
Appeal Decision

Site visit made on 23 January 2024

by T Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 March 2024

Appeal Ref: APP/D1590/W/23/3321545

1 Westgate, Shoeburyness, Southend-on-Sea SS3 9BT

- 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 Peter Marchant (Marchants and Co) against the decision of Southend-on-Sea Borough Council.
 - The application Ref 23/00163/FUL, dated 9 February 2023, was refused by notice dated 6 April 2023.
 - The development proposed is new dwellinghouse with associated amenity space and parking.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The arrangement of residential properties along Campfield Road, around the Corner of Campfield Road and Westgate and along Westgate have reasonably consistent building lines.
4. These streets are characterised by properties set back from the roadsides and this arrangement forms a strong and consistent pattern of development which affords the street scene a sense of space which contributes positively to the character and appearance of the area.
5. The properties on the corner facing west towards Campfield Road are prominent when approaching the site and sit comfortably within the street scene, forming an ordered and comfortable terminus at the corner of the established properties along Campfield Road and Westgate.
6. Within this context, the property proposed, which would be placed forward on the corner with Campfield Road and Westgate, set closely in places to the boundaries, would appear incongruous, cramped and wholly out of character with the area. The proposal would erode the sense of space within the street scene.
7. The proposal would therefore cause significant harm to the character and appearance of the area. The proposal would subsequently conflict with policies CP4 and KP2 of the Southend-on-Sea Core Strategy (SCS) (2007) & policies

DM1 and DM3 of the Southend-on-Sea Development Management Document (DMD) (2015) which amongst other things require high quality design and new development which respects the character/grain of existing neighbourhoods/local areas. There would be conflict with the SPD¹ which has similar aims.

Other Matters

8. The evidence indicates that the required payment has been made to the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy to mitigate against the impact of the proposal. As a result, there would therefore be no conflict with development plan policy relating to this matter which amongst other things seeks the safeguarding and protection of nature and conservation sites.
9. I note that various amendments have been made to the design of the dwelling from that included within the proposal that was previously refused by the Council and dismissed at appeal under Ref. APP/D1590/W/23/3314325. However, regardless of these changes, the previous Inspector clearly had concern with regard to the principle of this type of development within this particular location, an issue which remains.
10. The fact that there is no disagreement between the parties with regard to matters such as standard of accommodation, residential amenity and flooding are neutral matters.

Other Considerations

11. Set against the harm identified there would be social and economic benefits associated with the proposal. The single dwelling within a sustainable location in terms of access to services and facilities would contribute to the overall supply of housing and would provide some support to the local economy both during and after construction.

Planning Balance

12. The Framework² places significant emphasis on achieving well designed places. At paragraph 135, amongst other things, it states that planning decisions should create places which are sympathetic to local character including the surrounding built environment. Therefore, the conflict between the proposal and policies CP4 and KP2 of the SCS and policies DM1 and DM3 of the DMD should be given significant weight in this appeal. As the proposal would be contrary to these policies, there would be conflict with the development plan as a whole.
13. The evidence indicates that the Council may not be able to demonstrate a five-year supply of deliverable housing sites although it is suggested by the Council that a 5-year housing land supply can be demonstrated using the government's standard methodology. That position is not agreed by the appellant who suggests a shortfall. However, regardless of this matter the latest housing delivery test (HDT) results indicate that Paragraph 11.d) of the Framework is of relevance.

¹ Supplementary Planning Document 1 Design and Townscape Guide 2009, Southend on Sea Borough Council.

² National Planning Policy Framework 2023.

14. Consequently, permission should 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.
15. I accept that there would be economic and social benefits associated with the provision of the scheme and acknowledge the deficiency in supply of deliverable housing sites. However, the contribution even in light of the suggested deficit and HDT results would be very small in relation to a single dwelling and I have identified adverse impacts associated with the proposal. I afford these adverse impacts significant weight.
16. Consequently, the adverse impacts would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

17. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, the appeal should be dismissed.

T Burnham

INSPECTOR