

Reference:	24/00716/FUL	
Application Type:	FULL	
Ward:	Chalkwell	
Proposal:	Raise ridge height and extend roof to rear to form habitable accommodation in the loftspace, erect 3 storey side/rear extension, layout hard and soft landscaping to front side and rear, install canopy over entrance to side, layout parking and cycle storage to rear, alter elevations, convert existing detached garage to rear into gym with new canopy to north elevation and alter other elevations	
Address:	28 - 31 Chalkwell Esplanade, Westcliff-on-Sea, Essex	
Applicant:	Mr Woolley of Antler Developments Ltd	
Agent:	Mr Maz Rahman of RD architecture Ltd.	
Consultation Expiry:	04.07.2024	
Expiry Date:	20.09.2024	
Case Officer:	Abbie Greenwood	
Plan Nos:	200-P1, 210-P3, 220-P3, 230-P3	
Additional information:	Flood Risk Assessment dated 29.04.2024 Biodiversity Net Gain Exemption Report dated 09.05.2024	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 Site and Surroundings

- 1.1 The site is on the north side of Chalkwell Esplanade with an outlook onto the estuary. It contains a three storey detached building subdivided into 4 flats with parking to the rear. This building dates from the early to mid C20 and has a half hipped clay roof with feature chimneys and recessed balconies on the front elevation. The building appears to be a purpose built block of Arts and Crafts style flats but it has been altered over the years and is now lacking cohesion and makes only a neutral contribution to the streetscene.
- 1.2 The property is the easternmost in a group of detached buildings with similar roof forms in this part of Chalkwell Esplanade. Although each of the properties is a different design, the distinctive forward facing hipped or half hipped roofs, wide front balconies and a consistency of building width, spacing and scale (2-3 storeys) give the streetscene a recognisable character. As such they form a cohesive group within the wider frontage.
- 1.3 The properties are set on a consistent building line which follows the line of the street. All buildings are detached and most have a driveway to one side helping to separate each property from its neighbour. The spaces between the buildings vary but there is a distinct separation between the detached properties which informs the character within this area.
- 1.4 To the east of the application site is a modern block of flats of 2-5 storeys built on an amalgamated plot which has shallow hipped roofs in a tiered arrangement and significant depth. These flats appear much wider and bulkier than the prevailing streetscene and are out of place in this more domestic context. The finer grain of detached houses with hipped fronts continues on the other side of this block.
- 1.5 The surrounding area is generally characterised by residential development comprising mainly of large houses. The site is in Flood Zone 3a and within Development Management Seafront Character Zone 4.

2 The Proposal

- 2.1 The proposal seeks planning permission to raise the ridge height of the existing building and extend habitable accommodation into the roof and erect a 3 storey side/rear extension, layout hard and soft landscaping to the front side and rear, install a canopy over the entrance to the side, layout parking and cycle storage to the rear, and alter elevations. An existing garage to the rear will be converted into a gym including a new canopy to its north elevation and alteration of its elevations.
- 2.2 The proposed ridge would be 1.3m higher than the existing ridge and the hipped roof forms at the front and rear are proposed to change to half hips. The proposed 3 storey side / rear extension is located on the northwest (rear) corner of the building and measures 4.4m deep and 3.5m wide and is fully integrated into the proposed extended roof form.
- 2.3 The number of flats remains unchanged at 4 units in total despite the additional floor as currently there is one 2 bed flat on each of the ground and first floor and two 1 bed flats on the second floor. The proposal has one larger 2 bed flat on each of the four floors.
- 2.4 4 parking spaces are proposed to the rear of the building together with a cycle store. The frontage is proposed as mainly soft landscaped except for a section next to the pavement for the bin store and the driveway which has electric gates.

