



Appeal Decision

Site visit made on 16 April 2024

by L Francis BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 May 2024

Appeal Ref: APP/D1590/W/23/3323649

Rear of 62 Green Lane, Eastwood, Southend-on-Sea SS9 5QX

- 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 Miss E Bubb against the decision of Southend-on-Sea City Council.
 - The application Ref is 22/02085/FUL.
 - The development proposed is a new dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and,
 - whether the proposal would provide acceptable living conditions for future occupiers, with particular regard to internal living space and refuse arrangements.

Reasons

Character and appearance

3. The appeal site comprises a plot of land to the rear of 60-62 Green Lane and 67-69 Dandies Drive. The plot is currently vacant, enclosed by timber fencing and contains several trees. It is accessed via a single-track private lane off Dandies Drive, which runs along the rear boundaries of houses on Green Lane.
4. The area is characterised by detached and semi-detached single and 2 storey dwellings with front and rear gardens. The houses to Green Lane have generous plots, a few of which contain single storey outbuildings visible from the lane accessing the appeal site.
5. The proposal involves the erection of a new brick-built single storey dwelling with a clay tiled, hipped roof. One parking space would be provided, along with a small rear garden.
6. Whilst I acknowledge that the appeal site is an independent plot, it is undeveloped and has the appearance of being part of the rear gardens along Green Lane. It also fits within the definition of backland sites set out in the Southend-on-Sea Design and Townscape Guide Supplementary Planning

Document 2009 (SPD) in that the appeal site is a vacant site with a narrow access onto an existing street. As such, I consider the proposal would comprise backland development for the purposes of applying the policies in the development plan. Policy DM3 (2) of the Southend-on-Sea Development Management Document 2015 (DMD) is relevant. This policy states backland development will be considered on a site-by-site basis, setting out a series of criteria where proposals will be resisted. Part (ii) of Policy DM3 (2) seeks to resist backland development where it conflicts with the character and grain of the local area.

7. There are examples of single storey outbuildings located within the rear gardens of dwellings close to the appeal site. Notably, there is a single storey outbuilding with a pitched roof to the rear garden of 52 Green Lane. This is visible from the lane accessing the appeal site, and its pitched roof makes it appear similar to the proposed house in its form. It is however a smaller footprint than the proposed house and appears as an outbuilding rather than self-contained residential accommodation. There is also an outbuilding to the rear of no. 56 Green Lane, which runs almost the full width of the plot, although its bulk is minimal due to its flat roof. Neither of these outbuildings is visible from Dandies Drive.
8. The footprint of the proposed house would occupy nearly the full width of the garden. In conjunction with the area of hardstanding to accommodate the parking area and access, the overall effect would urbanise the site as a whole. The building would be greater in bulk and mass than the outbuildings nearby and would appear in views from Dandies Drive. The form of development proposed would harm the existing open, green character and appearance to the rear of the dwellings on Green Lane and Dandies Drive and would conflict with the pattern of development in the area.
9. In terms of the detailed design and use of materials, the simple form of the single storey with pitched roof would be appropriate and would reflect the style of many single storey buildings in the area.
10. Notwithstanding my view on the architectural detail, for the reasons set out above, the proposal would be uncharacteristic of the pattern of development in the vicinity and would consequently harm the character and appearance of the area. The proposal would run contrary to Policies CP4 and KP2 of the Southend-on Sea Core Strategy 2007, and Policies DM1 and DM3 of the DMD. These policies, amongst other things, set out sustainable development principles including high quality design, and seek to resist backland development which conflicts with the character and grain of the local area.

Living conditions

11. Policy DM8 of the DMD sets minimum residential floorspace standards, which for a 1 bedroom, 2-person unit is a minimum of 45 square metres Gross Internal Area (GIA). As set out by the Written Ministerial Statement of March 2015, existing local planning policies relating to, amongst other things, internal space should be interpreted by reference to the nearest equivalent new national technical standard. The Nationally Described Space Standard (NDSS) which post-dates the development plan is therefore relevant. For a 1 bedroom, 2-person single storey unit, the NDSS minimum is 50 square metres GIA, with storage areas comprising 1.5 square metres GIA. The SPD is also relevant, with

paragraph 196 citing the need for proposals to be of sufficient size to accommodate practical internal space.

