



Appeal Decision

Site visit made on 10 January 2023

by David Spencer BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th January 2023

Appeal Ref: APP/D1590/W/22/3294840

28 Chalkwell Esplanade, Westcliff-on-Sea SS0 8JQ

- 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 Michael Woolley of Antler Developments Ltd against the decision of Southend-on-Sea City Council.
 - The application Ref 21/02094/FUL, dated 15 October 2021, was refused by notice dated 7 February 2022.
 - The development proposed is remodelling of existing three storey detached 4 flat dwelling, consisting of 2x2 bed flats and 2 x 1 bed flats, to provide 4 x 2 bed flats by means of a rear inset extension, a side extension to levels 1, 2 & attic level and roof extension from attic level.
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Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issue

2. The Local Planning Authority's (LPAs) decision notice contained two reasons for refusal. As part of the appeal process it has been clarified by the LPA that the second reason for refusal was in error as the appeal proposal would not result in a net addition to the number of residential units at the site. As such the proposal would not trigger a likely significant effect on proximate protected habitats due to increased recreational pressure and so a consequential requirement under a Habitats Regulation Assessment to consider mitigation would not be necessary. I have dealt with the appeal on this basis.
3. Consequently, the main issue in this appeal is the effect of the appeal proposal on the character and appearance of the surrounding area.

Reasons

Character and Appearance

4. The appeal site comprises a 3 storey detached residential property which is subdivided into four flats. It occupies a position fronting onto Chalkwell Esplanade, a broad seafront boulevard with residences on the north side and Chalkwell beach on the south side. Chalkwell Esplanade can be divided into frontage blocks delineated by intersecting roads coming in from the north. The appeal site is within a 'host frontage block' bookended by Crowstone Avenue to the east and Chalkwell Avenue to the west.
5. The frontage of Chalkwell Esplanade, including the appeal site, is within Seafront Character Zone 4 set out in Policy Table 1 in support of Policy DM6 of the Southend-on-Sea Development Management Document 2015 (*the*

SSDMD). Design objectives for the zone include: resisting inappropriate development fronting the Seafront to ensure that established seafront architectural style and form is maintained in this location (iv); preserving the vernacular form and urban grain such that the further amalgamation of plots and large format bulky buildings are not considered appropriate and will be resisted (vi); and the low rise height of buildings should be maintained and development only allowed where it is appropriate to its context and adds to the overall quality of the area (vii).

6. The existing scale, appearance, roofscape and layout within the plot of the appeal property are all broadly comparable to those immediately to the west including Nos.33-37 Chalkwell Esplanade and to a group to the east comprising Nos.9-21 Chalkwell Esplanade. These properties, including the appeal site, are also laid out to provide a reasonably consistent rhythm through spaces to the side of the properties which afford views through to housing further inland. These properties which are all either 2 or 3 storey in height also provide a reasonable coherence in appearance through the layout of hipped front roofs orientated to the coast. There are only a small number of anomalous examples in the host frontage block including an original larger property at the corner with Crowstone Avenue, the 1960s/1970s flats development at Viceroy Court on the corner with Chalkwell Avenue and the modern 5 storey, double plot width development at No.25 Chapman Sands immediately to the east of the appeal site. Whilst some other plots have been sympathetically remodelled there nonetheless remains a reasonable consistency and intactness to the appearance, massing and layout of the residential properties fronting Chalkwell Esplanade in the frontage block containing the appeal site.
7. In contrast to the prevailing frontage character in the host block described above, the appeal proposal would result in a conspicuously bulky structure due to a combination of occupying the full width of the plot and the increase in height of the building including a cumbersome roofscape. The resultant massing of the building would be incongruously larger than the relatively modest domestic 2-3 storey dwellings which still make up the majority of buildings in this part of the Seafront. Furthermore, the proposed design would result in the loss of the side gap within the plot which currently makes a significant contribution to the degree of separation to the large modern building at No.25.
8. In terms of the significant reduction in the gap that currently separates the existing property from No.25 to the east, the consequence of this would not be a gradual stepping up in scale from No.33 as suggested by the appellant. The result would be a discordant agglomeration of bulky buildings starkly at odds with the surrounding pattern of more modestly scaled residential properties in this part of the Seafront. In considering this harmful impact I do not consider the proposed vehicular undercroft, which would afford and retain only a very limited sense of openness through the site, would sufficiently mitigate the harmful consolidating effect identified.
9. In terms of the appearance of the proposed building, there would be a loss of the extent of the characteristic hipped roof orientated to the seafront. The proposed minor element of hipped roof would not overcome or deflect from what would be an awkward and inelegant roofscape comprising a jarring assemblage of pitched, hipped and flat roof elements to accommodate the additional level of residential accommodation proposed.