- 2.5 The proposed materials are shown as brick to the ground floor with render above and a grey standing seam style roof which overlaps the sides.
- 2.6 The application follows the refusal of a 2021 application 21/02094/FUL to ‘erect four storey side/rear extension and first and second floor side extension, raise ridge height and install roof extension to sides to form habitable accommodation in the loftspace with balconies to front and alter elevations’ That application was refused for the following reasons:
- 01 The proposal would, by reason of the scale, form and detailed design of the proposed extensions and alterations, result in a visually dominant, out of keeping, incongruous and contrived addition to the existing building which would cause significant harm to the character and appearance of the site, the streetscene and wider area. This harm is not outweighed by the public benefits of the proposal including the provision of 1 additional dwelling. This is unacceptable and contrary to the National Planning Policy Framework (2021), policies KP2 and CP4 of the Core Strategy (2007), policies DM1, DM3 and DM6 of the Development Management Document (2015) and the advice contained within the Southend Design and Townscape Guide (2009).*
- 02 The development offers no reasonable mitigation of the in-combination effect of the net increase of one dwelling on habitats and species in accordance with the Habitats Regulations as identified in the adopted Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) SPD (2020). This is unacceptable and contrary to the RAMS, and Policies KP1, KP2 and CP4 of the Core Strategy and Policy DM6 of the Development Management Document which seek to protect the natural environment with specific reference to the coastal habitats.*
- 2.7 This LPA’s decision was subsequently supported through dismissal of planning appeal APP/D1590/W/22/3294840
- 2.8 A copy of the Appeal Decision is at Appendix 1. This identified that the second reason for refusal, RAMS, was not sustainable as the development did not increase unit numbers ~~from~~ the 4 flats already within the building.

3 Relevant Planning History

- 3.1 The most relevant planning history for the determination of this application is shown on Table 1 below:

Table 1: Relevant Planning History of the Application Site

Reference	Description	Outcome
24/00327/PREAPF	Rear infill extension, loft conversion/raising roof, and alterations to elevations, parking, amenity, demolish furthest rear garage (meeting and written advice)	Advice Given
23/01205/PREAPF	Meeting with written advice-Full remodel of 4 x apartments & Erect holiday home	Advice Given
21/02094/FUL	Erect four storey side/rear extension and first and second floor side extension, raise ridge height and install roof extension to sides to form habitable accommodation in the loftspace with balconies to front and alter elevations	Refused and Dismissed at Appeal
21/00629/PREAPF	Demolish existing residential building and erect new building with additional storey and	Advice Given

	penthouse and additional massing width to provide 5 new 2 bed apartments	
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4 Representation Summary

Public Consultation

4.1 Eighteen neighbouring properties were consulted and a site notice displayed. 5 representations have been received raising the following summarised issues:

- The design is poorly conceived and out of context with the domestic character of the area.
- Over development and intensification of the site. The increase in height is incongruent and inappropriate and out of character.
- The design is worse than previously refused.
- Over scaled in relation to No 33.
- The mix of modern and traditional is inappropriate.
- The extensive glazing will lead to over heating and may require air conditioning which is bad for the environment.
- Concerns over potential noise and disturbance including from the proposed gym and fumes from parking area. The gym should not be public.
- Lack of parking spaces.
- Impact on neighbour amenity.
- Overlooking of neighbouring properties and loss of light.
- Developer greed.

Officer Comment: These concerns are noted and those that represent material planning considerations have been taken into account in the assessment of the application. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case. The gym is not proposed for public use.

Other Consultees

Highways

4.2 There are no highway objections to this proposal off street parking has been provided and the parking layout ensures that vehicles can enter and leave effectively. It is not considered that the proposal will have a detrimental impact on the local highway network. Secure cycle should also be provided.

LLFA

4.3 The proposed floor level of the extension should be no lower than the existing floor levels and should incorporate flood resilience measures.

Replacing the existing concrete with porous paving is welcomed however the applicant should also consider measures to reduce site discharge such as green roofs, water butts, rain gardens.

Environment Agency

4.4 No objections.

Essex Fire Service

4.5 No objections.

5 Procedural matters

5.1 This application is presented to the Development Control Committee because it has been called in by Cllr Habermel.

6 Planning Policy and Legislation Summary

6.1 The National Planning Policy Framework (NPPF) (2021)

6.2 National Planning Policy Guidance(2024)

6.3 National Design Guide (updated 2021)

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

6.5 Development Management Document (2015) Policies DM1 (Design Quality), DM2 (Low Carbon Development), DM3 (The Efficient and effective use of land), DM6 (Southend Seafront), DM7(Dwelling Provision), DM8 (Residential Standards), DM15 (Sustainable Transport Management)

6.6 The Southend-on-Sea Design & Townscape Guide (2009)

6.7 Vehicle Crossing Policy & Application Guidance (2014)

6.8 National Technical Housing Standards (2015)

6.9 Essex Coast Recreational Disturbance Avoidance Mitigation Strategy (RAMS) Supplementary Planning Document (2020)

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

6.11 Electric Vehicles Infrastructure Supplementary Planning Guidance (2021)

6.12 Town and Country Planning Act 1990 (as amended): Section 90A, Schedule 7A (Biodiversity Net Gain)

7 Planning Considerations

7.1 The main considerations for this application are the principle of the development including flood risk, the design including the impact of the proposed works on the character and appearance of the area, the standard of accommodation for future occupiers, impact on residential amenity, traffic and transportation implications, sustainability, ecology impact including Biodiversity Net Gain, RAMs and CIL.

