



Appeal Decision

Site visit made on 21 January 2025

by Thomas Courtney BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th March 2025

Appeal Ref: APP/D1590/W/24/3344761

4 Redcliff Drive, Leigh-on-Sea, Southend-on-Sea SS9 1AY

- 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 Mr Adam Kingsbury against the decision of Southend-on-Sea Borough Council.
 - The application Ref is 23/01511/FUL.
 - The development proposed is to demolish the existing building. Erect three storey building with roof accommodation and basement level. Comprising four self-contained flats and associated car parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted new plans with the appeal as part of their final comments. Drawing no 2303-APP-01 is a street scene section of the site contextualising the mass and dimensions of the proposed building. Drawing no 2303-APP-02 shows a significant amendment to the proposed roof structure of the appeal building. It represents a fundamental change to the proposal. However, the appeal process should not be used to evolve a scheme. Interested parties have also not been given the opportunity to make representations on these changes giving rise to procedural unfairness. For these reasons, I will assess the proposal using the plans considered by the Council.
3. Since the appeal was made, a revised National Planning Policy Framework (the Framework) has been published. Although I have made my determination against the updated national policy context, the relevant changes to the Framework are not fundamental to matters which are determinative to the outcome of this appeal.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and
 - whether the proposal would provide adequate living conditions for the future occupiers of Flat 1 with regards to light and outlook, and the future occupiers of Flats 1-4 with regards to the provision of internal storage, private amenity space, and access to refuse and recycling storage.

Reasons

Character and appearance

5. No 4 Redcliff Drive is a two-storey detached dwelling containing two flats. Redcliff Drive slopes downward from north to south and is mostly characterised by semi-detached and terraced properties of traditional designs, with the presence of a tall block of residential flats (Grand Court West) at the junction with Broadway, as well as a modest hall known as Redcliff Hall.
6. The proposed building would have three storeys and would therefore have a similar scale to nos 16 to 20 Redcliff Drive. Furthermore, the appeal site lies between a tall 1970s block of flats and Redcliff Hall which is around one and a half storeys and reasonably modest in scale. The proposed development would be interpreted as a transitional structure between the neighbouring block of flats and hall. The height of the building would not be excessive in this context and would not dominate the street scene.
7. The proposed development would feature front gables with pitched roofs and pattern detailing, bay windows, balconies with metal railings and other features which reflect the traditional Edwardian style of most properties on Redcliff Drive.
8. However, side dormers such as those proposed are not a feature of the area and would be incongruous in this context. The proposed crown roof would also be unusual. The extent of flat roof would be at odds with the character of the street and would be visible from the top of Redcliff Drive, from Grand Drive to the rear, as well as to occupiers of surrounding properties. When viewed in combination with the side dormers, the roof would appear bulky and make the building appear somewhat top-heavy.
9. Whilst the fenestration would follow period proportions, the mismatch in the scale of the windows between the ground floor and the first floor on the front elevation would appear awkward. The small scale of the rear windows, whilst serving bedrooms, would make the rear profile of the building seem bland and dominated by render. Furthermore, the recessed balcony within the rear elevation would be uncharacteristic and would jar with the traditional style of the building.
10. Whilst the proportions and features of the building would be arranged in a symmetrical manner, I find that the ground floor of the building fronting the road would not be sufficiently legible as the main entrance would be incorporated within one of the bay windows. This is despite the proposed demarcation by landscaping and an overhanging canopy, a feature which would unbalance the symmetry of the building's front façade.
11. For the reasons given above, the proposed development would not adequately harmonise with the surrounding context. It would harm the character and appearance of the surrounding area and therefore conflict with Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, and DM3 of the Development Management Document 2015 (the Local Plan) and the advice in the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009) insofar as they seek to ensure proposals are well-designed and respond positively to their contexts. The proposal would also conflict with paragraph 135 of the Framework which seeks to ensure that developments are visually attractive and sympathetic to local character. I have attached substantial weight to this harm.

