



Appeal Decision

Site visit made on 15 November 2023

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2023

Appeal Ref: APP/D1590/W/23/3314154

29A Ceylon Road, Southend-on-Sea, Westcliff-on-Sea SS0 7HS

- 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 Gavin Eade, Just 83 Limited against the decision of Southend-on-Sea Borough Council.
 - The application Ref 22/01332/FUL, dated 28 June 2022, was refused by notice dated 13 October 2022.
 - The development proposed is conversion of existing first floor flat into 3No. 1B1P flats making use of the loft space and creating a dormer to the rear elevation.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: i) the effect of the proposed dormer extension on the appeal property and the character and appearance of the area; ii) whether the proposal would provide an acceptable quality of accommodation; and iii) whether the proposal provides sufficient on-site parking for the development in the interests of highway safety.

Reasons

Character and appearance

3. The appeal relates to a semi-detached property with a modest frontage which is largely hard surfaced with a garden to the rear. This property is typical of similar attractively designed and detailed houses of traditional designs along Ceylon Road and nearby roads. Like the appeal property some of these houses have been converted to flats.
4. Most notably, some of the properties along Ceylon Road, including the appeal property, back on to and are visible from a public car park. This car park also backs onto a parade of properties along Hamlet Court Road. The rear elevations of the properties along Hamlet Court Road have been altered and most of these incorporate small dormers.
5. In contrast, and although the appeal property and neighbouring built forms are not designated heritage assets, the rear elevations and in particular the roof forms of these properties along Ceylon Road are free of any significant additions and alterations. Together, the largely uniform and traditional appearance of these properties forms a cohesive roof scape.
6. Whilst the proposed flat roof dormer extension would be lower than the ridge of the main roof of the appeal property, this would extend across most of this roof

slope and along part of the roof of its outrigger and therefore would be a sizeable and bulky addition. Furthermore, the side facing elevation of the part of the dormer along the outrigger would incorporate limited fenestration. Although the application form says that the materials for the dormer extension would be agreed with the local planning authority, the submitted drawings show a modern cladded finish to this.

7. The Council's Supplementary Planning Document 1 - Design and Townscape Guide 2009 ('Design SPD'), amongst other things says that proposals for additional roof accommodation within existing properties must respect the style, scale and form of the existing roof design and the character of the wider townscape. This Design SPD also says that large box style dormers should be avoided, especially where they have public impact, as they appear bulky and unsightly.
8. Because of its scale and contemporary design, the proposed dormer extension would dominate and fail to assimilate with the traditional roof form of the appeal property. This would therefore be inconsistent with the design of the appeal property and visually intrusive to this property and the wider group of similar properties that this is a part of.
9. Consequently, the proposal would harm the appearance of the appeal property and the character and appearance of the area. As such, the proposal is contrary to policies KP2 and CP4 of the Council's Core Strategy (2007) ('CS') and policies DM1 and DM3 of the Council's Development Management Document (2015) ('DMD'). Together, these policies seek to secure high quality design and require that proposals do not harm the character and appearance of the existing building or wider area, and have regard to the Councils Design SPD.

Quality of accommodation

10. The proposal is to extend and convert an existing dwelling (first floor flat) to 3 dwellings.
11. The nationally described space standard¹ prescribes occupancy capacity based on floorspace. Notwithstanding the description of the development, because the bedroom in Flat 3 exceeds 11.5m² in floorspace, this is classified as a double bedroom with a capacity for 2 persons. Based on a capacity of 2 persons, Flat 3 at about 38m² would fall short of the minimum space standard for a 1 bed 2 person flat, for which the minimum gross internal floor area requirement is 50m². As such, Flat 3 would provide a substandard quality of accommodation for its occupants.
12. In addition, all the proposed flats would lack amenity space and no cycle parking and waste storage facilities have been identified.
13. Consequently, the proposal would fail to provide an acceptable quality of accommodation. In particular, in respect of Flat 3. As such, I find conflict with DMD policies DM1, which requires that all developments provide an internal and external layout that takes account of all potential users and DM3 and DM8

¹The Department for Communities and Local Government (DCLG) Technical housing standards – nationally described space standard, March 2015. These supersede the housing standards set out in Policy Table 4 of the Southend-on-Sea Development Management Document 2015.

which require that this type of proposal meets, if not exceeds, the residential space standards.

