



Appeal Decision

Site visit made on 23 January 2019

by E. Brownless, BA (Hons) Solicitor

an Inspector appointed by the Secretary of State

Decision date: 1st March 2019

Appeal Ref: APP/D1590/W/18/3214270
1333 London Road, Leigh-on-Sea, SS9 2AD

- 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 Mr M Saunders of Property Point against the decision of Southend-on-Sea Borough Council.
 - The application Ref: 18/00903/FUL dated 12 June 2018, was refused by notice dated 23 July 2018.
 - The development proposed is described as 'additional two-bedroom apartment, 1 No. parking space and associated bin and bike-stores'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are i) the effect of the proposal on the character and appearance of the surrounding area; and ii) whether future occupiers of the dwelling would have satisfactory living conditions having particular regard to the size of the dwelling and outdoor amenity space.

Reasons

Living Conditions

3. The proposal would reconfigure the ground floor storage area and provide an extension over the existing single storey element that would facilitate a two-bedroom apartment with a combined kitchen/diner area at first floor. The proposed bedrooms vary slightly in size, albeit they are largely the same shape and each bedroom would have en-suite bathroom facilities.
4. There is disagreement between the parties as to whether the proposed dwelling amounts to a three or four-person dwelling. The appellant submits the dwelling is designed to accommodate three persons, based upon a double and single bedroom. However, the nationally described space standards (NDSS) prescribes that a bedroom with a floor area over 11.5 square metres is counted as a double bedroom and consequently, I have assessed the proposal on the basis of it providing two double bedrooms for four persons.
5. Thus, in providing a property size of approximately 68square metres the proposal would fail to meet the requirements of the NDSS of 79 square metres for a 2-bedroom, 4 person, 2 storey dwelling. Whilst both bedrooms would exceed the minimum floor area and widths for double bedrooms, the shortfall

- in overall gross internal floor space is not off-set by the proposal's compliance with other space standards within the NDSS.
6. Policy DM8 of the Southend-on-Sea Development Management Document (July 2015)(DMD) relates to living conditions and states that the internal environment of all new dwellings must be high quality and flexible to meet the changing needs of residents. Furthermore, in order to achieve this, new dwellings should provide convenient, useable and effective room layouts and meet, if not exceed, the Council's residential space standards and the additional requirements of residential bedroom and amenity standards. In applying the standards of this policy, the proposed dwelling being for four persons would, in some instances, exceed the minimum space requirements, however, overall it would fail to meet the minimum gross internal floor area.
 7. The proposal makes provision for a sizeable communal kitchen/diner area and a relatively small balcony area accessed from the upper floor bedroom. However, having regard to the overall size of the accommodation, the unconventional layout of the proposal and the absence of any significant communal outdoor amenity space for the use of up to four persons, I consider the proposal would result in a poor standard of outdoor amenity space for future occupants.
 8. I have had regard to the aerial image provided by the appellant identifying areas of amenity provision. Whilst I accept there is some potential for occupants to use facilities at the relatively closely located Bonchurch Park, Belton Hills Nature Reserve and other services and facilities that the appellant has advised are available locally, this would not be a reasonable alternative to the use of privately accessed outdoor amenity space.
 9. The appellant has drawn my attention to an appeal decision¹ which concerned with the living conditions of the occupants of a dwelling. I agree with the Inspector in that case that adequate internal space is an important part of ensuring a good standard of amenity for all existing and future occupants, however, in this instance the particular circumstances of this development are not directly comparable to the appeal proposal, given that the Inspector noted the presence of a garden and well laid out flats. As such, a comparison is of limited relevance in this instance and I have considered the appeal before me on its individual planning merits.
 10. For the reasons above, I conclude that future occupiers of the proposed dwelling would not have satisfactory living conditions having particular regard to the size of the dwelling and outdoor amenity space. As such, the proposal would fail to comply with Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (December 2007) (CS), DMD Policies DM1, DM3 and DM8, the guidance of the Design and Townscape Guide (2009)(DTG) and paragraph 127(f) of the National Planning Policy Framework insofar as they require a high standard of amenity and satisfactory living conditions to meet the requirements of future occupants.

Character and appearance

11. The appeal site sits to the rear of No 1333 London Road, which occupies a prominent location at the junction with Tankerville Drive. Along Tankerville

¹ APP/M5450/A/13/2210221

Drive are a mixture of single and two-storey dwellings of varying architectural types and styles. Dwellings generally follow a similar build line towards the front of their plots, with small front gardens and hardstanding for the parking of vehicles and as such, Tankerville Drive has a pleasantly attractive appearance.