8 Appraisal

Principle of Development

8.1 Policy DM3 of the Development Management Document states that "*the Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does*

not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity”.

- 8.2 The proposal seeks to enlarge the existing building to create larger flats. There is no increase in the number of units and no change of use is proposed. There is no objection to the development in principle subject to the detailed considerations set out below including flood risk.

Flood Risk

- 8.3 In relation to sites within flood risk areas Policy KP1 of the Core strategy states: *‘Development will only be permitted where that assessment clearly demonstrates that it is appropriate in terms of its type, siting and the mitigation measures proposed, using appropriate and sustainable flood risk management options which safeguard the biodiversity importance of the foreshore and/or effective sustainable drainage measures.’*
- 8.4 Policy KP2 states that new development should be sustainably located including applying the sequential test approach to *‘avoid or appropriately mitigate flood risk.’*
- 8.5 Policy DM6 of the Development Management Document states *‘2. All development proposals within the Seafront Area must take account of flood risk and coastal change. This will include, where appropriate, developing, agreeing and then incorporating:*
- i. Appropriate flood defence and engineering solutions; and/or*
 - ii. Flood resistant and resilient design that provides safe refuge to occupants in the event of a flood and is easily restored after the event.*
 - iii. Design solutions which do not prevent or restrict future maintenance and improvement of flood defences and the Borough Council’s ability to manage coastal change’.*
- 8.6 The proposal is situated in flood zone 3a (high risk) and the development use (Class C3 market housing) is classed as being a ‘more vulnerable’ use by the Environment Agency. The proposal is for an extension of the existing units at ground to second floor and creation of one additional unit at 3rd floor level.
- 8.7 The existing ground floor unit in particular is at risk of flooding in a 1 in 200 and a 1 in 1000 event. The upper floors are above the predicted floor levels so occupants of the upper floors can safely remain in their flats. A Flood Risk Assessment has been submitted with the application. This concludes:
- ‘The ground floor flat is existing so it will not be possible to raise the floor levels however, the refurbishment works will make this unit more resilient to flooding if it occurs including flood resilient internal wall coverings and floors and fitting flood devices to drainage systems and that wireless flood detectors are fitted to warn residents of a breach.*
 - It is recommended that residents sign up to the Environment Agency Flood Warning Systems which will provide early warning to residents giving them time to evacuate the premises. Evacuation routes have been identified.*
 - The design also proposes the use of porous paving and new drainage channels in the parking area which can be secured by condition.’*
- 8.8 These proposed flood resilience measures are an enhancement over the current arrangements for the existing residential units at the site. Flood risk was not raised as a concern in the recent appeal decision in 2023 and the Environment Agency have not

raised any objection to the proposal. On this basis, the principle of extending and remodelling the building in reference to flood risk is acceptable subject to securing the proposed flood resilience measures which can be achieved via condition. The principle of the proposal is therefore acceptable and the development is policy compliant in this regard.

Design and Impact on the Character of the Area

- 8.9 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.
- 8.10 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.
- 8.11 The frontage of Chalkwell Esplanade, including the appeal site, is within Seafront Character Zone 4 set out in Policy Table 1 in support of Policy DM6 of the Development Management Document. Design objectives for the zone include: (iv) resisting inappropriate development fronting the Seafront to ensure that established seafront architectural style and form is maintained in this location); (vi) preserving the vernacular form and urban grain such that the further amalgamation of plots and large format bulky buildings are not considered appropriate and will be resisted ; and (vii) the low rise height of buildings should be maintained and development only allowed where it is appropriate to its context and adds to the overall quality of the area.
- 8.12 This section of Chalkwell Esplanade is characterised by mainly 2-3 storey large, detached dwellings and some small, flatted blocks of 3-5 storeys. The buildings are arranged on a consistent building line set well back from the pavements and generally separated by driveways giving a more spacious and grander feel than other areas of the city. Each property is different from its neighbour but most have a distinctive front facing, pitched roof giving the properties a distinctly domestic character and providing a cohesive frontage at the western end of the promenade. There are a couple of anomalies within the street block. The first is Chapman Sands a larger flatted block on an amalgamated plot to the east side of the proposal site. This development is much wider, taller (up to 5 storeys) and bulkier than its neighbours and is considered to have eroded the grain and pattern of development in this section of the esplanade. The other anomaly is Viceroy Court at the junction with Chalkwell Avenue. This is a lower scale, 1970s style flatted block with a box like form and roofs which is also at odds with the streetscene. Further afield are some larger buildings which, in isolation, have caused harm to the seafront character. All these buildings were developed prior to the adoption of the Development Management Document containing Policy DM6 which seeks to stop the erosion of the character of the esplanade by preventing 'Further amalgamation of existing plots and large format bulky buildings.' The supporting text for this policy provides the background to the seafront policy and states 'The main concern for the character of the Seafront is the gradual degradation of that which makes it unique.
- 8.13 The unsympathetic increase in scale in some locations and loss of historic grain has had a detrimental effect on the integrity and character of the Seafront. As a consequence, there is a need to adopt design principles that influence form, appearance and massing so that they are appropriate to the differing characters along the Seafront.' These larger