10. Additionally, the proposed building would result in an unusual blocky appearance due to the extent of the proposed linear and horizontal structural framework on the front elevation clad in dark oak timber. This is not the predominant appearance of seafront buildings on this part of Esplanade and so the extent of the clad framework would appear visually jarring. I observed the appearance of Nos. 25 and 33 adjacent to either side of the appeal site and whilst these have strong horizontal frameworks, they echo the orientation of buildings to the coast. I note on No.25 the supporting vertical steel columns for the balconies, but these are relatively modest in scale and number and widely spaced along the frontage of the building such that they do not visually dominate. Similar applies to the limited timber framework struts on the existing building at the appeal site which support the front balconies. Accordingly, the extent and dominance of the proposed framework on the front elevation, particularly the extensive vertical elements, would be harmful to the appearance of the appeal building.
11. The appellant refers me to other examples of recent developments in the locality, including a number further to the west on the Esplanade, west of Chalkwell Avenue and towards Chalkwell Station. Many of these examples are beyond the 'host frontage block' containing the appeal site described above, which limits their applicability. Whilst I observed that there is an increasing variety in the appearance of dwellings on the Esplanade west of Chalkwell Avenue, including their roofscapes and a slightly greater number of redeveloped and remodelled plots including a small number of examples that occupy the full width of the plot, these are some distance from the appeal site. They are generally not within the same streetscene on the Esplanade within which the appeal site is experienced. As such, I do not find the examples west of Chalkwell Avenue to provide a basis for setting the pattern and appearance of development within the 'host frontage block' at the appeal location.
12. As set out above there are some examples closer to the appeal site, including proposals to redevelop the vacant plot at No.39 Chalkwell Esplanade, which may have provided design cues for the appeal proposal. Whilst No.33 immediately to the west of the appeal site has been remodelled it nonetheless retains a relatively modest scale and massing and a characteristic gap to No.35 to the west. As such I find No.33 to be of limited applicability in justifying the appeal proposal. The scale and massing of the double plot development at No.25 is unique in this part of the frontage and generally not to be found until reaching similar scaled developments some considerable distance to the west nearer to Chalkwell Station. As such, No.25 is not representative of the established character or appearance of development in this part of the Seafront and therefore not a basis for setting the future pattern of development.
13. I have mixed details before me about the planning history of the various developments referred to by the appellant and whether they were assessed against current development plan including the specific requirements in Policy DM6 and associated design objectives identified for Character Zone 4. The appellant places some emphasis on the redevelopment at No.87 Chalkwell Esplanade, a 5 storey building occupying almost the full width of the plot which also includes strong timber vertical and horizontal framing on the front elevation. This site is some distance to the west of the appeal site closer to Chalkwell Station and not within the same visual envelope as the appeal site. I note this development was allowed on appeal in 2011 and so it predates Policy

DM6 by some margin. As such I find it of limited relevance in providing a basis for justifying the design of the appeal proposal before me.

14. There is no in principle development plan policy resistance to remodelling or making a more efficient use of the site, with support for the principle of this to be found at Policy DM3 of the SSDMD. However, for the reasons set above I do not consider the scale, massing and appearance of the appeal proposal would be an appropriate response to its local context and surroundings in the terms supported by Policy DM3, including the need to avoid harmful over-intensification.
15. I therefore conclude by virtue of its scale, massing and roofscape that the appeal proposal would have a significantly harmful effect on the character and appearance of the surrounding area. It would be contrary to the general design objectives in Policies KP2 and CP4 of the Southend-on-Sea Core Strategy 2007 and Policies DM1 and DM3 of the SSDMD. These policies collectively seek to secure high quality design that amongst other things would add to the overall quality of the area, maintain and enhance the appeal and character of residential areas, secure good relationships with existing development and specifically for alterations and additions are expected to make a positive contribution to the character of the host building and surrounding area. Moreover, and specifically, as a seafront location, the appeal proposal would be contrary to SSDMD Policy DM6 which seeks to protect existing buildings along the Seafront that form a cohesive frontage and contribute to the sense of place.
16. The proposal would also be contrary to the guidance in the Design and Townscape Supplementary Planning Document 2009 (SPD) on achieving appropriate alterations to existing residential buildings and responding to character and context. Achieving well-designed places is a key strand of national planning policy as set out in Section 12 of the National Planning Policy Framework (NPPF). In particular, the appeal proposal would conflict with NPPF paragraphs 126 and 130 in that the proposal would not result in a high quality design by virtue of not adding to the overall quality of the area, not being visually attractive as a result of good architecture and layout and by not being sympathetic to local character and maintaining a strong sense of place.

Other Matters

17. The LPAs first reason for refusal is broadly worded and relates to matters of design and appearance. Whilst not explicitly stated in the reason for refusal, the officer's report, nonetheless, expressed concern regarding the proposed arrangement for pedestrian access to the flats at the rear via the proposed vehicle undercroft. This is echoed in the LPAs appeal statement. Whilst the appellant objects to this forming part of the LPAs appeal case, in objectively assessing the appeal proposal I too find the relatively tight arrangement of the vehicular undercroft would not function well as the pedestrian access. It would result in future occupants of the building having to utilise an uncharacteristic, unappealing and restricted threshold by which to access the rear of the property. This adds to my overall concerns regarding the design quality of the appeal proposal in the context of the development plan policies and national planning policy listed above. The harm arising from the unsatisfactory pedestrian access to the flats is a further material consideration weighing against approving the development.

18. I note the appeal proposal would allow for an increase in 2 bedroom properties in the City and that remodelling and extending the property would enable improved accessibility including for disabled persons and persons with restricted mobility. These are moderate social benefits that weigh in favour of the appeal proposal. The scheme would also allow for the provision of electric vehicle charging facilities, which I find to be a modest environmental benefit. These material considerations are cumulatively of limited weight. Ultimately, they do not indicate that a decision should be made other than in accordance with the development plan on the main issue in this appeal.

Conclusion

19. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Spencer

Inspector.