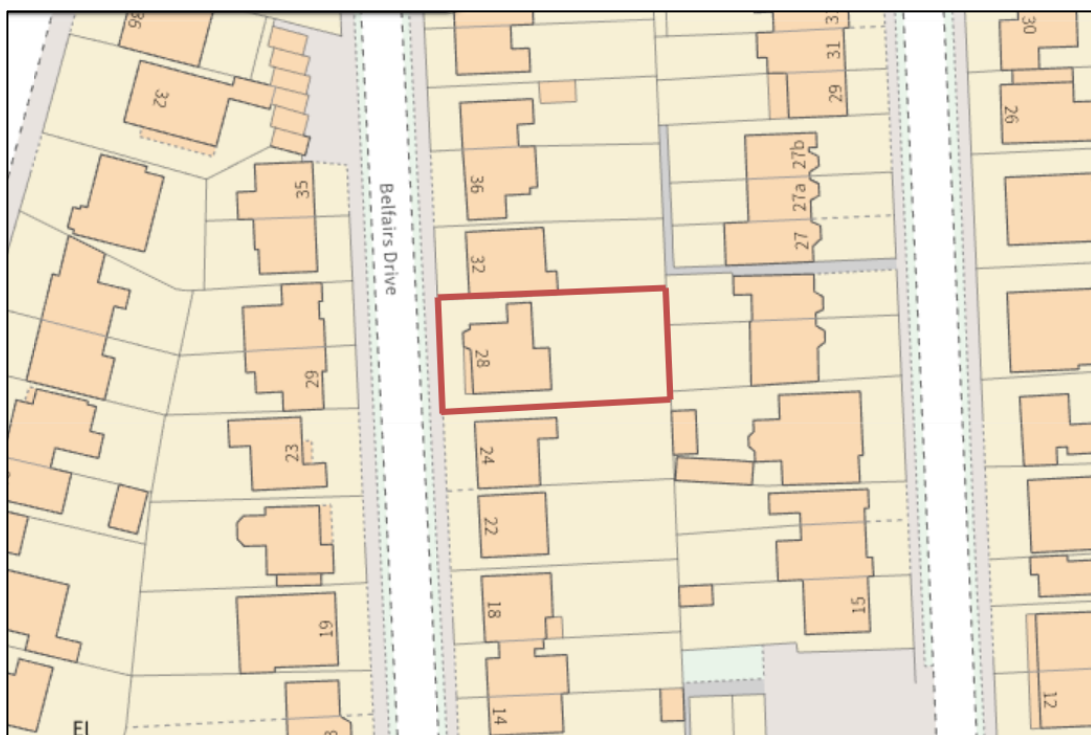


<b>Reference:</b>	24/00271/FUL	
<b>Application Type:</b>	Full Application	
<b>Ward:</b>	Belfairs	
<b>Proposal:</b>	Demolish existing bungalow and erect a pair of semi-detached dwellinghouses, layout parking to front and amenity space to rear and install new vehicular access from Belfairs Drive (Amended Proposal)	
<b>Address:</b>	28 Belfairs Drive, Leigh-on-Sea, Essex, SS9 3AA	
<b>Applicant:</b>	Bedrock Developments	
<b>Agent:</b>	Mr Tim Knight of Knight Gratrix Architects	
<b>Consultation Expiry:</b>	30 May 2024	
<b>Expiry Date:</b>	31 May 2024	
<b>Case Officer:</b>	Oliver Hart	
<b>Plan Nos:</b>	010G; 020F; 021F; 022B; 023C; 024C; 025C	
<b>Supporting Documents:</b>	Planning Statement	
<b>Recommendation:</b>	<b>DELEGATE to the Director of Planning and Economy and/or the Development Control Service Manager to GRANT PLANNING PERMISSION subject to the conditions set out in the main report provided any additional representations received up to the end of 30th May 2024 do not raise any new considerations which have not been addressed within the report.</b>	



## **1 Site and Surroundings**

- 1.1 The application site contains a detached bungalow on the east side of Belfairs Drive. It shares a dropped kerb with the neighbouring property to the north (No.32) to facilitate one off-street parking space. Vegetation is noted to the front and rear of the application site but there are no trees or species of any significance.
- 1.2 The surrounding area comprises a varied streetscene in terms of scale and design, with a balanced mix of bungalows and two storey dwellings. There is no strong uniformity or distinctive characteristics. Ground levels change, with properties north of the application site sitting at progressively lower levels.
- 1.3 The site is not within a conservation area or subject to any site-specific planning policies.

## **2 The Proposal**

- 2.1 The application seeks planning permission for the demolition of the existing bungalow and erection of two new 4-bedroom (7-person) semi-detached dwellinghouses with accommodation over three levels. The gross internal area of each proposed dwelling would be some 183sqm.
- 2.2 The new dwellings would have main hipped roofs with a two-storey gabled projection to the front and a dual gable roofed extension to their rear. Other elements include provision of a gabled side dormer to either flank elevation.
- 2.3 The dwellings would be some 6.8m wide, 9.25m in maximum height and 14.7m in maximum depth, inclusive of the front bay windows and part-width single storey extensions to their rear.
- 2.4 The proposed dwellings are set further back in their plots than the existing dwelling to enable the formation of parking areas within the front curtilage. Off-street parking is shown for 2no. vehicles to each new dwelling. The parking areas would be accessed via 2no. new dropped kerbs each some 4.88m wide. The proposed rear garden areas are each more than 100sqm.
- 2.5 The proposed dwellings would be finished in a combination face-brick, render and timber cladding to the exterior walls, slate roof tiles and grey aluminium framed windows and doors.
- 2.6 This scheme is an amended proposal following the refusal of a previous application at the site under reference 22/01194/FUL (the '2022 Application'). That application was refused on design grounds only, owing to the resultant scale and bulk of the development proposed and the detailed design at odds with the streetscene. This decision was upheld at appeal. A copy is attached as Appendix 1.
- 2.7 This amended application seeks to overcome the previous design-based reason for refusal by incorporating the following changes compared to the 2022 Application:
  - The main roof form has been amended, with the previously proposed gabled roof arrangement replaced with hipped roofs at a reduced overall height (from 9.6m to 9.25m).
  - The two storey front projections have been re-positioned centrally and reduced in width, with the bay shape altered from a 'square' to a 'curved' bay.
  - The gabled roof form over the front projections have been redesigned to be of a smaller, more traditional scale, with traditional timber panel detailing.
  - The window contained within the gabled roof form over the two storey projections has been removed so that the development is not read as a three-storey development from the public highway.

