



Appeal Decision

Site visit made on 16 April 2018

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th April 2018

Appeal Ref: APP/D1590/W/17/3188745
34 Percy Road, Leigh-on-Sea SS9 2LA

- 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 H Collins against the decision of Southend-on-Sea Borough Council.
 - The application Ref 17/01041, dated 15 June 2017, was refused by notice dated 13 September 2017.
 - The development proposed is described as 'replacement dwelling. Demolish existing bungalow and replace with detached chalet bungalow.'
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Decision

1. The appeal is allowed and planning permission is granted to demolish the existing bungalow and garage and erect a replacement detached chalet style property at 34 Percy Road, Leigh-on-Sea SS9 2LA, in accordance with the terms of the application, Ref: 17/01041, dated 15 June 2017, subject to the conditions in the attached schedule.

Reasons

2. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.
3. The existing bungalow and garage sit in a residential street where no single architectural style or form is preeminent. Nevertheless, properties are broadly arranged in a discernible building line and positioned to face onto the street. Moreover, many of the properties are arranged over two floors and are typically set behind a front garden, most of which retain their planting and low front boundaries, and this, alongside the presence of grassed verges and street trees, softens the street scene. The arrangement of properties within Percy Road affords some harmony and composition to the street scene.
4. The appeal proposal is for the replacement of the existing buildings with a chalet style dwelling that would incorporate a basement. The width of the appeal site is wider than many of the plots nearby and the proposal would take advantage of this. However, this would result in a new dwelling that would be wider than is typical and thus unusually large. The horizontal emphasis of the box dormer would accentuate the effect of the bulk and massing.
5. However, the potential impact of the appeal scheme needs to be considered in the context of the recently approved proposal to significantly remodel the existing bungalow (Ref: 17/02115/FULH). This is a material fall-back position

- which could be implemented. The appeal scheme would have a similar height and width to the approved development but its form would be relatively softened by the cat slide type roof. Significantly, the depth of the approved development would be noticeably bulkier with greater massing and a lack of articulation. Consequently, the scale, size, bulk and massing of the proposal is acceptable when it is considered next to the approved fall back scheme.
6. National design guidance does not seek to impose architectural styles but does indicate that the visual appearance and the architecture of individual buildings are important factors. It also seeks to promote or reinforce local distinctiveness and the defining characteristics of an area. As such, good design requires a contextual approach and a new building should generally be of its place. In this context it is appropriate for the Council to assess the detailed design of the proposal and I have seen nothing to suggest it has made an unsubstantiated request for the scheme to follow a particular form or style.
 7. Nevertheless, I do not share the Council's view that the appeal scheme would fail to respond to its context. As already mentioned, Percy Road has a mixed architectural character but the pattern of development is reasonably consistent. The appeal scheme would be set behind a front garden, would face the road and gaps would be retained to either side of it. In this respect the layout of the proposal would reflect its surroundings.
 8. The pyramid style hipped roof, which would incorporate a chimney, draws inspiration from the existing bungalow and the cat slide element would reduce the overall massing such that a break or step would be unnecessary. The dormer window, which would appear discordant in many settings, would be appropriate in this location as box dormers are common place nearby¹. The chalet concept of the appeal scheme would read as an interpretation of this earlier style of dwelling, which incorporates verticality and horizontality, and this is a reasonable approach in an architecturally varied street scene.
 9. In its reason for refusal the Council have suggested that the materials would appear incongruous but the use of render at the ground floor level is unobjectionable as this finishing material is evident on many properties within the street and, although reddish plain tiles are the most common roof finish in the vicinity of the appeal site, slate is not an entirely alien material either.
 10. The form of the proposed dwelling would include recesses, splays and inverted areas but this would not appear odd in a building that is intentionally designed to be an unconventional interpretation of an earlier architectural style. The roof join at the north-east and north-west corners would be acceptable as slate wall cladding would be applied at a consistent height thereby providing a simple distinction between the slate roof covering and the rendered walls. Overall the detailed design of the appeal scheme, and its response to the local context, would be adequate.
 11. I therefore conclude that the proposal would preserve the character and appearance of the area and therefore a conflict with Policies DM1 and DM3 of the Development Management Document 2015, and Policies KP2 and CP4 of the Southend-on-Sea Core Strategy 2007, supported by the Design and Townscape Guide 2009, would not occur. These policies seek to secure good design that respects the character and local context of an area.

¹ Nos 12, 14 and 30 have box dormers and Nos 24-26 have a parapet type detail that echoes a box dormer.

