, that the scheme would accord with other planning policies, including in respect of living conditions, and that the development would perform better sustainably. Whilst these points are noted, there are no benefits, either individually or cumulatively, that outweigh the harm that I have identified.
15. The fact that the site does is not subject to any heritage designations and the proposed scheme has been found to accord with other planning policies are essentially neutral factors in my determination of the appeal. In respect of the sustainability of the site, there is no substantive evidence before me that indicates this is inheritably linked with the wider redevelopment of the site. Matters relating to the contemporary design of the building have been reasoned as part of the main issue, above.
16. My attention is drawn to two recent planning applications at the same site². One of these proposed developments was granted permission on appeal and remains extant. This largely relates to the alteration, extension and conversion of the existing property. There is, in my view, a greater than theoretical possibility that the extant development may take place if this appeal proposal did not. It therefore represents a fallback position against which to assess the current proposal.
17. The extant permission would change the appearance of the appeal property significantly, introducing a contemporary design to the site. There is no dispute between the Council and appellant in that respect. However, the position of the dwelling within the plot and its footprint would not change significantly within the fallback scheme. Moreover, the design and articulation of that proposed development would respond appropriately to the corner nature of the site and to Thames Drive, whilst respecting the established building line of the dwelling and those surrounding. For these reasons, the fallback position would not result in similar or worse levels of harm to the character and appearance of the site and surrounding area when compared with the appeal before me. I therefore give this fallback position limited weight.
18. The site falls within the Zone of Influence for the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy. Habitats Regulation 63(1) states that 'a competent authority, before deciding to...give any consent [or]

² Appeal reference APP/D/1590/W/19/3242705 (allowed) and LPA reference 21/00146/FUL (refused).

permission...must make an appropriate assessment of the implications of the plan or project for that site'. However, given my decision that the appeal should be dismissed, there is no requirement upon me to undertake an appropriate assessment in that regard, and I have not considered this matter any further.

Conclusion

19. As reasoned above, I have identified that harm would be caused in respect of the character and appearance of the surrounding area. I afford this harm significant weight.
20. The proposed development would provide benefits in addition to those listed above. This includes a contribution to housing supply in an area with an acknowledged lack of future provision, together with other social and economic benefits, including employment during construction and the bringing about of trade to nearby services and facilities following occupation. However, these benefits would inevitably be relatively limited due to the scale of the scheme proposed and would therefore be of limited weight.
21. Notwithstanding the benefits identified above, I consider that the harm that would be caused to the character and appearance of the surrounding area would outweigh these benefits, such that the development would conflict with the development plan when taken as a whole.
22. The submitted evidence indicates that the Council cannot demonstrate a five-year supply of housing land. As such, and noting the Government's objective of significantly boosting the supply of homes, the provisions of Framework paragraph 11.d are engaged. This sets out that where the policies which are most important for determining the application are out of date, permission should be granted unless (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
23. Following assessment, there are no policies in the Framework relevant to the site which protect areas or assets of particular importance, and which provide a clear reason for refusal. As such, it is necessary to apply Framework paragraph 11.d(ii). In that regard, I find the adverse impacts of the proposed development on the character and appearance of the surrounding area would significantly and demonstrably outweigh the benefits of the scheme. For that reason, the presumption in favour of sustainable development does not apply in this case.
24. For the reasons given above, I conclude that the proposal would conflict with the development plan as a whole, and there are no material considerations, including the Framework, that indicate otherwise. Consequently, the appeal should be dismissed.

A Price

INSPECTOR