- The fenestration has also been amended, with roof lights removed and the placement and alignment of windows formalised to replicate the more traditional facades seen elsewhere within the street.

2.8 During the course of this application, amended plans were received to remove initially proposed side dormers.

### 3 Relevant Planning History

3.1 22/01194/FUL- Demolish existing bungalow, erect two dwellinghouses, layout parking to front and amenity space to rear- Refused [01.09.2022]. Appeal Dismissed [21.11.2023].

Reason for Refusal:

*01 The proposed development by reason of its mass, height, width, depth and overall scale results in a bulky, cramped and incongruous form of development materially out of keeping with its context and harmful to the character and appearance of its surroundings. This would be unacceptable and contrary to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).*

Key comments from Inspector in appeal decision (ref. APP/D1590/W/22/3309148)

*5. ...This mix of detached and semi-detached two-storey houses, single-storey bungalows and chalet bungalows are varied in age and design. As such no one form dominates the streetscene which also has an appreciable sense of spaciousness and pleasant pollarded pavement trees.*

*6. This road is not, though, in stasis. Some original dwellings have been extended, altered and adapted to meet living needs and evidently some, or some plots, redeveloped with newer dwellings, including of contemporary design.....While the proposal would diminish the number of bungalows, including the row of three formed by No.28 with Nos.22 and 24, a pair of semi-detached dwellings would not be incompatible per se in this local context. The proposed plot sizes would broadly be in-keeping with others in the road as would be the means of front garden parking.*

*8.....While the gabled main roof form of the proposed semi-detached houses would reflect some houses further south or north of the site, they are not close enough to set an appropriate template for the site where hipped roofs are evident either side and opposite. Though the main roof ridge would follow the fall in the slope, the gabled form would significantly erode the gap and spaciousness at roof level both sides with No.32 and, especially, the bungalow at No.24 and the individual and combined ridge lines would be quite long. There would be a substantial disparity in bulk of built form in relation to No.24, with an unduly abrupt overbearing transition and step-down in height, accentuated by the upper part and depth of the rear projecting gable in the facing side elevation of the southern house.*

*9. The projecting front gables would be narrower than in No.32 but significantly wider than in most pairs of semi-detached houses in the road and placed at the outer edge of each front elevation, not towards the centre. The two-storey square front bays would be inconsistent with the mostly curved or angled bays at these other houses and significantly more pronounced.....The gabled roofs over would be appreciably more steeply pitched, rise noticeably higher to main ridge level and include fenestration in placement and shape for which there is no evidence at other houses in the road.*

*10. Together with the number, alignment and placement of rooflights close to eaves level and windows below, these aspects of the design unduly exacerbate and overly emphasise the width and height of built form close to the site side boundaries.*

## **4 Representation Summary**

### **Public Consultation**

- 4.1 22No neighbouring properties were consulted and a site notice displayed. Representations from 7No interested parties have been received at present. The consultation expires after the date of this committee due to a change in description. Any additional representations received will be summarised to the Committee through the Supplementary Agenda. Should further representations be received up to that date which raise new considerations not already addressed within this report the application is to be brought back to Development Control Committee for determination.

Summary of objecting comments:

- Residential amenity concerns;
- Overdevelopment of the site;
- Increased noise and disturbance;
- Overlooking and loss of privacy concerns;
- Overshadowing and loss of light concerns;
- Design concerns; semi's will appear overscaled and overbearing
- Dormers will be visible and dominant;
- Potential impact on flooding on Belfairs Drive;
- Parking concerns;
- Waste and cycle storage concerns;
- Loss of bungalow;
- Development similar to previous refusal;
- No sustainable design measures incorporated.

**[Officer Comment]** All relevant planning considerations are assessed within the appraisal section of the report (Section 7). The above concerns are noted and they have been taken into account in the assessment of the application. However, they were not found to represent a justifiable reason for refusal of the application in the circumstances of this case.

### **Environmental Health**

- 4.2 No objections subject to conditions restricting construction hours and refuse and recycling.

### **Highways**

- 4.3 No objections. - The applicant will be required to contact the Highways department to construct the vehicular crossovers and re-instate the redundant crossover.

### **Parks**

- 4.4 As this involves the partial loss of a grass verge this part of the Vehicle Crossover Policy will apply: If a PVX (pavement crossing) results in the loss of a grass verge or planted shrub verge and the application is approved, an assessment will need to be undertaken to assess the impact and if mitigation is required. As a minimum, the applicant will be required to meet the cost of planting a standard tree within the city.

[Officer comment:] As no previous Parks response was received for the 2022 application and as the extent of grassed verge to be lost is minimal, it is not considered reasonable to

request any remuneration in the circumstances of this application.

#### **4.5 Essex Fire and Safety**

No objections.

### **5 Procedural matters**

5.1 This application is presented to the Development Control Committee because it has been called in by Councillor Stephen Ayles.

### **6 Planning Policy Summary**

6.1 The National Planning Policy Framework (NPPF) (2023)

6.2 Planning Practice Guidance (PPG) (2024)

6.3 National Design Guide (NDG) (2021)

6.4 Technical Housing Standards – Nationally Described Space Standards (2015)

6.5 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance) and CP8 (Dwelling Provision).

6.6 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM6 (The Seafront), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM15 (Sustainable Transport Management).