Other Matters

12. I have carefully considered the previous proposal, which was subject to an unsuccessful appeal. This was for two large dwellings that would have had a greater massing and more hardstanding than the proposal before me. Thus, the two schemes are materially different and consequently there is no inconsistency in my conclusion.
13. I share the conclusions of the Council, for the reasons given in the Officer's report, that the proposal would not harm the living conditions of neighbours in respect of light, outlook and privacy and would provide adequate internal and external living space. I am also satisfied that there would be sufficient parking and I have seen nothing of substance to suggest the proposal would result in subsidence. The dwelling is unlikely to be affordable for the average family but it is necessary to provide a range of homes, including larger and more expensive ones. There are some minor inconsistencies in the drawings but these have not proven to be significant to my assessment.
14. The existing property is an attractive traditionally designed bungalow with a pleasing single garage to its side. It fits in comfortably with other nearby properties that are of a similar age or style, including those opposite and the semi at Nos 25-27 Percy Road. To the front is a simple but agreeable garden. The existing building contributes positively to the character and appearance of the area and therefore its loss would be regrettable. Nevertheless, I have seen nothing to suggest it is a heritage asset of any particular significance and the Council has already sanctioned its substantial remodelling by approving application 17/02115/FULH. Thus, the loss of the bungalow would not present a conflict with Policy DM3(4) of the DMP, which seeks to retain bungalows subject to exceptions, which would be met in this instance.

Conditions

15. It is necessary in the interests of safeguarding the character and appearance of the area, and the living conditions of neighbours, to ensure that the development is undertaken in accordance with the approved scaled drawings, ensure certain windows are obscured, that construction works are controlled and that landscaping and finishing materials are approved. Given the bespoke nature of the design and the size of the site it is necessary, for the same reasons given above to, exceptionally, remove certain permitted development rights.
16. In the interests of highway safety it is necessary to ensure adequate parking is provided. In order for the proposal to adhere to the development plan it is necessary for conditions to be imposed in respect of energy and water use and inclusive access.

Conclusion

17. The appeal scheme would adhere to the development plan and material considerations do not suggest the appeal should be dismissed in spite of this. Accordingly, for the reasons given above, and having regard to all matters raised, I conclude the appeal should be allowed.

Graham Chamberlain
INSPECTOR

Schedule of Conditions

Time Limit and Approved Plans

- 1) The development hereby permitted shall begin no later than 3 (three) years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans (or any subsequently approved non material amendment to these plans): 020B – Site, Block and Basement Plan, 021C - Elevations and floor Plans and 022a - Street Scene.

Requirements Triggered During the Construction Phase

- 3) Notwithstanding the details shown on the approved plans, no construction works above the slab level shall commence until details (name and manufacturer) and samples of the external finishing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the details and samples approved under this condition before it is occupied.
- 4) Notwithstanding the details shown on the approved plans, no construction works above the slab level shall take place until full details of both hard and soft landscape works to take place at the site have been submitted to and approved in writing by the local planning authority. These details shall include: proposed finished levels or contours; means of enclosure (including any gates); hard surfacing materials; and minor artefacts and structures. Details for the soft landscape works shall include the number, size and location of any shrubs, trees and plants to be planted together with a planting specification, the management of the site and the initial tree planting and tree staking details. The development shall be implemented in full accordance with the approved details before it is occupied.
- 5) Demolition or construction works associated with this permission shall not take place outside 08:00 hours to 18:00hours Mondays to Fridays and 08:00hours to 13:00hours on Saturdays and at no time Sundays or Bank Holidays.

Requirements Triggered Prior to Occupation

- 6) Prior to the occupation of the dwelling hereby approved, vehicle parking spaces shall be provided in accordance with the approved plans. The car parking spaces shall be kept available for the ancillary parking of motor vehicles at all times and permanently retained for this purpose.
- 7) Prior to the occupation of the dwelling hereby approved, a scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources must be submitted to and approved, in writing, by the Local Planning Authority. The approved details shall be implemented in full prior to the first occupation of the development. This provision shall be made for the lifetime of the development.

- 8) Prior to the occupation of the dwelling hereby approved, evidence shall have been submitted to the local planning authority demonstrating that the development will comply with the Building Regulations Optional requirement for water efficiency of 110 litres per person per day.
- 9) Prior to the occupation of the dwelling hereby approved, the roof lights in the southern elevation and the windows in the north elevation at first floor shall have been glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal floor level. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.
- 10) Prior to the occupation of the dwelling hereby approved, evidence shall have been submitted to the local planning authority demonstrating that the development has been carried out in a manner that complies with Building Regulation part M4 (2) 'accessible and adaptable dwellings'.

Requirements Triggered through Occupation

- 11) 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 Order 2015 (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force), no extensions or outbuildings shall be erected at the site.