blocks are therefore considered to have harmed the character of the seafront in this location and should not inform the scale and nature of new development. This assessment of character was supported by the Appeal Inspector in dismissing appeal reference APP/D1590/W/22/3294840.

8.14 The key points raised by the Inspector in that 2021 appeal are as follows:

‘6. The existing scale, appearance, roofscape and layout within the plot of the appeal property are all broadly comparable to those immediately to the west including Nos.33-37 Chalkwell Esplanade and to a group to the east comprising Nos.9-21 Chalkwell Esplanade. These properties, including the appeal site, are also laid out to provide a reasonably consistent rhythm through spaces to the side of the properties which afford views through to housing further inland. These properties which are all either 2 or 3 storey in height also provide a reasonable coherence in appearance through the layout of hipped front roofs orientated to the coast. There are only a small number of anomalous examples in the host frontage block including an original larger property at the corner with Crowstone Avenue, the 1960s/1970s flats development at Viceroy Court on the corner with Chalkwell Avenue and the modern 5 storey, double plot width development at No.25 Chapman Sands immediately to the east of the appeal site. Whilst some other plots have been sympathetically remodelled there nonetheless remains a reasonable consistency and intactness to the appearance, massing and layout of the residential properties fronting Chalkwell Esplanade in the frontage block containing the appeal site.

7. In contrast to the prevailing frontage character in the host block described above, the appeal proposal would result in a conspicuously bulky structure due to a combination of occupying the full width of the plot and the increase in height of the building including a cumbersome roofscape. The resultant massing of the building would be incongruously larger than the relatively modest domestic 2-3 storey dwellings which still make up the majority of buildings in this part of the Seafront. Furthermore, the proposed design would result in the loss of the side gap within the plot which currently makes a significant contribution to the degree of separation to the large modern building at No.25.

8. In terms of the significant reduction in the gap that currently separates the existing property from No.25 to the east, the consequence of this would not be a gradual stepping up in scale from No.33 as suggested by the appellant. The result would be a discordant agglomeration of bulky buildings starkly at odds with the surrounding pattern of more modestly scaled residential properties in this part of the Seafront. In considering this harmful impact I do not consider the proposed vehicular undercroft, which would afford and retain only a very limited sense of openness through the site, would sufficiently mitigate the harmful consolidating effect identified.

9. In terms of the appearance of the proposed building, there would be a loss of the extent of the characteristic hipped roof orientated to the seafront. The proposed minor element of hipped roof would not overcome or deflect from what would be an awkward and inelegant roofscape comprising a jarring assemblage of pitched, hipped and flat roof elements to accommodate the additional level of residential accommodation proposed.

10. Additionally, the proposed building would result in an unusual blocky appearance due to the extent of the proposed linear and horizontal structural framework on the front elevation clad in dark oak timber. This is not the predominant appearance of seafront buildings on this part of Esplanade and so the extent of the clad framework would appear visually jarring. I observed the appearance of Nos. 25 and 33 adjacent to either side of the appeal site and whilst these have strong horizontal frameworks, they echo the orientation of buildings to the coast. I note on No.25 the supporting vertical steel

columns for the balconies, but these are relatively modest in scale and number and widely spaced along the frontage of the building such that they do not visually dominate. Similar applies to the limited timber framework struts on the existing building at the appeal site which support the front balconies. Accordingly, the extent and dominance of the proposed framework on the front elevation, particularly the extensive vertical elements, would be harmful to the appearance of the appeal building.