6.7 Southend-on-Sea Design and Townscape Guide (2009)

6.8 Technical Housing Standards Policy Transition Statement (2015)

6.9 Waste Storage, Collection and Management Guide for New Developments (2019)

6.10 Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) (2020)

6.11 Community Infrastructure Levy (CIL) Charging Schedule (2015)

6.12 Electric Vehicle Charging Infrastructure (EVCI) for New Development Supplementary Planning Document (SPD) (2021)

6.13 Southend-on-Sea Vehicle Crossing Policy (2021)

### **7 Planning Considerations**

7.1 The main considerations in relation to this application are the principle of the development, the design and impact on the character and appearance of the area, the residential amenity for future and neighbouring occupiers, traffic and parking implications, energy and water use sustainability, refuse and recycling storage, flooding and drainage, ecology and mitigation for impact on designated sites, and CIL liability. The 2022 Application and subsequent appeal decision are relevant material considerations in the determination of this application carrying some weight insofar there are similarities between the previous and current proposal.

## 8 Appraisal

### Principle of Development

- 8.1 The NPPF encourages effective use of land, in particular previously developed land. There is an overriding support for the provision of good quality housing. Policy CP8 requires that development proposals contribute to local housing needs.
- 8.2 Policy DM7 states that the Council will look favourably upon the provision of family size housing on smaller sites. Through Policy DM8 the Council seeks appropriate flexibility and dimensions within the internal accommodation to meet the changing needs of residents.
- 8.3 The proposed development relates to the formation of two new dwellings in place of a former bungalow. The proposed development would result in the net gain of a family dwelling which is in broad accordance with the above noted policies.
- 8.4 Policy DM3 (4), as amended, states that, "The conversion or redevelopment of single storey dwellings (bungalows) will generally be resisted. Exceptions will be considered where the proposal;
- (i) Does not create an unacceptable juxtaposition within the streetscene that would harm the character and appearance of the area; and
  - (ii) Will not result in a net loss of housing accommodation suitable for the needs of Southend's older residents having regard to Building Regulation M4(2) accessibility standards."
- 8.5 In line with the findings of the 2022 Application, which was found acceptable in principle, the application site is within an established residential area which is not in a conservation area nor a heritage asset and which is mixed in terms of the size and design of dwellings such that the replacement dwellings would not appear out of keeping in the street scene. Furthermore, the agent confirms the development will be built in accordance with building regulation M4 (2) and has provided annotated plans to evidence this.
- 8.6 The development is therefore considered to be acceptable in principle. Other material planning considerations are discussed in the following sections of the report.

### Design and Impact on the Character of the Area

- 8.7 Local and national planning policies and guidance seek to ensure that new development is well designed. 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.
- 8.8 Local development plan policies seek to ensure that new development is designed so that it adds to the overall quality of the area and respects the character of the site, its local context and surroundings, provides appropriate detailing that contributes to and enhances the distinctiveness of place; and contribute positively to the space between buildings and their relationship to the public realm. Policy DM1 and the Council's Design and Townscape Guide provide further details on how this can be achieved.
- 8.9 The earlier 2022 Application was refused and dismissed at Appeal, mainly with regards to the resultant size, scale and bulk of the proposed development stemming from the main gabled roof form proposed. This was found to erode the *spaciousness at roof level both sides with No.32 and, especially, the bungalow at No.24*. Other secondary areas of concern were also raised by the Inspector in their assessment, which related to many of the detailed

design elements previously proposed, notably the placement, width, and square form of the projecting front gables, as well as the position and form of windows/rooflights which were found to unduly exacerbate and overly emphasise the width and height of built form close to the site side boundaries.

- 8.10 The appeal Inspector did not object to the principle of redevelopment of the site with a pair of semi-detached dwellinghouses and acknowledged that the layout and plot sizes would not be out of keeping with the established pattern of development (para 6 of appeal decision).
- 8.11 To overcome the identified harm, the design has been amended to replace the previously proposed main gabled roof form with a hipped roof of an overall reduced height, the predominate roof form in the immediate context of the site (properties either side and opposite) as reflected within the Inspector's comments at paragraph 8 of the appeal decision. This change would create built form that would respond to and suitably respect the existing spaciousness across the site, as well as creating a more sympathetic transition between neighbouring properties.
- 8.12 Responding further to the Inspector's comments at paragraph 9 of the appeal decision, the two storey front gabled projections have been re-positioned centrally and reduced in width, with the bay shape altered from a 'square' to a 'curved' bay. The gabled roofs over the bays have been redesigned to be of a smaller, more traditional scale with traditional timber panel detailing, responding positively to those seen elsewhere in the street. In addition, the formerly proposed strident gable window has been removed so that the projecting bays and roof form would not be read as a three-storey development from the public highway.
- 8.13 Finally, the fenestration has also been amended, with previously proposed front roof lights removed and the placement and alignment of windows formalised to replicate the more traditional facades seen elsewhere within the street.
- 8.14 The amendments proposed are considered to suitably reduce the overall scale and bulk of built form on the site and would ensure the perceived spaciousness across the site is maintained to an acceptable degree. The amended proposal is considered to overcome the previously identified harm and would now be acceptable with regards its design and character impact.
- 8.15 External materials locally are mixed. The proposed external materials are contemporary in nature and would be reasonably consistent with this however, it is appropriate that full details of external materials are secured by condition in the interest of visual amenity.
- 8.16 Consistent with the assessment of the 2022 Application, the provision of crossovers is not considered to result in material harm to the character and appearance of the site, the streetscene or the wider area.
- 8.17 The proposed site layout would allow for a reasonable amount of soft landscaping. In principle the provision of two off-street car parking spaces per dwelling on the site frontage would be acceptable subject to details of materials and boundary treatments which can be secured by condition. Full details of soft and hard landscaping can be reasonably secured through condition.
- 8.18 On this basis, noting the mixed character, scale and design of neighbouring properties, the character and appearance impacts of the revised development are acceptable and policy compliant in this regard. The basis of refusal of the 2022 Application has been overcome.

