



Appeal Decision

Site visit made on 11 September 2025

by **P Burley BA (Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22nd September 2025

Appeal Ref: APP/D1590/W/25/3367705

1 Glebe Close, Thorpe Bay, Essex SS1 3DS

- 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 Himal against the decision of Southend-on-Sea City Council.
 - The application Ref is 25/00022/FUL.
 - The development proposed is described as 'erect one dwellinghouse on land adjacent to 1 Glebe Close with associated amenity space and bin store, layout parking to front and form new vehicle crossover onto Buttery's'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on designated habitats sites;
 - the effect of the appeal scheme on highway safety; and
 - the effect of the appeal scheme on the character and appearance of the area.

Reasons

Habitats

3. According to the Conservation of Habitats and Species Regulations 2017, planning permission should not be granted for development which would, either alone, or in-combination with other developments, have a likely significant effect on a designated habitats site, unless full mitigation is provided.
4. The appeal site is within the zone of influence of the Essex Coast designated habitats sites and the impact of increased recreational use as a consequence of the delivery of new homes within the zone of influence must be addressed. Given the likelihood that future residents of the proposed dwelling would visit the Essex Coast designated habitats for recreation, likely significant effects on the integrity of the sites cannot be ruled out in the first instance.
5. The Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy Supplementary Planning Document (2020) (RAMS SPD) provides a mechanism to mitigate likely significant effects by making a tariff-based payment directly to the Council or by way of a planning obligation pursuant to section 106 of the Town and Country Planning Act 1990 (as amended). Alternatively, there is an option for

an applicant to undertake their own appropriate assessment and to propose bespoke mitigation.

6. None of these mitigation mechanisms have been used by the appellant. Instead, the appellant has explained that mitigation measures are set out in the Biodiversity Net Gain (BNG) report that was submitted as part of its appeal.
7. However, BNG is a separate requirement and the measures set out in the BNG report do not address the likely significant effect of the appeal scheme on the designated habitats sites. In the absence of appropriate mitigation, and according to the Conservation of Habitats and Species Regulations 2017, I cannot rule out harm to the integrity of the sites. Given that the mitigation takes the form of a monetary payment, this is not a matter that I am able to address by way of a planning condition.
8. I therefore conclude that the appeal scheme would have an unacceptable effect on the designated habitat sites. It would conflict with Policies KP1, KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) (CS), Policy DM6 of the Southend-on-Sea Development Management Document (2015) (DMD) and the RAMS SPD which together seek to protect the natural environment with specific reference to the coastal habitats. Whilst the Council also referred to DMD Policy DM1 in relation to this matter, this policy relates to design quality and therefore I do not consider it to be directly relevant to the protection of habitats.

Access Arrangements

9. The Southend-on-Sea Vehicle Crossover Policy and Application Guidance (2021) (VCPAG) says that new vehicle crossovers must be not less than 10m from a minor junction so that visibility splays are maintained to ensure visibility for drivers and pedestrians, and to prevent obstructing traffic flow. According to the Council, the crossover to access the appeal site would be 9m from the junction of Butterys and Glebe Close.
10. The proposed crossover would serve a single-family dwelling which the appellant says would generate relatively infrequent and short-duration vehicle manoeuvres that would take place at low speed and which would not obstruct footway users or present a significant danger to them. The appellant has noted that there are other examples of crossovers which are within 10m of junctions on Butterys, that an examination of accident records reveals that no single incident involved manoeuvres to and from existing crossovers and that there is no compelling evidence that existing crossovers in the local area which are within 10m of a junction cause any significant conflict with vehicles and pedestrians.
11. Given that this is a minor junction that serves only a handful of houses and that the Council has not disputed the appellant's comments in respect of accident data, on the information before me I consider that the appeal scheme would not have an unacceptable effect on highway safety. Thus, the appeal scheme would comply with CS Policy CP3, DMD Policy DM15, and the advice in the VCPAG, which together seek to manage the transport-related impacts of development, ensure the safety of users of the transport network, and ensure that appropriate parking is provided. Whilst the Council also referred to CS Policy KP2 in relation to this matter, this policy relates to general development principles and I do not consider it to be directly relevant to this issue.

Character and Appearance

12. The proposed dwellinghouse, which has been designed to have an appearance that is similar to its neighbours, would be located on land to the immediate north-east of an existing detached dwellinghouse on the corner of Glebe Close and Buttery's. The land currently forms part of the garden of 1 Glebe Close. Some of the land is enclosed by a fence, forming part of a rear garden and a separate enclosed area of hardstanding with an associated vehicle crossover. The part closest to the junction of Glebe Close and Buttery's is not enclosed and mostly laid to lawn.
13. There are nine detached dwellinghouses on Glebe Close which are set back from the street by drives and front gardens. The northermost house, number 9, is sited such that its eastern elevation is broadly in line with the front / east-facing façades of houses to its north which are set back from Buttery's behind front gardens. Apart from some hedging, the front gardens on Glebe Close and Buttery's are generally unenclosed, creating a spacious feel to the area even though the houses are located relatively close to each other.
14. To the south of the appeal site, on Woodgrange Drive, is a detached dwellinghouse which is close to and separated from Buttery's by a fence rather than an area of open space.
15. Whilst an open landscaped frontage is characteristic of the Buttery's development, the appeal scheme would not harm this given that the proposed dwellinghouse would be largely sited on the area to the side of 1 Glebe Close that is already enclosed and the area in front of the house would remain unenclosed. Although the area in front of the proposed dwellinghouse would be smaller than that which is to the front of other dwellings nearby and there would be a relatively small area for planting, this would not result in a cramped feeling given the large area of pavement on the corner of Glebe Close and Buttery's. Similarly, whilst the appeal scheme would be relatively close to 1 Glebe Close it would not appear to be unduly close, particularly considering the close proximity of the existing dwellings on the southern side of Glebe Close to each other, a relationship that is apparent when looking south along Buttery's.
16. Furthermore, it would not be at odds with the prevailing grain of the area given that it would have a similar relationship to Buttery's as the house to its south on Woodgrange Drive, a situation that distinguishes the appeal site from the relationship between 9 Glebe Close and the dwellings to its north on Buttery's.
17. Accordingly, the proposal would have an acceptable effect on the character and appearance of the area. It would accord with CS Policies KP2 and CP4, DMD Policies DM1 and DM3, or the Southend-on-Sea Design and Townscape Guide (2009) which together seek high-quality, well-designed development that makes an efficient and effective use of land.

Planning Balance and Conclusion

18. The Council does not have a five-year supply of housing sites and, according to the most recent housing delivery test results, housing delivery has been substantially below (less than 75%) the housing requirement over the previous three years. However, and with reference to footnote 7 of the National Planning Policy Framework (the Framework), the unmitigated impact on habitats sites

provides a strong reason for refusal such that paragraph 11 d) ii) of the Framework is not engaged.

19. Given the housing land supply position in Southend I attach significant weight to the delivery of the single dwellinghouse.
20. However, the unmitigated harm to a designated habitats site clearly outweighs the benefit of the appeal scheme. Given such, the appeal scheme conflicts with the development plan when taken as a whole and the other considerations before me do not indicate that I should make my decision other than in accordance with the development plan. On that basis I conclude that the appeal should be dismissed.

P Burley

INSPECTOR