15. I therefore conclude by virtue of its scale, massing and roofscape that the appeal proposal would have a significantly harmful effect on the character and appearance of the surrounding area. It would be contrary to the general design objectives in Policies KP2 and CP4 of the Southend-on-Sea Core Strategy 2007 and Policies DM1 and DM3 of the SSDMD. These policies collectively seek to secure high quality design that amongst other things would add to the overall quality of the area, maintain and enhance the appeal and character of residential areas, secure good relationships with existing development and specifically for alterations and additions are expected to make a positive contribution to the character of the host building and surrounding area. Moreover, and specifically, as a seafront location, the appeal proposal would be contrary to SSDMD Policy DM6 which seeks to protect existing buildings along the Seafront that form a cohesive frontage and contribute to the sense of place.’ A full copy of the appeal is available at Appendix 1.

- 8.15 In order to address the Inspector’s concerns, the proposal has been reduced in width so that the vehicular access to the east side remains open which maintains the distinct separation to Chapman Sands to the east. The development has been modestly reduced in height by 0.1m, however the significant reduction in width of the development and the alteration of the detailing of the frontage to omit the heavy exposed framing to the balconies previously proposed and improvements to the roof form to the sides and rear has significantly reduced the bulk of the proposed development compared to the 2021 appeal scheme. The change in materials at ground level and on the top floor also help to reduce the perceived scale of the development in the streetscene. The proposal would provide an appropriate transition between No 33 and the taller Chapman Sands and the simple hipped roof form, materials and wide balconies suitably reference the character of this part of Chalkwell Esplanade.
- 8.16 The proposal also includes a fully landscaped frontage and a significant amount of soft landscaping to the rear which will provide an enhanced setting and make a positive contribution to the seafront.
- 8.17 Overall, it is considered that that the amended design has satisfactorily addressed the Inspector’s concerns and would acceptably integrate into the streetscene of Chalkwell Esplanade . The proposal is therefore considered to be acceptable and policy compliant in regards to design and character matters. The first reason for the 2021 refusal has been overcome.

Amenity Impacts

- 8.18 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.

Impact on No 33 Chalkwell Esplanade to the West

- 8.19 The neighbour to the west No 33 Chalkwell Esplanade is set 1m off the side boundary and has 3 windows on its flank elevation facing the site which serve a laundry, staircase and WC. The proposed development adds 1 storey and a rear extension to the existing building but these additions would have a similar impact on these non-habitable room windows as the existing building. The neighbour has a single storey projection to the rear of the building which has a depth of 2.9m. This is set further off the shared boundary at 2m. The proposed extension would extend 1.6m past the main rear building line of this neighbour but would be 1.65m short of the single storey projection of No 33. The extension would be 3.5 storeys in height but have no windows facing towards that neighbour. The impact of the height of this extension is offset by its limited projection past the neighbour and overall this relationship is considered to be acceptable.
- 8.20 To the front, the remodelled balconies are 2.25m deep. Enclosure and obscure glazing is maintained to each end to prevent unreasonable overlooking of the neighbours balconies.
- 8.21 Overall therefore the impact on the amenities of No 33 Chalkwell Esplanade is considered to be acceptable in all relevant regards.

Neighbour to the east Chapman Sands

- 8.22 The neighbour to the east, Chapman Sands, has 2 small windows on its flank elevation facing the site which are secondary windows to the main living spaces and are obscure glazed. There are also 3 taller windows on the return elevation facing south which are secondary windows to rear bedrooms. Chapman Sands is 1.7m off the shared boundary. The driveway to the rear parking area of the site provides another 2.8m separation to this neighbour making a total of 4.5m.
- 8.23 The proposed extension is located away from this neighbour so will have no harmful impact. The roof extension increases the height of the existing building but this still remains subservient in scale to Chapman Sands. Only non habitable bathroom and landing windows are located on the proposal's east elevation facing this neighbour and these can be conditioned to be obscure glazed. As noted above, the balconies to the front will have obscure glazed screens to the sides to suitably restrict outlook east and west.
- 8.24 Overall it is considered that the proposal would have an acceptable impact on the amenities of this neighbour in all relevant regards.
- 8.25 The proposal is at least 30m ~~from~~ from the boundary shared with gardens of dwellings to the rear. Those neighbours' amenities would not be detrimentally impacted in any relevant regards.
- 8.26 Third party concerns have been raised about potential noise and disturbance from the proposed gym within the existing garage and from cars parking at the rear of the site. The gym is a small scale facility which will be ancillary to the dwellings and not for the public. This can be controlled by condition to prevent general use. There is already parking at the rear of the building so overall the impact from cars using this area on neighbours will not be materially different. Subject to conditions, the proposed gym and parking arrangement is considered to have an acceptable impact on the amenity of neighbours.
- 8.27 Overall, the proposal is considered to have a satisfactory impact on the amenities of all neighbours and is acceptable and policy compliant in these regards.