### **Impact on Residential Amenity**

- 8.19 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies that development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Further advice on how to achieve this is set out in the Council's Design and Townscape Guide.
- 8.20 The 2022 Application was found acceptable in its neighbour amenity impacts in both the officer's and Inspector's assessments which carries significant weight in the assessment of this revised scheme. Moreover, this current scheme is reduced in terms of its resultant scale and bulk following the changes to the roof form such that the previously accepted amenity impact would be reduced in this instance. The proposed siting and layout of the development is unchanged from the previously refused scheme.
- 8.21 The proposal is bounded by Nos. 32 (north) and 24 (south) Belfairs Drive. A significant drop in ground levels from south to north is noted. With regard to No.32, the proposed dwellings would project some 5m beyond the nearest neighbouring rear elevation but set off the shared flank boundary.
- 8.22 No 32 has no side windows facing the application site and a 1m separation to the shared boundary would be retained in line with the previous scheme. With regard to No.24, the proposal would project some 1.65m beyond the adjacent neighbouring rear elevation. Whilst three windows are noted to No.24's flank elevation, the first and third are obscure glazed and the middle window serves a shared kitchen/dining area which also has rear facing windows.
- 8.23 The development would result in increased built form over and above the existing bungalow on site. It would impact on neighbouring occupants at Nos. 24 and 32. This amended proposal no longer includes a flank gable end so the impact of the hipped roof now proposed would be of lesser magnitude than the refused scheme which, in itself, was found to be acceptable within this Local Planning Authority's and the appeal Inspector's assessments.
- 8.24 The proposed dwellings include windows in their flank elevations serving first floor stairwells. Subject to a condition requiring these are obscure glazed to prevent overlooking and retain neighbour privacy, no objections are raised on this basis.
- 8.25 Increased views of the neighbouring rear gardens could result from first and second floor accommodation in the proposed dwellings. However, the existing two storey development that surrounds the site leads to an existing degree of intra-looking of neighbour amenity space and in line with the previous officer's assessment, it is not considered that the proposal would give rise to any overlooking that would be materially worse than the existing situation or significantly harmful in its own right.
- 8.26 There is potential for noise and disturbance during construction. These matters can be controlled with conditions such as a construction management plan. In the interests of neighbour amenities, it is reasonable and appropriate that certain permitted development rights should be removed by condition in order that future extensions and ancillary development can be considered in light of their potential impacts, given the relatively modest scale of the site and its relationship to neighbouring dwellings and their gardens. Similarly a condition is recommended to control any future use of the development's single storey flat roofs as balconies or terraces.
- 8.27 Subject to the described conditions the application is acceptable and policy compliant in regard to its impact upon the amenities of the neighbouring occupiers. This conclusion is



consistent with the basis of decision on the previous application and appeal decision.

### **Standard of Accommodation**

- 8.28 Paragraph 135 of the NPPF states that “Planning policies and decisions should ensure that developments: create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users”.
- 8.29 The Technical Housing Standards published by the government and adopted by the Council with the amendments to Policy DM8 of the Development Management Document set out:
1. Minimum property size for a 3-storey, 5-bed dwelling with up to 8 persons shall be 134m<sup>2</sup> with internal storage of 3.5m<sup>2</sup>.
  2. Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5m<sup>2</sup> for a single bedroom with a minimum width of 2.15m; and 11.5m<sup>2</sup> for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.
  3. Floorspace with a head height of less than 1.5m should not be counted in the above calculations unless it is solely used for storage in which case 50% of that floorspace shall be counted.
- 8.30 Weight should also be given to the additional requirements of Policy DM8 including:
4. Amenity: Suitable space should be provided for private outdoor amenity, where feasible and appropriate to the scheme.
  5. Suitable, safe cycle storage with convenient access to the street frontage.
  6. Refuse Facilities: Storage facilities for waste and recycling containers should be provided in accordance with local authority requirements and meeting at least British Standard BS5906:2005 Code of Practice for waste management in Buildings.
- 8.31 The proposed dwellings would have internal areas and bedroom sizes that would meet the necessary requirements outlined above. The proposal would also meet the required internal storage standard. All habitable rooms would receive adequate daylight and sunlight. All habitable rooms would also have acceptable outlook. The proposed amenity spaces for the dwellings (some 100sqm in area) would be of an acceptable size and layout.
- 8.32 Policy DM8 of the Development Management Document as amended states that all new dwellings should comply with Building Regulation M4(2). Part M4(2) of the Building Regulations requires the need to provide adaptable and accessible dwellings. It is considered that it is possible for the dwellings to meet the criteria of Building Regulation M4(2), in line with confirmation received via annotated plans demonstrating compliance, so this matter can be reasonably dealt with through a planning condition.
- 8.33 Facilities for waste storage are not shown on the submitted plans. Sufficient space is considered to exist within the curtilage of each proposed dwelling for adequate provision. Subject to a condition requiring details to be submitted, no objections are raised on this basis.
- 8.34 The proposal remains acceptable and policy compliant in the above regards subject to conditions.

### **Traffic and Transportation Issues**

- 8.35 Paragraph 115 of the NPPF states that Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 8.36 Policy DM15 of the Development Management Document requires a minimum of 2no. parking spaces for 2+ bedroom dwellings and a minimum of 1no. cycle storage space per dwelling. The EVCI SPD requires at least one car parking space is fitted with an active electric vehicle charging point.
- 8.37 Each of the dwellings would be served by 2 off-street parking spaces which complies with policy. Each of the parking areas would be served by a newly formed dropped kerb onto Belfairs Drive some 4.8m wide which would accord with the Council's vehicle crossover policy and is acceptable. No objections have been raised by Highways officers. Separately, plans show the redundant vehicle crossover returned back to footway and a suitably worded condition can deal with this.
- 8.38 The applicant will be required to apply for separate highways consent to construct the vehicle crossovers. An informative will be added as a reminder.
- 8.39 Active electric charging facilities and cycle parking (within the rear garden area) can be secured by condition.
- 8.40 It is considered that subject to the described conditions, the development would provide adequate off-street parking for its needs and would not harm highway safety, the traffic network or parking conditions of the area. As such the proposal is acceptable and policy compliant in this respect. This conclusion is consistent with the basis of decision on the previous application and appeal decision.

