



Appeal Decisions

Site visit made on 3 March 2023

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 April 2023

Appeal A Ref: APP/B1550/W/22/3307840

36 High Street, Great Wakering SS3 0EQ

- 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 Tony Wells against the decision of Rochford District Council.
 - The application Ref 21/01177/FUL dated 21 October 2021, was refused by notice dated 22 April 2022.
 - The development proposed is described as 'Demolish part of the extension to the rear of the former fire station, the single garage, brick piers and gates on site. Carry out renovations and repairs, convert former fire station into two 2-bed self-contained flats and convert building to rear into a terrace of three 1-bed dwellings'.
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Appeal B Ref: APP/B1550/W/22/3307854

36 High Street, Great Wakering, Essex SS3 0EQ

- 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 Tony Wells against the decision of Rochford District Council.
 - The application Ref 22/00473/FUL, dated 29 June 2022, was refused by notice dated 17 August 2022.
 - The development proposed is described as 'Demolish part of extension to the rear of the former fire station, the single garage, brick piers and gates on site. Carry out renovation and repairs, convert former fire station into two 2-bed self contained flats and extend and convert building to rear into a terrace of three 1-bed dwellings (revised proposal)
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Procedural Matters

3. At the time of my site visit, works were underway on the site. It is not clear if these are related to the appeal proposals, or to the subsequently approved permission¹ for development. I have considered each appeal on the basis of the submitted plans.
4. It is not in dispute between the parties that the physical works to the extension/ rear building in each appeal would not result in harm other than in relation to the failure to comply with the Technical Housing Standards – Nationally Described Space Standards (NDSS) in Appeal A. I saw nothing at my site visit to lead me to a different conclusion and I have not considered these works further, other than as they relate to the main matters.

¹ 22/00873/FUL approved 2 November 2022

Main Issues

5. The main issues for both appeals are:

- whether the development would provide adequate living conditions for future occupiers, with particular regard to internal space standards; and
- the effect of the development on the significance of designated and non-designated heritage assets.

Reasons

Living conditions

6. Rochford District Council Local Development Framework Development Management Plan adopted 16 December 2014 (DMP) Policy DM4 sets out minimum floorspace standards which new dwellings should comply with. Since the DMP was adopted, the Government has published the NDSS. It is not in dispute that the NDSS should be used to assess the appeals. The NDSS does not make a distinction between new build properties or conversions.
7. The appellant has disputed the figures used by the Council in their determination of the application. However, they have not provided any updated figures other than to suggest that the overall floorspace figures for the units within the former fire station in Appeal A could be rounded up. In the absence of a detailed rebuttal of the Council's figures, I have proceeded to use them in this appeal.
8. None of the dwellings proposed in Appeal A would achieve the gross internal floor area set out in the NDSS. The proposed 1-bed units in the rear extension would be considerably below the prescribed standard and would provide no storage space. While the shortfall would be very minor in relation to the 2-bed units to be provided within the existing fire station building, these units would also fail to provide the storage space required, and in one of the proposed dwellings, no storage space would be provided.
9. The proposed dwellings within the converted fire station in Appeal B would fail to achieve the gross internal floor area set out in the NDSS by a considerable amount, and one would also fail to provide adequate storage space. The submission of furniture layouts does not overcome the fact that the space provided would be below that set out in the NDSS.
10. The failure to meet the requirements of the NDSS, which is expressed as a minimum, would result in inadequate internal living space. Consequently, there would be unsuitable living conditions for future occupiers.
11. In relation to both appeals, I therefore conclude there would not be adequate living conditions for future occupiers, with particular regard to internal space standards. Both appeals would therefore be contrary to DMP Policy DM4 which requires development to have good internal layout with reasonably sized habitable and non-habitable rooms that are well designed and useable.

Heritage Assets

12. The site lies within the Great Wakering Conservation Area (CA) where s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the

character or appearance of that area. Section 16 of the National Planning Policy Framework (the Framework) sets out the importance of conserving and enhancing the historic environment.

13. The significance of the CA as it relates to this appeal is in the sense of enclosure as a result of the closely built-up nature of the development along High Street and the mix of properties of different periods and range of uses evident on the buildings along it.
14. It is not in dispute that the old fire station is a non-designated heritage asset (NDHA) and I concur with this assessment. It is identified within the CA Character Statement and on the Local List as a striking and memorable building. The significance of the old fire station is derived from its geometric architecture and door feature that references its original use and the contribution this makes to evidencing the historic development of High Street.
15. Works were ongoing at the time of my site visit, but both parties acknowledge the building was in a deteriorating condition. No evidence has been put to me which demonstrates that this condition is due to deliberate neglect or damage. While no expert evidence in the form of a structural report has been placed before me, there was cracking visible on the exterior of the building. Bringing the building back into use weighs in support of the proposal as buildings in a poor state of repair can harm the character and appearance of a CA.
16. The appeal proposal would retain the old fire station and the doors which reference its original use. Other works would include removing unsympathetic alterations to the windows and installing more traditional replacements. The contribution the site makes to the character and appearance of the CA would be preserved through these works. There would be a positive effect on the significance of the NDHA.
17. The modern garage is identified as making a negative contribution to the street scene. However, given its limited scale, position set behind the neighbouring buildings and the presence of modern buildings in proximity to the site, I consider the benefit its removal would make the character and appearance of the CA would be limited.
18. The building has been in residential use therefore there would be a neutral effect on character of the CA. It is not in dispute that the partial demolition and development works to the modern extension to the rear of the site would have a neutral effect on the character and appearance of the CA. I saw nothing at my site visit that would lead me to a different conclusion.
19. Paragraph 208 of the Framework advises that it should be assessed whether the benefits of a proposal for enabling development would outweigh any conflict with other planning policies. However, as it has not been demonstrated that there is a conservation deficit or indeed any other detailed viability information, I cannot consider the proposal as enabling development.
20. In relation to both appeals, I therefore conclude the development would have a positive effect on the significance of designated and non-designated heritage assets. The development would therefore be in accordance with DMP Policy DM8 which sets the criteria for allowing demolition in the CA and the Framework which confirms that heritage assets should be conserved in a manner appropriate to their significance.

Other Matters

21. Matters related to the time taken by the Council to determine the application and the manner in which they complied with the requirement in the Framework to work constructively with applicants are not material to the determination of the appeals.
22. The appeals are to be considered on their own merits. There is no detailed evidence before me with respect to carbon emissions to allow me to draw any conclusions as to its effect.

Conclusion

23. The appeals would result in unacceptable living conditions for future occupiers of the properties. I attach significant weight to this harm as the NDSS is expressed as a minimum which would be acceptable. Both appeals would have a positive effect on the character and appearance of the CA, and a positive effect on the significance of the NDHA. I am mindful of the importance placed on the conservation of heritage assets, particularly designated heritage assets, by the Framework. However, the heritage benefits in this case, particularly to the CA, would be limited. These would not outweigh the harm that inadequate living space would cause to future occupiers of the property.
24. I conclude that both appeal proposals would conflict with the development plan when read as a whole. There are no material considerations of sufficient weight, including the policies of the Framework, to suggest the decision should be made other than in accordance with the development plan. Therefore for the reasons given, and having had regard to all other matters raised, I conclude that both Appeal A and Appeal B should be dismissed.

J Downs

INSPECTOR

Appendix 1

List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/B1550/W/22/3307840	Mr Tony Wells
Appeal B	APP/B1550/W/22/3307854	Mr Tony Wells