Standard of Accommodation

- 8.28 Delivering high quality homes is a key objective of the NPPF. Policy DM3 of the Development Management Document states that proposals should be resisted where they create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents.
- 8.29 The proposal includes 1 new flat within the enlarged roof and enlargement and improvement of existing flats on the lower floors including the amalgamation of 2 smaller units at 2nd floor level resulting in the same number of flats, 4, overall.
- 8.30 All new homes are required to meet the National Technical Housing Standards in terms of floorspace. The required size for a two storey, 2 bed 4 person household is 70sqm and the minimum standards for double bedrooms are 11.5 sqm with a minimum width 2.75m for the master reducing to 2.55m wide for other doubles. All proposed flats would be generous in size and meet the required standards in all regards. One of the existing flats fails to meet those standards and another is a 1 person unit only so there would be an uplift in accommodation quality as a result of the scheme. This is to the benefit of the proposal.
- 8.31 All proposed flats would also have generous front balconies, twice the size of the existing balconies which serve only 3 of the 4 units. This is also an improvement over the existing situation. Some areas of communal garden and a private residents only gym are also proposed. The development therefore provides a good level of amenity space for the residents and an uplift over the existing arrangement.
- 8.32 All habitable rooms have good light and outlook.
- 8.33 Level access is proposed to the main entrance in place of the existing step and the flats are more generous. The existing building has no lift access. As a conversion scheme there is no policy requirement for the development to meet M4(2) accessibility standards. The proposal is therefore acceptable and policy compliant in this regard.
- 8.34 Overall the proposal provides an acceptable and policy compliant standard of accommodation which is an uplift over the existing accommodation arrangements.

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 CP3 of the Core Strategy and Policy DM15 of the Development Management Document aim to improve road safety, quality of life and equality of access for all. Policy DM15 of the Development Management Document states that development will be allowed where there is, or it can be demonstrated that there will be physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner. The parking standard for flats in this location is 1 space per unit.
- 8.37 Four parking spaces for the four flats are proposed to the rear of the site. This complies fully with policy and the proposal is acceptable in this regard. As a conversion scheme there is no requirement for these spaces to have electric vehicle charging however the agent has agreed to include these in the scheme and this is welcomed. An informative will be added to this effect.

- 8.38 Space is also shown for cycle parking and refuse storage and full details of these stores can be agreed by condition.
- 8.39 Subject to conditions, the proposal is considered to have an acceptable impact on traffic and highways.

Sustainability

- 8.40 Sustainable development is a key objective of the NPPF.
- 8.41 Policy KP2 of the Core Strategy requires that: “at least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources).” Policy DM2 of the Development Management Document states that: “to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions.” This includes energy efficient design and the use of water efficient fittings, appliances, and water recycling systems such as grey water and rainwater harvesting.
- 8.42 No details have been provided but this can be secured by condition. The proposal is acceptable and policy compliant in this regard, subject to these conditions.

Ecology, Biodiversity, HRA and RAMS

Biodiversity Net Gain (BNG)

- 8.43 Under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) Biodiversity Net Gain (BNG) is mandatory from 12 February 2024 for major schemes and 2 April 2024 for small sites. Schedule 14 of the Environment Act sets out that a general 10% Biodiversity Net Gain (BNG) condition applies automatically to all planning permissions (except those exempt from BNG requirements). BNG is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity.
- 8.44 A Biodiversity Net Gain Exemption Report has been submitted with the application. This states that as the proposed ground level extension is less than 25sqm it meets the requirements for an exemption of BNG requirements. The footprint of the proposed extension is 15.4sqm. The exemption therefore applies. Notwithstanding this the proposal is seeking to provide new areas of ground level landscaping and amenity to the front and rear which will boost the biodiversity of the site. This is a benefit to the scheme and details can be controlled by condition. The proposal is acceptable and policy compliant in this regard.

RAMS

- 8.45 The site falls within the Zone of Influence for one or more European designated sites scoped into the emerging 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. However, whilst the proposal is adding another floor and the units are increasing in size, there is no net gain in dwelling numbers so there is no requirement for a RAMS payment in this instance. Consistent with the findings in the 2021 appeal a RAMS contribution is not needed as the number of dwellings is not increased by the proposal.