### **Sustainability**

- 8.41 Policy KP2 of the Core Strategy states that all new development proposals should demonstrate how they will maximise the use of renewable and recycle energy, water and other resources. A minimum of 10% of the energy demands of the development, where feasible, should be provided by renewables to meet Policy KP2.
- 8.42 No details of renewable energy technologies have been described in the proposed submission e.g., solar panels. A condition can be attached to ensure the proposal complies with relevant requirements.
- 8.43 Policy DM2 of the Development Management Document part (iv) requires water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110lpd when including external water consumption). This requirement can be dealt with by condition.

### **Ecology and RAMS**

- 8.44 The site falls within the Zone of Influence for one or more European designated sites scoped into the Essex Coast Recreational Disturbance Avoidance Mitigation Strategy (RAMS). It is the Council's duty as a competent authority to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation.
- 8.45 Any new residential development has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. The RAMS Supplementary Planning Document (SPD) requires that a tariff of £156.76 (index linked) is paid per dwelling unit. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement.

- 8.46 The applicant has made the relevant payment and the proposed development is therefore acceptable and compliant with the adopted RAMS Supplementary Planning Document SPD.

### **Flooding and surface water drainage**

- 8.47 National policy requires that any development is safe from flooding and does not increase the risk of flooding elsewhere. The proposed dwellings would be partially built within undeveloped land, an area of the ground where surface water would otherwise permeate. Adequate drainage should be installed, including the use of permeable hardstanding to the front of the site, to ensure that there is no increased risk of flooding on site or elsewhere.
- 8.48 Details of drainage arrangements incorporating principles of Sustainable Drainage Systems can be secured by condition. Subject to such a condition, the development would be acceptable and policy compliant in these regards.

### **Community Infrastructure Levy (CIL)**

- 8.49 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. The proposed development includes a net internal area of some 310sqm, which may equate to a CIL charge of approximately £9,085.38 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the 'in-use building' test, as set out in the CIL Regulations 2010 (as amended), may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

### **Equality and Diversity**

- 8.50 The Equality Act 2010 (as amended) imposes important duties on public authorities in the exercise of their functions and specifically introduced a Public Sector Equality Duty. Under this duty, public organisations are required to have due regard for the need to eliminate unlawful discrimination, harassment and victimisation, and must advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. Officers have in considering this application and preparing this report had careful regard to the requirements of the Equalities Act 2010 (as amended). They have concluded that the decision recommended will not conflict with the Council's statutory duties under this legislation.

### **Conclusion**

- 8.51 Having regard to all material considerations assessed above, including the previously refused scheme at the site and the subsequent Inspector's comments at appeal, it is considered that subject to compliance with the attached conditions, the proposal would be acceptable and compliant with the objectives of the relevant national and local planning policies and guidance. This application is therefore recommended for approval, subject to conditions. The basis of refusal of the 2022 Application has been overcome.
- 8.52 This proposal creates new housing. Therefore, if any harm is identified, including in those areas for judgement identified within this report's analysis of the proposal, it would be necessary to demonstrate that in reaching the decision an appropriate balancing exercise has been undertaken considering the benefits of the proposal and any such harm. The Council has a deficit in housing land supply so the tilted balance in favour of sustainable development should be applied when determining the application as relevant. The test set

out by the NPPF is whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when considered against the policies of the NPPF taken as a whole. The proposal would make a contribution to the housing needs of the city which must be given increased weight in the planning balance, albeit the weight to be attached to this would not be so significant in this instance in view of the number of units involved. As there are no other material planning considerations which would justify reaching a different conclusion, this application is recommended for approval.

## **9 Recommendation**

**9.1 DELEGATE to the Director of Planning and Economy and/or the Development Control Service Manager to GRANT PLANNING PERMISSION subject to the conditions set out in the main report provided any additional representations received up to the end of 30th May 2024 do not raise any new considerations which have not been addressed within the report. Should further representations be received up to that date which raise new considerations not already addressed within this report the application is to be brought back to Development Control Committee for determination.**

**01 The development hereby permitted shall begin no later than three years from the date of this decision.**

**Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.**

**02 The development hereby permitted shall be carried solely out in accordance with the following approved plans: 010G; 020F; 021F; 022B; 023C; 024C; 025C**

**Reason: To ensure that the development is carried out in accordance with the provisions of the Development Plan.**

**03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no development shall take place, other than for demolition works and construction up to ground floor slab level, until and unless details of the materials to be used in the construction of the external elevations of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority pursuant to this condition. The development shall be carried out in full accordance with the approved details before it is occupied.**

**Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).**

**04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the proposed first floor windows in the flank elevations of the dwellings hereby approved shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy) and fixed shut (except for any top hung fan light which shall be a minimum of 1.7 metres above internal floor level of the room which they serve) and shall be retained as such for the lifetime of the development.**

**Reason: In the interests of neighbour amenities further to the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development**

**Management Document (2015) Policies DM1 and DM3 and the advice within the Southend-on-Sea Design and Townscape Guide (2009).**

**05 The dwellings hereby approved shall not be occupied until and unless full details of both hard and soft landscape works to be carried out at the site in association with the development have been submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping works shall be completed prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development. The details submitted shall include, but not limited to:**

- i. hard surfacing materials;**
- ii. details of the number, size and location of trees, shrubs and plants to be planted together with a planting specification;**
- iii. product details of the permeable paving or other sustainable drainage measures to be implemented to the front curtilage;**
- iv. all and any means of subdividing and enclosing the site.**

**Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority.**

**Reason: In the interests of visual amenity, the amenities of occupiers and the amenities of neighbouring occupiers, and to ensure a satisfactory standard of landscaping and drainage is implemented pursuant to Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).**

**06 Construction hours for the development hereby approved shall be restricted to 8am to 6pm Monday to Friday, 8am to 1pm on Saturdays and not at all on Sundays or Bank Holidays.**

**Reason: To protect the environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).**

**07 The development hereby approved shall be carried out in a manner to ensure the dwellings comply fully with Building Regulation M4(2) 'accessible and adaptable dwellings' before they are occupied.**

