



Appeal Decision

Site visit made on 8 May 2024

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 May 2024

Appeal Ref: APP/D1590/W/23/3331648

77-83 West Road, Westcliff-on-sea SS0 9AY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Alexander Halpern of Lands Partners Ltd against the decision of Southend-on-Sea City Council.
 - The application Ref is 23/01222/FUL.
 - The development proposed is described as "roof alteration of nrs 77-83 West Road to convert existing storage and residential into 2 residential units".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address is indicated on the application form as "77A West Road, Westcliff-on-sea, Southend-on-sea SS0 9AY". The decision notice and the appeal form cite the address as "77-83 West Road, Westcliff-on-sea SS0 9AY" which I have used in the banner above as this is a more accurate description of the address.
3. Revised existing first floor (drawing 3002B_104REVA), existing second floor (drawing 3002B_100REVA) and proposed second floor (drawing 3002B_101REVA) plans were submitted during the consideration of the planning application. They show corrections to the existing layout and proposed gross internal areas. As these do not materially change the proposal, I have had regard to them in my determination of the appeal as I am satisfied that the interests of the parties would not be prejudiced.

Main Issues

4. The main issues in this appeal are:
 - the effect of the proposal on the character and appearance of the host building and the area; and
 - whether the proposed development would provide acceptable living conditions for future occupiers, with particular regard to cycle and waste storage.

Reasons

Character and appearance

5. The appeal site lies on the corner of West Road and Inverness Avenue, comprising a terraced building which is currently being redeveloped. There is a

mix of styles of buildings in the wider area but properties along this part of West Road and some of the nearby streets largely comprise dwellings with pitched roofs and projecting front gable features. In contrast, the site has a roof characterised by a standalone row of four steep gables facing West Road.

6. The proposed infill roof extensions would be sited between the existing gable roofs. I acknowledge that the proposal would maximise existing space and provide additional housing without modifying the existing footprint. However, due to the extensions covering most of the area between the existing gables and their limited set back from the front elevation, the proposed development would result in a bulky and dominant extension to the host building.
7. Further, the proposed steep front and rear roof pitches with the large slightly angled roofs between them would be at odds with the pitched roof forms of other buildings in the vicinity. Due to its style and shape, the proposal would be a prominent and incongruous addition, particularly conspicuous in views from West Road.
8. The Council's Design and Townscape Guide 2009 (Townscape Guide) requires proposals for additional roof accommodation within existing properties to respect the style, scale and form of the existing roof design and character of the wider townscape. As the proposed development would not respect the roof forms of the host building and other properties in the locality, it would fail to meet the requirements contained in the Townscape Guide.
9. Therefore, I conclude that the proposal would harm the character and appearance of the host building and the area. This would be 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 require development to respect the character and context of the site and surroundings, including in relation to its architectural approach, scale and form, amongst other things.

Living conditions

10. There is an extant planning permission to convert the existing building to provide five self-contained flats¹. The previous permission includes a communal ground floor cycle store with capacity for a maximum of five bicycles and external waste storage for each of the approved units.
11. Policy DM15 of the DMD requires development to meet the parking standards (including cycle parking) set out in Appendix 6. The Council does not object to the lack of off-street car parking provision in this case. The appendix outlines that residential developments should provide one secure covered cycle parking space per dwelling and the Council's Highways Engineer states that cycle parking should be provided to ensure an alternative travel option. However, the plans do not indicate how cycle storage provision for the occupiers of the proposed units would be made and, as such, it has not been demonstrated that the proposal would meet the requirements for cycle parking.
12. Policy Table 5 of the DMD lists the residential standards required by Policy DM8. It sets out the need for waste storage facilities to be provided with refuse stores located to limit the nuisance caused by noise and smells. Further, the Council's Waste Storage, Collection and Management Guide for New

¹ Planning application ref 23/00305/FUL 'the previous permission/scheme'

Developments 2019 states that waste should be kept in an external enclosure. As the plans do not show provision for external waste facilities to serve the two proposed units, I cannot be satisfied that adequate and acceptable refuse storage would be made.

13. The appellant suggests that the cycle parking could be provided by revising the ground floor layout for the previous scheme. It is further suggested that refuse storage provision could be incorporated into the landscaping works for the previous permission. It has been put to me that these matters could be addressed by the imposition of conditions. However, cycle parking and refuse storage do not form part of the proposal currently before me. Further, the suggested changes could result in different impacts and compromise the implementation of the previous scheme. Therefore, it is not clear how cycle parking and refuse storage provision could be satisfactorily made.
14. Consequently, I conclude that the appellant has failed to demonstrate that the proposed development would provide acceptable living conditions for future occupiers, with particular regard to cycle and waste storage. This would be contrary to Policies KP2 and CP4 of the CS and Policies DM1, DM3, DM8 and DM15 of the DMD. Together, these seek to prioritise the needs of cyclists, including the provision of safe, secure and covered on-site cycle parking, and require suitable waste storage provision, amongst other things.

Other Matters

15. The appellant's general concerns about their interactions with the Council during the application process is a matter between those parties and does not in this instance have any bearing on my determination of this appeal.

Planning Balance and Conclusion

16. The Council accepts that it cannot currently demonstrate a five year housing land supply as required by the National Planning Policy Framework (the Framework). It also accepts that there has been an underperformance in housing delivery measured against the Housing Delivery Test. As there is a shortfall in housing provision, paragraph 11(d) of the Framework is engaged.
17. Paragraph 11(d)(ii) of the Framework confirms that in such circumstances, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
18. The Framework seeks to boost housing supply and highlights the important contribution small and medium sized sites can make, whilst supporting development which makes efficient use of land. The proposal would make a modest contribution of two additional dwellings to the supply of housing in an urban area close to public transport. It would contribute towards Southend-on-Sea's housing supply, making a modest difference to addressing the shortfall, and therefore I attribute modest weight to this benefit.
19. In contrast, the proposal would harm the character and appearance of the host building and the area and there has been a failure to demonstrate that it would provide acceptable living conditions for future occupiers. The Framework requires development to be sympathetic to local character, development that is not well designed to be refused, and decisions to provide a high standard of amenity for existing and future users. I have concluded that the proposal would

conflict with Policies KP2 and CP4 of the CS and Policies DM1, DM3, DM8 and DM15 of the DMD. These matters combined carry significant weight against the scheme.

20. Consequently, the harm I have identified significantly and demonstrably outweighs the benefits, when assessed against the policies in the Framework taken as a whole. It therefore follows that the proposal does not benefit from the presumption in favour of sustainable development.
21. The proposed development would be likely to have a significant effect, either alone or in combination, on one or more European habitats sites due to its location within the Zone of Influence set out in the adopted Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy Supplementary Planning Document 2020. However, there is no need to consider the implications of the proposal on the protected sites because the scheme is unacceptable for other reasons.
22. For the reasons given above, the proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.

A Wright

INSPECTOR