- 8.46 Overall, subject to a landscaping condition, the proposal is acceptable and policy compliant in this regard.

Community Infrastructure Levy (CIL)

- 8.47 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 results in an increase in the gross internal area of 138.5 sqm, which may equate to a CIL charge of approximately £ 12,177.35 (subject to confirmation).

Equality and Diversity Issues

- 8.48 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

- 8.49 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development which improves and enlarges an existing 4 unit flats block would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The proposal has satisfactorily addressed the Inspector's concerns in the 2021 appeal about the design, scale and form of the development and would have an acceptable impact on the character and appearance of the application site, street scene and the locality more widely. The impact on the amenities of neighbouring occupiers is acceptable and there would be no materially adverse traffic, parking or highways impacts caused by the proposed development. This application is therefore recommended for approval subject to conditions.

9 Recommendation

- 9.1 **GRANT PLANNING PERMISSION subject to the following conditions:**

- 01 The development hereby permitted shall begin no later than three years of 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 out in accordance with the following approved plans 200-P1, 210-P3, 220-P3, 230-P3 .**

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

03 The development hereby approved shall be carried out and completed in full accordance with the mitigation measures identified in the Flood Risk Assessment dated 29.04.2024 including that the finished floor levels of the ground floor part of the extension shall be set no lower than the finished ground floor levels within the existing building and with flood proofing measures incorporated where appropriate.

Reason: To ensure that occupiers of the development are not placed at increased risk given that the site is a risk of flooding.

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place until full product details of all the materials to be used on all the external elevations of the development hereby approved, including walls, roof including ridge and eaves, fascia and soffits, windows and doors, balconies including balustrade, flooring, fascia and underside, porch canopy, boundary walls and fences, driveway including parking area have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details before it is first occupied.

Reason: To safeguard the visual amenities of the area, in accordance with the National Planning Policy Framework (2023) Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM6 and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

05 Prior to occupation of the extensions hereby approved, appropriate water efficient design measures as 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), to include measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be implemented for the whole development and retained in perpetuity.

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

06 A scheme detailing how at least 10% of the total energy needs of the development hereby approved will be supplied, using on site renewable sources must be submitted to and agreed in writing by the Local Planning Authority and implemented in full prior to the first occupation or first use of the extensions hereby approved. This provision shall be made for the lifetime of the development.

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 advice in the Southend-on-Sea Design and Townscape Guide (2009).

07 Privacy screens not less than 1.7m high above balcony surface level shall be fitted

to the western side of the front balconies within the development hereby approved in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development. The screens shall be retained for the lifetime of the development in accordance with the approved details.

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

- 08 No new drainage infrastructure, including earthworks, associated with this development shall be undertaken until details of the design implementation; maintenance and management of a scheme for surface water drainage works (incorporating Sustainable Urban Drainage (SuDs) Principles) have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details before the development is occupied or brought into use and shall be maintained as such thereafter in perpetuity. All replacement paving shall be porous as shown on approved plan reference 210-P3.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development and to prevent environmental and amenity problems arising from flooding in accordance with the National Planning Policy Framework (2021), Policy KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015)

- 09 The detached outbuilding hereby permitted as a residents gym, shall not be occupied at any time other than for purposes incidental to the enjoyment of the residential use of the dwellings known as 28-31 Chalkwell Esplanade, Westcliff-on-Sea.

Reason: To ensure a satisfactory standard of accommodation and to protect the amenities of existing and proposed occupiers, to protect the privacy and environment of people in neighbouring residential properties, and to prevent additional parking demand which cannot be met within the application site, in accordance with Core Strategy (2007) Policies KP2, CP3 and CP4, the Development Management Document (2015) Policies DM1, DM3, DM8 and DM15 and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 10 Notwithstanding the plans submitted and otherwise approved, the extensions hereby approved shall not be first occupied or brought into first use until and unless secure, covered refuse and recycling storage has been provided at the site in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved refuse and recycling storage shall be made available for use by the occupants of the development hereby approved prior to the first use of the extensions hereby approved. The refuse and recycling storage shall be retained as such for the lifetime of the development.

Reason: To Notwithstanding ensure that satisfactory refuse and recycling facilities in accordance with Policy CP3 of the Core Strategy (2007) and Policies

DM3 and DM8 of Development Management Document (2015).