**Reason: To ensure the dwellings hereby approved provide high quality and flexible internal layouts to meet the changing needs of residents in accordance with the National Planning Policy Framework (2023), Policy KP2 of the Southend-on-Sea Core Strategy (2007), Policy DM2 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).**

**08 Prior to occupation of the development hereby approved details of energy efficiency and other sustainability measures to be included in the scheme, including the provision of at least 10% of the energy needs of the development hereby approved being provided from onsite renewable sources, shall be submitted to, agreed in writing by the Local Planning Authority and implemented on site in accordance with the agreed details.**

**Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM2, and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009)**

**09 The development hereby approved shall incorporate water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting before it is brought into use.**

**Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework (2023), Policy KP2 of the Southend-on-Sea Core Strategy (2007), Policy DM2 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).**

**10 Notwithstanding the provisions of Classes A, B, C, D and E of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any statutory amendment, modification or re-enactment or replacement thereof (as the case may be) for the time being in force), no extensions, porches, roof extensions or outbuildings shall be erected at the dwellings hereby approved without the receipt of express planning permission from the Local Planning Authority.**

**Reason: To allow consideration of impacts on neighbouring occupiers, in the interests of neighbour amenities, further to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).**

**11 The development hereby permitted shall not be occupied until and unless two off-street car parking spaces per dwelling have been provided and made available for use for each of the dwellings hereby approved in accordance with plan no. 021F, with properly made accesses to the public highway. At least 1no car parking space per dwelling shall be fitted with active electric vehicle charging infrastructure before the dwellings are occupied. The car parking spaces shall be retained as such for the lifetime of the development thereafter.**

**Reason: To ensure that satisfactory off-street parking is provided in the interests of residential amenity and highways efficiency and safety, in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy KP2, Development Management Document (2015) policy DM15 and the guidance in the Southend-on-Sea Design and Townscape Guide (2009) and the Electric Vehicle Charging Infrastructure (EVCI) for New Development Supplementary Planning Document (SPD) (2021)**

**12 No development shall take place, including any works of demolition, until and unless a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to**

throughout the construction period. The Statement shall provide, amongst other things, for:

- i) the parking of the vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding;
- v) measures to control the emission of dust and dirt during construction;
- vi) a scheme for recycling/disposing of waste resulting from demolition and construction works that does not allow for the burning of waste on site;
- vii) measures to limit noise and disturbance.

**Reason:** This pre-commencement condition is required in the interests of visual amenity, highway safety and the amenities of occupiers and neighbouring occupiers pursuant to Policy CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

**13** No drainage infrastructure associated with the development hereby approved shall be installed until details of surface water attenuation for the site, based on Sustainable Urban Drainage principles, have been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition. The development shall be carried out in accordance with the approved details before it is occupied.

**Reason:** To ensure the approved development does not increase flood risk elsewhere in accordance with National Planning Policy Framework (2023), Core Strategy (2007) Policies KP1, KP2 and KP3.

**14** Notwithstanding the details submitted and otherwise hereby approved full details (including elevations) shall be submitted to and approved in writing by the Local Planning Authority under the provisions of this condition identifying the provision of refuse and recycling storage and at least one covered and secure cycle parking per dwelling for the approved development at the site before the development is occupied. The approved refuse and recycling store and covered and secure cycle store facilities shall be provided in full and made available for use by the occupants of the dwellings prior to their first occupation and shall be retained as such in perpetuity.

**Reason:** In the interests of residential amenity for future occupants, to ensure the provision of adequate refuse storage and cycle parking and in the interests of visual amenity as set out in the National Planning Policy Framework (2023), Core Strategy (2007) policies KP2 and CP4 and Policies DM1, DM8 and DM15 of the Development Management Document (2015) and the guidance within the Southend-on-Sea Design and Townscape Guide (2009).

**15** The roof of the single storey rear projection of the dwellings hereby approved shall not be used as a balcony, roof garden or similar amenity area or for any other similar purpose unless express planning permission has previously been obtained. The roofs can however be used for the purposes of maintenance or to escape in an emergency.

**Reason:** To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (2023), Core Strategy (2007) Policy CP4, Development Management Document (2015) Policy DM1, and the advice contained within the Southend-on-Sea Design and Townscape Guide

(2009).

**16 Occupation of the development hereby approved shall not begin unless and until the reinstatement of the existing vehicle crossover serving the site has been completed and unless and until the new vehicle crossover hereby approved has been provided and made available for use by the occupiers of the development.**

**Reason: In the interest of pedestrian and highway safety, in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1, DM3 and DM14 of the Development Management Document (2015).**

**Positive and proactive statement:**

**The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.**

**Informatives:**

- 1 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notice. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability Notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil).**
- 2 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council will seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the city.**
- 3 Separate highways consent will be required for the formation of new vehicular accesses and for the re-instatement of the redundant vehicular access to the north of the application site.**





## Appeal Decision

Site visit made on 30 October 2023

**by Robin Buchanan BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21<sup>st</sup> November 2023

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### **Appeal Ref: APP/D1590/W/22/3309148 28 Belfairs Drive, Leigh-on-Sea SS9 3AA**

- 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 Bedrock Developments Ltd against the decision of Southend-on-Sea Borough Council.
  - The application Ref 22/01194/FUL, dated 18 July 2022, was refused by notice dated 1 September 2022.
  - The development proposed is demolish existing bungalow and construct 1no pair of 4 bed semi-detached houses with car parking to the front and private amenity space to the rear.
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### **Decision**

1. The appeal is dismissed.

### **Preliminary Matters**

2. At my request, the Council provided an explanation of what it considers to be its current 5-year housing land supply position. I have also taken account of the appellant's comments in response in determining the appeal.
3. Whereas the appellant has referred to the site as in a Conservation Area, the Council states it is not. There is no objective evidence before me to suggest the Council is wrong so I have determined the appeal on this basis.

### **Main Issues**

4. The main issues in this case are:

- the effect of the proposal on the character and appearance of the area; and
- the Council's housing land supply and delivery position.

