



## Appeal Decision

Site visit made on 7 November 2017

**by AJ Steen BA (Hons) DipTP MRTPI**

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

**Decision date: 16 November 2017**

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**Appeal Ref: APP/D1590/W/17/3178645**

**423-425 Sutton Road, Southend-on-Sea SS2 5PQ**

- 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 Trafalgar Traditional Homes against the decision of Southend-on-Sea Borough Council.
  - The application Ref 17/00163/FUL, dated 1 February 2017, was refused by notice dated 29 March 2017.
  - The development proposed is demolish existing properties at 423-425 Sutton Road and construct 8 no. 3 bedroom terrace houses, 1 no. 2 bedroom detached house. Proposal to include 12 no. car parking spaces, bicycle storage and private external amenity space to each unit.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. Amended plans were submitted with the appeal that would make substantial alterations to the scheme, including an alternative location for the proposed access resulting in changes to the siting of dwellings and parking, landscaping, design and appearance. Given the limited consultation on those drawings, I consider that other parties would be prejudiced should I take them into account. Advice contained within the Procedural Guide – Planning Appeals – England at M.2.1 states that the appeal process should not be used to evolve a scheme and it is important that what is considered is essentially what was considered by the local planning authority. As the proposed amendments to the scheme are substantial, I have not taken the amended plans into account in coming to my decision.

### Main Issues

3. The main issues are:
  - whether prospective occupiers would enjoy satisfactory living conditions, having particular regard to the suitability of the external spaces;
  - the effect of the proposed development on highway safety with regard to the location of the access; and
  - the effect of the access to the proposed development on trees.

## Reasons

### *Living conditions*

4. The proposed development comprises eight dwellings in two terraces, along with a detached dwelling to the rear. The terraced houses would front the highway with an access formed between the two terraces and parking to the rear. The location of this parking limits the amount of space to provide outside amenity areas for the dwellings.
5. The size of the terraced houses with three bedrooms suggests that they are likely to be occupied by families. Usable outside amenity areas would be necessary to meet the needs of those occupants. The outside amenity areas proposed would be accessed and visible from the main living accommodation and mainly rectangular in shape, but would be small. I consider that the size of the space proposed would mean the space would not be usable, so would not adequately meet the needs of family occupiers of these dwellings.
6. The two bedroom detached dwelling would be set on a slightly larger plot, with a larger outside amenity area. Given this dwelling is smaller, it is likely to have less occupants and the size of outside amenity area need not be as large as for the terraced dwellings. As a result, the space provided for this dwelling would be satisfactory.
7. I note that there is no standard for the size of outside amenity space set by Southend-on-Sea Borough Council. Reference has been made to other dwellings with small gardens in the area, although I have limited information on the circumstances of those cases. As a result, I need to consider this case on its individual merits.
8. For these reasons, I conclude that prospective occupiers would not enjoy satisfactory living conditions, having particular regard to the suitability of the external spaces. As such, the proposal would be contrary to Policies DM1, DM3 and DM8 of the Southend-on-Sea Development Management Document (DMD) and the National Planning Policy Framework (the Framework) that seek good quality and well designed development that provides adequate living conditions for future residents, including making provision for usable private outdoor amenity space.

### *Highway safety*

9. Access is proposed to be taken between the two proposed terraces of houses, which is located in close proximity to the traffic island that provides a pedestrian refuge in the middle of the highway. The existing access is located to the side of the site on the other side of the traffic island.
10. The location of the proposed access in such close proximity to that traffic island would result in a complicated manoeuvre out of the site to head south on Sutton Road. This would affect the safety of users of the highway, including pedestrians using the traffic island.
11. For these reasons, I conclude that proximity of the proposed access to the traffic island in the middle of the road would result in harm to highway safety. As such, the proposed development would be contrary to Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (CS), Policies DM1, DM3 and DM15 of

the DMD and the Framework that seek to ensure access to development would not harm highway safety, taking account of all users of the highway.

*Trees*

12. There are two trees within the pavement on Sutton Road outside the site. There are limited numbers of trees visible in the street scene, such that they make a significant contribution to the character and appearance of the area. The proposed access would be located close to the larger of these trees and this proximity could result in its loss or significant damage, such that it would harm the tree.
13. For this reason, I conclude that the proposed development would harm the street tree, resulting in an adverse effect on the character and appearance of the area. As such, the proposed development would be contrary to Policies KP2 and CP4 of the CS, DM1 and DM3 of the DMD and the Framework that seek a high quality urban environment, including protecting the character of the context of the site and resisting the loss of significant trees.

*Other matters*

14. The appearance of the proposed development would reflect other contemporary forms of development in the surrounding area, such that, other than in relation to the impact on the tree, it would not harm the character or appearance of the area. Some neighbouring occupiers support development of this site with houses and the proposed dwellings would not adversely affect the living conditions of occupiers of surrounding dwellings. However, none of these matters would outweigh my conclusions on the main issues.

**Conclusion**

15. For the reasons set out above, I conclude that the proposed development would not accord with the development plan. Thus, having had regard to all other matters raised, the appeal should be dismissed.

*AJ Steen*

INSPECTOR