Living Conditions

12. The openings serving the flat within the basement (Flat 1) would be full height in the front and rear lightwells. However, I note that no daylight and sunlight study has been submitted to demonstrate that they would provide acceptable levels of daylight. Given the sunken nature of the flat, the size of the living room and kitchen area and the limited depth of the lightwell, the amount of light penetrating these rooms would be restricted. I am not persuaded that the kitchen area and northern corner of the living room would receive appropriate levels of light. The main habitable room would be dark and gloomy which would significantly harm the living conditions of the future occupants. To the rear, the windows serving the bedrooms would not face east towards the lightwell. Therefore, the bedrooms would also be dark environments for the occupants.
13. The lightwell serving the living room would be very narrow and the retaining wall would be very near to the windows. This would constitute the main outlook from these windows. Views of the sky would also be obstructed by the metal railings. Consequently, the outlook from the living room and kitchen would be very poor. The outlook from the rear bedrooms would also be severely restricted as they would be facing each other and the sunken terrace area, rather than being oriented eastwards. The lack of satisfactory outlook would result in poor living conditions for the future occupiers of Flat 1.
14. Furthermore, the basement flat would lack suitable private amenity space given the small size and poor outlook of the sunken terrace areas. Flat 4, the largest of the proposed units, would only have two small side balconies. This would be insufficient for a three-bedroom flat, which may well provide for family accommodation.
15. Whilst the proposal is not for a major development, Policy DM8 of the Local Plan states that new dwellings should meet the Lifetime Homes Standards. These standards pre-date the publication of the revised Part M Building Regulations and are comparable in their requirements. The appellant contends that flexibility should be applied to Part M4(2) of the Building Regulations, which relates to accessible and adaptable dwellings. Even so, the private ramp access way to the rear parking area has a 10% degree of fall. It would be impractical for wheelchair users to use this ramp to reach the main entrance. Whilst the ramp would have a similar degree of fall to Redcliff Drive, I am not persuaded this justifies poor accessibility for those with limited mobility.
16. The proposed refuse storage would be awkwardly arranged on the sloped ramp. The storage space would also require the front bin to be removed to access the other bin. This would be unreasonably cumbersome for the occupiers of the proposal.
17. Flats 1 and 4 have large walk-in wardrobes and adequate amounts of built-in storage. Flats 2 and 3 would not have a sufficient amount of internal storage however I am satisfied that further provision could be secured with an appropriate condition.
18. Nevertheless, for the reasons given above, the proposal would not provide adequate living standards for the future occupiers of Flat 1 with regards to access to light and outlook, or for the future occupiers of Flats 1-4 with regards to provision of private amenity space, and access to refuse and recycling storage. It would therefore conflict with Policies KP2 and CP4 of the Core Strategy, Policies DM1, DM3 and DM8 of the Local Plan and the guidance contained within the Southend-on-Sea

Design and Townscape Guide (2009) insofar as they seek to ensure proposals are well-designed with appropriate layouts, meet residential space standards and the Lifetime Homes Standard, and make provision for usable private outdoor amenity space. The proposal would also conflict with paragraph 135 of the Framework which seeks to ensure that developments function well, have good layouts, are inclusive and accessible, with a high standard of amenity for users. I have attached substantial weight to this harm.

Other Considerations

19. The site is adjacent to the Leigh Cliff Conservation Area (CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention be paid to the desirability of preserving or enhancing the character and appearance of the conservation area. The main parties do not dispute that the proposal would preserve the character or appearance of the CA. Given the location of the proposal and the screening provided by the adjacent block of flats, I take a similar view. This does not however alter my conclusion on the main issues or affect the planning balance.
20. The Council acknowledge that they cannot demonstrate a 5-year supply of deliverable housing land. The substantive evidence before me is that in April 2024 the level of supply was 3.48 years, and the situation may well have worsened with the publication of the new Framework. Consequently, because of the provisions of footnote 7, paragraph 11 d) of the Framework is engaged. As such, it is necessary for me to determine whether the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits inherent in providing additional dwellings to assist the Council in addressing its undersupply.
21. I have found conflict with Policies KP2 and CP4 of the Core Strategy and Policies DM1, DM3 and DM8 of the Local Plan which are consistent with the Framework. I therefore find that the proposal would conflict with the Development Plan as a whole. Against that, the appeal proposal would boost housing supply in a sustainable location close to the town centre and would make more effective use of a previously developed site. However, the provision of four additional dwellings would make a relatively minimal difference to the overall supply of housing and so I give this moderate weight in favour of the proposal.
22. There would also be some minimal economic benefits during construction and from future occupants' contributions to the local economy through the use of services and facilities. I have attached limited weight to this consideration.
23. The Council's third reason for refusal relates to the effect of the proposal on Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) identified in the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy Supplementary Planning Document, 2020. The SACs and SPAs are protected pursuant to the Conservation of Habitats Regulations 2017. Had I found no harm in respect of the main issues, as competent authority I would have carried out an Appropriate Assessment in respect of the potential effects on the SACs and SPAs. However, as the balance of considerations is against the proposal, this matter need not be considered any further in this case.

Planning Balance and Conclusion

24. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals, must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The harm I have identified would significantly and demonstrably outweigh the limited benefits of the appeal scheme, when assessed against the policies in the Framework taken as a whole.
25. The proposal conflicts with the development plan and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

Thomas Courtney

INSPECTOR