12. London Road is characterised by traditional buildings, mostly of two-storeys that are abutted together to form terrace blocks. Whilst there is some variety in designs and heights, there is some consistency with styles within terrace blocks. Consequently, London Road has a very separate and distinct character from the dwellings of Tankerville Drive.
13. No 1333 (the host building) is presently a commercial premises at ground floor level with glazed windows comprising the majority of its frontage facing London Road and part of the side elevation to Tankerville Drive. Residential flats sit above the commercial operation. To the rear, the adjoining dwelling, presently in use as flats, is set back from the build line and whilst it shares some similarities with host building, such as the inclusion of a pitched roof, its detail is less refined and consequently, it appears subservient to the host building.
14. Adjoining this dwelling is a substantial single storey rearward projection that is devoid of any windows or detail. As such, this element presently makes very little positive contribution to the character and appearance of the area.
15. I note that the proposal has sought to overcome the reasons for refusal of previous planning applications by a substantial reduction in size, scale, bulk and height. Despite this, the Council's concerns relate, in part, to the inclusion of a flat roof. Albeit, it would be a stark contrast to the pitched roof of the adjoining dwelling, it would largely replicate the length and depth of the existing single storey flat roof element. Whilst it would be at a greater height, it would be in keeping with the height and scale of the host building and the neighbouring two-storey dwelling and, to my mind, it would appear no more dominant or out of keep than the existing structure.
16. Furthermore, I noted at my site visit that there were a number of other flat roof structures within the locality. In particular, within the same terraced block, I observed that Nos. 1339 to 1353 had flat roofs in prominent positions fronting London Road. At the corner of this block, with the junction of Flemming Avenue, the building, complete with a flat roof, wraps around the entire corner. On the opposite corner of Flemming Avenue stands the recently added flat roof modern building accommodating a convenience store at ground floor and residential dwellings above.
17. Opposite the appeal site, the corner plot includes rearward extensions with flat roofs of a smaller scale than the proposal, together with an area of covered parking which is of a similar scale and appearance to the proposed undercroft parking. Albeit, not a common feature of the area, the presence of a similar parking arrangement opposite the site, together with its relatively small scale and numerous vehicles parked to the frontages of dwellings along Tankerville Drive would not lead to this part of the proposal appearing unduly prominent.
18. Further concerns of the Council relate to the proposed windows. Whilst I agree that these are a modern design and are largely unrelated to the host building and the dwellings of Tankerville Drive, there are examples of similar styles of windows within the buildings fronting London Road and those buildings

positioned at its corners with side streets such as Flemming Avenue and Belfairs Drive. As such, their inclusion would generally not be out of keeping with buildings fronting London Road.

19. Taking into account the above, whilst the proposal would not replicate the form and detailing of the host building, I consider that flat roof rearward projections are relatively commonplace additions to the rear of buildings fronting London Road, particularly those on corner plots. As such, the proposal would repeat this general pattern of development. Furthermore, by reason of its position being set back from the flank elevation build line of the host building and its lower eaves height, the proposal would appear more subservient to the host building.
20. Whilst the proposal is of a modern design, the inclusion of features such as a flat roof, Juliette windows and a balcony would reflect the character and appearance of other dwellings along London Road. The proposal would add interest to a presently bland flank wall, thus reducing the overall impact of its mass and the resultant effect would be an improvement to the overall character and appearance of the area.
21. Accordingly, I conclude that the proposal would not harm the character and appearance of the area and the proposal would accord with CS Policies KP2 and CP4, DMD Policies DM1 and DM3 and the guidance contained within the DTG. Among other things, these policies and guidance seek to ensure high quality design that respects the character and scale of the existing neighbourhood and reinforces local distinctiveness.

Other Matters

22. I have had regard to the proposal not adversely impacting the living conditions of neighbouring occupants, the accessibility of the site to services and facilities and the provision of adequate off-street car parking. However, the absence of harm is a neutral factor weighing neither for nor against the proposal.

Conclusion

23. No harm has been identified with regard to the character and appearance of the area. Nevertheless, the harm identified in relation to the living conditions of the future occupants of the proposal is decisive.
24. Accordingly, for the reasons stated above, and taking all other matters raised into consideration, the appeal should be dismissed.

E Brownless

INSPECTOR