



Appeal Decisions

Site visit made on 5 August 2025

by **A Wright BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 August 2025

Appeal A Ref: APP/D1590/W/25/3360412

161 Pall Mall, Leigh on Sea, Southend-on-Sea, Essex SS9 1RE

- 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 Prittlewell Developments Limited against the decision of Southend-on-Sea City Council.
- The application Ref is 24/01931/FUL.
- The development proposed is described as 'demolition of redundant garages and structures and the erection of a two storey, two bed house, with associated parking space, garden, cycle parking and refuse'.

Appeal B Ref: APP/D1590/W/25/3362998

161 Pall Mall, Leigh-on-Sea, Southend-on-Sea, Essex SS9 1RE

- 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 Prittlewell Developments Limited against the decision of Southend-on-Sea City Council.
- The application Ref is 24/01942/FUL.
- The development proposed is described as 'demolition of redundant garages and structures and the erection of a two storey, two bed house, with associated parking space, garden, cycle parking and refuse'.

Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Procedural Matter

3. As set out above, there are two appeals on this site. They differ only in the detail of their design. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.

Main Issue

4. The main issue in these appeals is the effect of the proposed developments on the character and appearance of the area.

Reasons

5. The appeal site comprises an end terraced property located on the corner of Pall Mall and Leighton Avenue in a predominantly residential area. The locality largely consists of rows of terraced dwellings facing the streets, with gaps for rear gardens and low-level outbuildings between properties fronting Pall Mall and those in the streets running north. This creates a uniform development pattern and an open

area between the differently oriented dwellings. Buildings in the vicinity are mainly two storeys in a traditional style, with rendered and brick walls, and steeply pitched tiled or slate roofs, some containing accommodation in the roofspace. Whilst there are two detached properties on the opposite side of Leighton Avenue which differ in style and size to others in the street, they include traditional features and do not detract from the overall street scene.

6. The Council's Design and Townscape Guide 2009 indicates that the site size and local character and grain will determine whether infill sites on the street frontage between existing buildings are suitable for development.
7. The proposals are to demolish existing garages and provide differently designed two storey houses facing Leighton Avenue. Due to their height and position in the gap between the dwellings on Pall Mall and Leighton Avenue, the proposed buildings would harmfully erode the openness provided by this corner plot.
8. In both cases, the plots would be significantly smaller than others in the locality, with the proposed garden and parking space squeezed into the gap around the new building for each scheme. As such, the proposed developments would appear cramped and discordant with the prevailing pattern of development in the area, evident in views along Leighton Avenue and at its junction with Pall Mall.
9. The proposed dwelling under Appeal A would be a contemporary, flat roofed two storey building. Although not within an area of townscape merit or Conservation Area, because of its roof form, this house would be significantly at odds with the traditional steeply pitched roof profile of other buildings in the locality. Further, due to its height, the contrast between the shape of the proposed structure and the existing houses on this side of Leighton Avenue would be particularly stark when travelling northbound along this road.
10. In addition, the front projecting upper floor balconies with glazed surrounds for the building proposed in Appeal A would result in the introduction of an alien feature in the street scene. The appellant is willing to accept a condition to remove them, but as they form part of the proposed scheme before me such a condition would not be reasonable. Further, the use of wood cladding to the projecting front feature for the house proposed under Appeal A would be incongruous in an area where rendered and brick walls predominate.
11. Photos of contemporary development adjacent to traditional buildings outside the Council's area have been provided. There is also reference to other infill developments within Leigh-on-Sea. However, there is little information on the circumstances of those cases, so a comparison with the appeal schemes cannot be made.
12. Therefore, I conclude that the proposals would harm the character and appearance of the area. They would conflict with Policies KP2 and CP4 of the Southend-on-Sea Core Strategy 2007 (CS) and Policies DM1 and DM3 of the Council's Development Management Document 2015 (DMD). Together, these require developments to respect the character of the site and the wider area, including in relation to their architectural approach, form and townscape setting, amongst other things.

Other Matters

13. The Council did not find harm or development plan conflict in relation to several other matters, including living conditions, parking and crossover arrangements, space standards, and refuse storage. However, even if I were to agree with the Council on these points, the absence of harm would be a neutral matter which would not carry weight in favour of the proposals.
14. The proposed developments would be likely to have a significant effect, either alone or in combination, on one or more European habitats sites due to their location within the Zone of Influence set out in the adopted Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy Supplementary Planning Document 2020 (RAMS). The appellant is willing to pay the RAMS contribution but given my conclusion below there is no need to consider the implications of the proposals on the protected sites because the schemes are unacceptable for other reasons.

Planning Balance and Conclusion

15. The Council accepts that it has an under supply of housing against the required five years. The Council's published position from April 2024 is that it has a 2.9 year supply of housing when the 20% buffer is applied and a 3.48 year supply without the buffer. These figures were based on the government's standard methodology which applied at that time, and when the buffer is applied the shortfall equates to 2,959 homes over the relevant five year period.
16. However, the appellant suggests that applying the new standard methodology would reduce the supply to 2.06 years and that even this relies on sites with significant delivery challenges coming forward. Further, the appellant states that the Council has made limited progress on its new Local Plan and there are issues of affordability of housing for local residents. In addition, the Housing Delivery Test results indicate that the Council has fallen significantly short of its housing targets in recent years, with the latest results indicating 37% delivery over the past three years. Therefore, there is a significant shortfall and paragraph 11(d) of the National Planning Policy Framework (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, having particular regard to key policies including directing development to sustainable locations, making effective use of land and securing well-designed places. The Framework states that proposals for homes using suitable brownfield land within settlements should be approved unless substantial harm would be caused.
18. The Framework seeks to significantly boost housing supply and highlights the important contribution small and medium sized sites can make. The proposals would make a modest contribution of one home to the supply of housing, making better use of previously developed land in an urban area with access to services and public transport. Both schemes would contribute towards Southend's housing supply, making a modest difference to addressing the shortfall, and therefore I attribute moderate weight to this benefit.

19. The CS dates from 2007 but the weight to be given to this document does not hinge on its age. The Framework states that existing policies should not be considered out-of-date simply because they were adopted prior to its publication. Rather, due weight should be given to them, according to their degree of consistency with the Framework.
20. The proposals would significantly harm the character and appearance of the area. They would conflict with the Framework where it requires developments to be sympathetic to local character, and therefore they would not be located on suitable brownfield land. Policies KP2 and CP4 of the CS are consistent with this, and I have found that the proposals would be contrary to these policies and to Policies DM1 and DM3 of the DMD. Indeed, the adverse impacts of both schemes would significantly and demonstrably outweigh the benefits.
21. For the reasons given above, both proposals would conflict with the development plan and the material considerations, including the Framework, do not indicate that the appeals should be decided other than in accordance with it. The appeals are therefore dismissed.

A Wright

INSPECTOR