
Appeal Decision

Site visit made on 23 August 2016

by **L Fleming BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 08 September 2016

Appeal Ref: APP/D1590/W/16/3149882

25 Britannia Road, Westcliff-on-Sea, Southend-on-Sea SS0 8BP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Linda Harrison against the decision of Southend-on-Sea Borough Council.
 - The application Ref 15/02130FUL, dated 18 December 15, was refused by notice dated 9 March 2016.
 - The development proposed is erection of two storey detached dwelling house with associated parking and amenity space provision.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. Amended plans were submitted with the appeal. Whilst they seek to address the impact of the proposal on trees, they also show an amended layout, particularly a revised layout of private outdoor space for No 25 Britannia Road. I consider that the plans are materially different from those formally assessed by the Council. Thus third parties may not be aware of them nor had the opportunity to consider them. Therefore in the interests of natural justice, I must determine the appeal on the basis of the original plans formally assessed by the Council.

Main Issues

3. The main issues are:
 - the effects of the proposed development on the character and appearance of the area including its effect on street trees;
 - the effects of the proposed development on highway safety;
 - whether the development would provide an accessible and inclusive form of housing;
 - the effects of the proposed development on the living conditions of future occupiers with particular regard to privacy;
 - the effects of the proposed development on the living conditions of the occupiers of No 25 Britannia Road with particular regard to access to private outdoor space.
-

Reasons

Character and appearance

4. The appeal site is mainly a concrete hardstanding used for parking and was formerly part of the rear gardens of Nos 25 and 26 Britannia Road. The proposed two storey detached dwelling would form part of the Alisa Road street scene, which is characterised by mainly two storey detached and semi-detached properties of a formal layout and traditional appearance set back from the road with front gardens and street trees. These features give the area a formal, traditional and relatively verdant character and appearance.
5. The appeal proposal would involve the creation of four parking spaces to the side of No 25 Britannia Road (No 25) and two parking spaces to serve the proposed dwelling, which would require the removal of two street trees. Although the trees to be removed are relatively small; trees are evenly spaced along the length of the road and are a defining characteristic of the area. In my view, the loss of the two street trees would harm the verdant character of the area.
6. The proposed dwelling would incorporate a hipped roof and is of a scale and design which matches No 25 and No 1 Alisa Road (No 1). Even, though the proposed dwelling would be set in a smaller plot than other properties in the area, this would not be noticeable in the street scene. The proposed dwelling would be set in from the side boundaries and positioned in line with the front elevation of No 1 and the side elevation of No 25, such that it would not appear cramped and would follow the layout of development in the surrounding area.
7. However, the loss of the street trees would be harmful to the character and appearance of the area and the proposed development would therefore be in conflict with the Design and Townscape Guide Supplementary Planning Document 1 (SPD1) and the development plan. It would specifically conflict with Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) (CS) and Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) (DMD) which, taken together, aim to ensure good design and that new development does not conflict with the character of the local area.

Highway Safety

8. The proposal would result in the loss of five off street parking spaces which serve No 25 and the creation four off street spaces to serve the five flats. Policy DM15 of the DMD requires properties such as No 25 to provide five off street car parking spaces. The proposed dwelling would have two off street spaces, whereas Policy DM15 of the DMD would require one.
9. Furthermore, Policy DM15 also promotes viable alternatives to private vehicle use and states that parking standards may be applied flexibly where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport. Moreover, it states that on street parking will only be considered appropriate where it can be demonstrated there is on street parking capacity.
10. Whilst, I acknowledge the appeal site is within a comfortable walking distance to a number of bus stops and a railway station, there is no substantive evidence before me which allows me to assess the frequency of these services

or their destinations. With the absence of such information I am unable to assess whether such services are frequent or extensive.

11. Furthermore, whilst I acknowledge that parking on street nearby is not restricted, on my site visit at around mid-day on a week day, there were only a few on street spaces available, and there is no substantive evidence before me which demonstrates that on street car parking capacity exists.
12. Thus, for the reasons given I am unable to conclude that the proposed development by virtue of insufficient off street car parking provision to serve No 25 would not be harmful to highway safety in the area. The proposed development would therefore be in conflict with the development plan, specifically Policy DM15 of the DMD which seeks to ensure new development adheres to parking standards in the interest of highway safety.

Accessible and inclusive housing

13. The Council are concerned that the proposed development would fail to adhere to M4 (2) of the Building Regulations stating that the proposal fails to demonstrate accessibility of the dwellinghouse.
14. Additional information has been submitted with the appeal that shows level accesses, door widths and space for adaptations such as a stair lift. Even though the Council have not assessed this information, I find the appeal site is relatively flat and the proposed dwelling has a relatively traditional layout. Therefore in my view, there are no specific constraints which would mean that the proposed development could not adhere to M4 (2). Thus, irrespective of the additional information this matter could be addressed through the imposition of an appropriately worded planning condition. However, as I am dismissing the appeal for other reasons I have not addressed this matter further.
15. Therefore, subject to the imposition of a suitable planning condition, I find the proposed development would provide an accessible and inclusive form of housing and thus in this regard would accord with the development plan, specifically Policy DM8 of the DMD, which sought to achieve a Lifetime Homes standard which has subsequently been superseded by Building Regulation M4 (2).

Living conditions (future occupiers)

16. The Council are concerned that the proposed private amenity space would be overlooked by the occupants of No 26 Britannia Road (No 26). However, the appeal site sits slightly higher in level than No 26 and the closest window at first floor level serves a bathroom. Overall in my view sufficient separation distance would remain for the proposed rear garden not to be significantly overlooked over any boundary treatment.
17. For these reasons, the proposed development would not result in harmful living conditions for future occupiers with particular regard to privacy. In this regard the proposal would comply with the development plan. It would specifically comply with Policies KP2 and CP4 of the CS and Policy DM1 of the DMD which seek to ensure good design and that new development provides a good standard of living accommodation for future occupiers.

Living conditions (No 25 Britannia Road)

18. No 25 is currently in use as five flats. The appeal site is fenced off and laid to concrete, currently used to provide parking. The area of land to the side of No 25 is enclosed by fencing approximately 1.8 metres high and the area to the front enclosed by lower fencing and relatively thick hedging and shrubs. Thus, although both the areas of outside space to the front and side are adjacent to roads, they currently provide to areas of useable outdoor space which are private.
19. Although the creation of four off street spaces would reduce the amount of private outside space to the side, an area would remain which would be sufficient to accommodate a table and chairs and could be used comfortably by a number of residents at the same time.
20. For these reasons, I find that the proposed development would not be harmful to the living conditions of the occupiers of No 25 with particular regard to access to private outdoor space. In this regard, the proposal would comply with SPD1 and the development plan. It would specifically comply with Policies KP2 and CP4 of the CS and Policy DM1 of the DMD which taken together, seek to ensure that new development does not harm the living conditions of nearby residents.

Conclusion

21. For the reasons given, whilst I have found no harm to living conditions and that the proposal could provide an inclusive form of housing, I have found harm to the character and appearance of the area and highway safety, which are the prevailing factors. I therefore conclude that the appeal should be dismissed.

L Fleming

INSPECTOR