14. Accordingly, I also find conflict with the overarching aims of CS policies KP2 and CP4, for promoting high-quality and sustainable developments.

Parking and highway safety

15. Policy DM15 of the DMD, requires that all development should meet the parking standards (including cycle parking) set out in Appendix 6. In accordance with these requirements, each flat should be served by one parking space. As such, along with the existing ground floor flat, the proposal generates a requirement for four off-street parking spaces.
16. Although no formal car parking layout has been provided, based on similar arrangements at neighbouring properties, the frontage could accommodate two vehicles. Despite this, there would still be a shortfall in off-street parking provision for future occupiers.
17. Along the side of Ceylon Road where the appeal property is located, on-street parking is limited because of the extent of existing vehicle crossovers for individual properties. On the other side of the road there are parking restrictions in the form of double yellow lines. As such, the availability of on-street parking is limited. Furthermore, it has not been shown that the proposal would not result in increased pressure for on-street parking, which is likely to be exacerbated by the lack of provision for cycle parking facilities.
18. Policy DM15 of the DMD, does allow some flexibility in the residential vehicle parking standards, where it is shown that the proposed development is in a sustainable location with frequent and extensive links to public transport. Although the appellant advises that the appeal site is within a short distance of bus routes and the main line railway station, I have been provided limited details in respect of the accessibility to these and the frequency and range of routes for any bus services.
19. Because of the limited width of the existing crossover, it is likely that a second vehicle may have to cross the pavement to the detriment of the safety of other users of the highway, such as pedestrians. Although this is an existing arrangement, the use of the crossover is likely to intensify as a consequence of the proposed additional flats.
20. For the above reasons I find conflict with DMD Policy DM15. I also find conflict with Policy CP3 of the CS which along with other things seeks to improve road safety and access for all. The proposal also fails to accord with the following DMD policies: DM1 which supports layouts that take account of all potential users including prioritising pedestrians and cyclists and DM3 which only permits the type of conversion proposed, where this meets the vehicle parking standards set out in Policy DM15 of the DMD.

Planning balance and conclusion

21. For the reasons set out above, the proposal conflicts with the development plan.

22. The Council has confirmed that it is unable to demonstrate a 5-year supply of housing land. The main parties have not identified the extent of the shortfall in the supply of housing land.
23. The National Planning Policy Framework ('the Framework') is a significant material consideration and because the Council has not demonstrated in this appeal that they have a 5-year housing land supply, paragraph 11(d)(ii) requires that permission be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework, taken as a whole.
24. The proposal would deliver two additional residential units. This supports the requirement within the Framework to boost significantly the supply of housing. There would be economic benefits of construction jobs, albeit in the short term and there would be an increase in spending in the local economy from future residents and support for local services and facilities. Even so, given the limited number of additional dwellings being proposed and the less than acceptable quality of the proposed development, they carry a limited amount of weight in favour.
25. Set against these benefits, the appeal scheme would cause harm to the appearance of the appeal property and the character and appearance of the area, fails to offer an acceptable quality of residential accommodation for future occupiers and has the potential to be detrimental to highway safety.
26. Whilst the Framework says that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, this is subject to safeguarding and improving the environment and ensuring safe and healthy living conditions.
27. The Framework also seeks to secure high quality design and emphasises that design guides and codes provide a local framework for creating beautiful and distinctive places. The Framework also supports developments which deliver a high standard of amenity for existing and future users with supporting facilities such as secure cycle parking, and creating places that are safe, secure and attractive which minimise the scope for conflicts between pedestrians, cyclists and vehicles. Therefore, I attach significant weight to the harm I have identified.
28. Accordingly, 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. Therefore, the proposal would not be the sustainable development for which Paragraph 11 of the Framework indicates a presumption in favour.
29. For the reasons given above, I conclude the appeal should be dismissed.

M Aqbal

INSPECTOR