### **Reasons**

#### *Character and appearance*

5. The appeal site is No.28 Belfairs Drive and its plot. This large, detached bungalow in a wide plot sits towards the higher, southern end of a row of dwellings along one side of this small sloping road facing a shorter row of dwellings opposite. This mix of detached and semi-detached two-storey houses, single-storey bungalows and chalet bungalows are varied in age and design. As such no one form dominates the streetscene which also has an appreciable sense of spaciousness and pleasant pollarded pavement trees. There is similar residential development in nearby roads in this built-up area of Leigh-on-Sea. Even if No.28 is of 'no architectural merit', as the appellant

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<https://www.gov.uk/planning-inspectorate>

suggests, it nonetheless therefore makes a positive contribution to the character and appearance of the area and as such does have intrinsic 'merit for town planning purposes'.

6. This road is not, though, in stasis. Some original dwellings have been extended, altered and adapted to meet living needs and evidently some, or some plots, redeveloped with newer dwellings, including of contemporary design. This includes No.32<sup>1</sup> which is a large, detached house on one side of No.28 and though there are several bungalows and chalet bungalows in this road, houses prevail by 2:1. While the proposal would diminish the number of bungalows, including the row of three formed by No.28 with Nos.22 and 24, a pair of semi-detached dwellings would not be incompatible per se in this local context. The proposed plot sizes would broadly be in-keeping with others in the road as would be the means of front garden parking.
7. Due to the slope, No.32 is the same or only slightly taller than the eave and ridge heights of the closest semi-detached houses north of it and the wide projecting front gable is simple in design with a similar pitch to equivalent gables in some of those houses. The main hipped roof and inset, subservient low pitched side hipped roof form significantly mitigates visual presence of this house in the streetscene and gives a sympathetic step-down in scale and massing of built form to No.28. It also maintains spaciousness on both sides of it, like other gaps at an upper level between the main hipped roofs at most houses in the road, including above or next to extensions over garages.
8. However, while the gabled main roof form of the proposed semi-detached houses would reflect some houses further south or north of the site, they are not close enough to set an appropriate template for the site where hipped roofs are evident either side and opposite. Though the main roof ridge would follow the fall in the slope, the gabled form would significantly erode the gap and spaciousness at roof level both sides with No.32 and, especially, the bungalow at No.24 and the individual and combined ridge lines would be quite long. There would be a substantial disparity in bulk of built form in relation to No.24, with an unduly abrupt overbearing transition and step-down in height, accentuated by the upper part and depth of the rear projecting gable in the facing side elevation of the southern house.
9. The projecting front gables would be narrower than in No.32 but significantly wider than in most pairs of semi-detached houses in the road and placed at the outer edge of each front elevation, not towards the centre. The two-storey square front bays would be inconsistent with the mostly curved or angled bays at these other houses and significantly more pronounced even than the square bays in the pair of semi-detached houses opposite the site. The gabled roofs over would be appreciably more steeply pitched, rise noticeably higher to main ridge level and include fenestration in placement and shape for which there is no evidence is reflected at other houses in the road.
10. Together with the number, alignment and placement of rooflights close to eaves level and windows below, these aspects of the design unduly exacerbate and overly emphasise the width and height of built form close to the site side boundaries. Even though the Council's 1m separation guideline has been followed, this is a minimum to be taken in the round, not a target to be achieved regardless. The significant increase in built form in this case,

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<sup>1</sup> Referred to by the appellant as No.30

particularly at first floor and roof levels would stretch across nearly the entire site width and vertically to roof ridge level close to the boundary on either side. As a result, overly close to No.32 (despite that this house is close to the common boundary, it already exists so must be respected, not necessarily repeated) and notably closer than the most significant gaps between the semi-detached pairs of houses to the north.

11. The proposal therefore fails to sufficiently reflect important aspects of the relationship of No.28 and its plot to its surroundings and important features of No.32 and the other most relevant houses in the road. Infilling the site with this cramped bulk and layout of built form would be at odds with the prevailing arrangement of these houses, significantly erode spaciousness and its overly dominant visual presence would jar in public views. These individual and cumulative adverse impacts would not be alleviated by detailed design articulation and this unacceptable form of development would not be 'fully integrated' into the streetscene without unacceptable detrimental harm.
12. Suitable external materials to complement the dwellings in Belfairs Drive could be secured by a planning condition and there is no apparent reason why the development with a contemporary slant would not be high quality in these respects. However, this would not overcome the matters set out above. There is no evidence that redeveloping the site as proposed is the only way to achieve more efficient use of it for housing or to remedy the appellant's perception of this 'aged poorly extended bungalow'. Nor that it is the only way to 'commence the renewal and regeneration' of 'rather tired and dated building stock' in this road. The proposal would not in any event set an entirely suitable or appropriate vision for this and there is no evidence of any specific Council initiative in this regard. Contemporary housing redevelopment has anyway already started in this road.
13. Taking all the above into account, I find that the proposal would adversely affect the character and appearance of the area. Consequently, it does not comply with Policies KP2 and CP4 of the Southend-on-Sea Core Strategy December 2007 (CS) or with Policies DM1 and DM3 of the Southend-on-Sea Development Management Document July 2015 (DMD). These policies include that development should be well designed to respect the character of the site, its local context and surroundings in terms of architectural approach and details of height, scale, form, massing, layout, grain, proportions and townscape. It should secure a good relationship to existing development, add to the overall quality of an area, create successful places and reinforce local distinctiveness.

#### *Housing land supply and delivery*

14. In July 2023 the Council considered it could demonstrate a 5-year supply of deliverable housing sites (5YHLS) using the Government's standard methodology, provided a 20% buffer is not applied. This is on the basis that the 2021 Housing Delivery Test (HDT) hasn't been updated since and in that case it says it has a 5.02-year supply. Even if so, at 31% of housing delivery it failed this HDT by a significant margin.
15. The Council suggests that housing delivery in Southend-on-Sea has 'performed well' against its CS local housing requirement of 325 dwellings per annum (dpa). It has also since adopted development plan documents (DPDs) seeking to deliver more homes. Because of the HDT position it applies the presumption in favour of sustainable development to decisions it makes. I also appreciate

that the Council must reconcile housing need and delivery against constraints, such as limited suitable land availability.