12. At 13 square metres GIA, the bedroom size would be well above the minimum standard set out in the NDSS; I note that the internal storage areas could be enlarged. The appellant also points out the efficient layout and the extent of the garden offer sufficient space to accommodate cycle storage.
13. Whilst this may be the case, the scheme falls significantly short of the minimum overall floorspace standards set out in the NDSS. Given the standards set out are a minimum, I do not consider that the appeal scheme would provide acceptable living conditions for future occupiers. The bedroom size and configuration of the garden would not overcome the need to provide accommodation with sufficient overall space to achieve the minimum standard.
14. Refuse storage is not shown on the plans, but I am satisfied there would be sufficient space on site for refuse storage arrangements that could be secured by appropriate planning condition had the appeal been allowed. The Council indicate that the nearest point for refuse collection would be from Dandies Drive, just over 30m from the proposed house. The Council has had regard to the Southend Waste Management Document in reaching its decision. The guidance outlines that a householder is not expected to carry refuse more than 30m from their property to the designated collection point. Whilst I accept that this distance might be at the limit of what an occupier would reasonably expect, the distance in the appeal scheme is close to 30m and would be reasonable in the context of this guidance. As such, I consider the proposed arrangements acceptable.
15. Notwithstanding my findings on the refuse arrangements, the proposed dwelling would fall short of the internal floorspace standards and would not provide acceptable living conditions for future occupiers. As such the proposal runs contrary to Policies DM3 and DM8 of the DMD. Taken together, and amongst other things, these policies resist proposals which would create a detrimental impact upon the living conditions of future residents and meet minimum residential space standards.

Other Matters

16. The appeal site falls within the Zone of Influence of several European designated sites scoped into the Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS). Any new residential development has the potential to cause disturbance to European designated sites and must therefore provide appropriate mitigation. As I am dismissing the appeal for other reasons, I shall not pursue this matter further because it would not lead me to a different conclusion.

Planning Balance

17. Set against the harm identified, the proposal would deliver a net gain of one new dwelling. The scheme would be an efficient use of land in a sustainable location. This would support the Government's aim of significantly boosting the supply of homes. However, the addition of a single dwelling would provide a limited contribution in this context and I attach minor weight to this benefit. There would be temporary and ongoing economic benefits from the

development through construction and use of local shops and services, but given the single additional dwelling, those benefits would be limited.

18. The Core Strategy dates from 2007 and the DMD from 2015, but the weight to be attached does not hinge on age. The National Planning Policy Framework (the Framework) makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. According to the Framework the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning process should achieve. It also requires that developments are sympathetic to local character and are visually attractive in terms of good architecture and layout. In addition to good design, the Framework states that developments should ensure a high standard of amenity for existing and future users. Therefore, the conflict between the proposal and Core Strategy Policies CP4 and KP2 and DMD Policies DM1, DM3 and DM8 should be given significant weight in this appeal, and I find that the appeal scheme conflicts with the development plan as a whole.
19. The Council acknowledges that they cannot demonstrate a 5-year supply of deliverable housing sites and state that the reported supply is equivalent to 4.18 years. In these circumstances, paragraph 11d)ii of the Framework is applicable. Footnote 8 of the Framework establishes that the policies which are most important for determining the application are deemed out-of-date. 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.
20. As described above the benefits associated with a single additional dwelling would be relatively minor even taking account of the Framework's objective of boosting significantly the supply of housing, and the Council's housing land supply position. The Framework states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities, along with ensuring that places are created that have a high standard of amenity for future users.
21. The adverse impacts to the character and appearance of the area and to the living conditions of future occupiers 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

22. The proposal would conflict with the development plan as a whole and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given, the appeal should be dismissed.

L Francis

INSPECTOR