16. However, the CS was adopted more than 15 years ago and even the DPDs are approximately five years old or more. The CS housing requirement is therefore not up-to-date and substantially lower than housing need using the standard methodology (1,411 dpa) and even without a 20% buffer (1,176 dpa). A new local plan will consider the standard methodology for determining housing need but it is at public consultation stage. I have not been informed about a draft housing requirement. Nor is there evidence that any other review of the CS policies which set out the current housing requirement found they do not need updating.
17. The current National Planning Policy Framework (Framework) was recently published in September 2023. There is no change to paragraphs 74 and 75 or to paragraph 223<sup>2</sup>. Nor to relevant Planning Practice Guidance. Consequently, there is no apparent reason why the most recent HDT should be ignored and the 20% buffer not applied in this appeal. On this basis, and as the Council otherwise accepts, at 4.18-years it cannot currently demonstrate a 5-year supply of deliverable housing sites, with a shortfall of 1,151 dwellings.
18. Both main parties have referred to a previous appeal decision from 2021 but no details have been provided. It does not, anyway, reflect the current 5YHLS or HDT position and the appellant has not disputed these later figures.
19. I find that the council cannot currently demonstrate a 5-year supply of deliverable housing sites and that the most recent Housing Delivery Test has not been met.

### **Other Matters**

#### *European sites*

20. The appeal site is within a zone of influence of Essex coastline designated as European sites to protect habitat for important bird species<sup>3</sup>. Alone or in-combination with other development the net dwelling gain in this case would have a likely significant effect on the integrity of habitat and species in the European sites due to recreational disturbance by the additional residents visiting them.
21. With advice from Natural England and endorsed by it, the Council adopted a Recreational disturbance Avoidance and Mitigation Strategy (RAMS)<sup>4</sup>. It provides for a tariff based per dwelling financial contribution towards implementing strategic mitigation measures set out in the RAMS. Payment of the financial contribution must be secured by a suitable planning obligation. Prior to its decision, the Council received the requisite payment. By this means the Council considers that the proposal would have no adverse effect on the integrity of the European sites.

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<sup>2</sup> Starting on page 63 (as was paragraph 222)

<sup>3</sup> One or more Special Protection Area, Special Area of Conservation or Ramsar site

<sup>4</sup> Essex Coast Recreational disturbance Avoidance and Mitigation Strategy Supplementary Planning Document, May 2020

### *Other interested party comments*

22. Several residents and Leigh Town Council also objected to the proposal for other reasons, including effect on the living conditions of neighbouring residents, on and off-site parking and loss of a bungalow. I have had due regard to all these matters, but there is no compelling objective evidence to support what are therefore largely anecdotal or speculative matters. In particular, a snapshot of properties for sale may be indicative of churn or instant demand in the housing market, but it is not the same as sustained need over the duration of a plan period. While in this case that includes bungalows for elderly people it is not the only housing need that the Council seeks to meet. The Council did not object to the proposal for any of these reasons.

### *Council's decision*

23. Albeit by a narrow margin, Council members resolved to reject the officer recommendation to grant planning permission subject to conditions, as they can. It is therefore unsurprising, and of no material consequence, that some aspects of the Council's appeal statement provide a different explanation of certain matters than the officer report. Having made the decision that it did, I have determined this appeal on its individual planning merits.

### **Planning Balance**

24. In light of my finding on housing land supply and delivery, and either way (5YHLS or HDT), by virtue of footnote 8 Framework paragraph 11(d) is therefore engaged. The starting point is that planning permission should be granted.
25. The site is in a built-up area and the part excluding the garden is previously-developed land<sup>5</sup>. The family sized houses would be on a small windfall site in an accessible urban area near facilities and services and could be built relatively quickly. In a limited commensurate way a net gain of one house would contribute to meeting the Council's housing requirement and both houses would sustain employment during construction. These outcomes would align with objectives of the Framework to significantly boost the supply of homes, meet people's living needs and support the economy. These would be modest social and economic benefits from two dwellings (1 net gain) so, in my view, they each have moderate weight in support of the proposal.
26. However, the proposal would cause significant harm to the character and appearance of the area. This would undermine the Council's development plan objectives in this respect. These are broadly consistent with aims of the Framework to achieve well-designed places; including that development should add to the overall quality of the area, be visually attractive, sympathetic to prevailing local character and built environment, maintain a strong sense of place with respect to building types to create distinctive places to live.
27. In light of the 5YHLS and HDT position, reduced weight applies to these policies most important for determining the appeal. But while the CS was prepared and adopted against a different national planning policy context, the Framework is not materially changed in these regards. The DMD was adopted against a previous version of the Framework and it remains broadly consistent with the (current) Framework in these regards.

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<sup>5</sup> Framework Annex 2: Glossary

28. Consequently, notwithstanding the 5YHLS and HDT position and the not insignificant scale of housing shortfall, I consider that the support given in the Framework to delivering housing is not at the expense of ensuring that residential development is appropriate in relation to its surroundings. In my view, these important compelling adverse social and environmental impacts have substantial weight against the proposal.
29. In this appeal, policies in the Framework protect an area or asset of particular importance (the European sites). As the competent authority it would ordinarily be necessary for me to undertake Appropriate Assessment<sup>6</sup>. However, I consider that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. Consequently, the presumption in favour of sustainable development does not apply in this case.
30. Since I intend to dismiss the appeal, even if the proposal did not adversely affect the integrity of the European sites, so not provide a clear reason for refusing the development, there is no need for me to consider the European sites any further. This is because it would not affect my decision or alter the outcome of the appeal.

### **Conclusion**

31. The proposal conflicts with the development plan overall and with relevant provisions of the Framework. There are no other material considerations to indicate that the decision should be taken other than in accordance with the development plan<sup>7</sup>. Consequently, for the reasons given above the proposal is unacceptable and the appeal does not therefore succeed.

*Robin Buchanan*

INSPECTOR