- 11 Notwithstanding the plans submitted and otherwise approved, the extensions hereby approved shall not be first occupied or brought into first use until and unless secure, covered cycle storage has been provided at the site in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved cycle storage shall be made available for use by the occupants of the development hereby approved prior to the first use of the extensions hereby approved. The cycle storage shall be retained as such for the lifetime of the development thereafter.**

Reason: To ensure that satisfactory cycle storage facilities are provided in accordance with Policy CP3 of the Core Strategy (2007) and Policies DM3 and DM15 of Development Management Document (2015).

- 12 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works except for demolition works shall take place until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The approved hard and soft landscaping works shall be carried out prior to first use or first occupation of the extensions hereby approved. The details submitted shall include, but not be limited to:**

- i) Full details of any replacement hardsurfacing or boundaries.**
- ii) Full details of the number, size and location of trees, shrubs and plants to be retained and planted together with a planting specification and landscaping management plan.**
- iii) Details of measures to enhance biodiversity within 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 agreed with the Local Planning Authority under the terms of this condition.

Reason: In the interests of the visual amenities, character and appearance of the area and to ensure a satisfactory standard of landscaping pursuant to Policies DM1 and DM6 of the Development Management Document (2015) Policy CP4 of the Core Strategy (2007), and the advice contained in the Southend-on-Sea Design and Townscape Guide (2009).

- 13 The 4 car parking spaces and the associated vehicular access for the spaces to have access from the public highway, shown on approved plan 210-P03 shall be provided and made available for use at the site prior to the first occupation or first use of the extensions hereby approved. The car parking spaces and the associated vehicular access to and from the public highway shall thereafter be permanently retained solely for the parking of vehicles and the accessing of the car parking spaces in connection with the occupiers of the development hereby approved and their visitors.**

Reason: To ensure that satisfactory off-street car 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 advice in the Southend-on-Sea Design and Townscape Guide (2009).

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

Reason: In the interests of the amenities of neighbours pursuant to Policy CP4 of the Core Strategy (2007) and Policy DM1 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:

- 01 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development it is imperative that you contact S106andCILAdministration@southend.gov.uk to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended). If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the Planning Portal (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (www.southend.gov.uk/cil).**
- 02 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.**
- 03 The applicant agreement to include electric vehicle charging points at the site is welcomed and would be to benefit of the scheme.**



Appeal Decision

Site visit made on 10 January 2023

by **David Spencer BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19th January 2023

Appeal Ref: APP/D1590/W/22/3294840

28 Chalkwell Esplanade, Westcliff-on-Sea SS0 8JQ

- 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 Michael Woolley of Antler Developments Ltd against the decision of Southend-on-Sea City Council.
- The application Ref 21/02094/FUL, dated 15 October 2021, was refused by notice dated 7 February 2022.
- The development proposed is remodelling of existing three storey detached 4 flat dwelling, consisting of 2x2 bed flats and 2 x 1 bed flats, to provide 4 x 2 bed flats by means of a rear inset extension, a side extension to levels 1, 2 & attic level and roof extension from attic level.

Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issue

2. The Local Planning Authority's (LPAs) decision notice contained two reasons for refusal. As part of the appeal process it has been clarified by the LPA that the second reason for refusal was in error as the appeal proposal would not result in a net addition to the number of residential units at the site. As such the proposal would not trigger a likely significant effect on proximate protected habitats due to increased recreational pressure and so a consequential requirement under a Habitats Regulation Assessment to consider mitigation would not be necessary. I have dealt with the appeal on this basis.
3. Consequently, the main issue in this appeal is the effect of the appeal proposal on the character and appearance of the surrounding area.

Reasons

Character and Appearance

4. The appeal site comprises a 3 storey detached residential property which is subdivided into four flats. It occupies a position fronting onto Chalkwell Esplanade, a broad seafront boulevard with residences on the north side and Chalkwell beach on the south side. Chalkwell Esplanade can be divided into frontage blocks delineated by intersecting roads coming in from the north. The appeal site is within a 'host frontage block' bookended by Crowstone Avenue to the east and Chalkwell Avenue to the west.
5. The frontage of Chalkwell Esplanade, including the appeal site, is within Seafront Character Zone 4 set out in Policy Table 1 in support of Policy DM6 of the Southend-on-Sea Development Management Document 2015 (*the*

SSDMD). Design objectives for the zone include: resisting inappropriate development fronting the Seafront to ensure that established seafront architectural style and form is maintained in this location (iv); preserving the vernacular form and urban grain such that the further amalgamation of plots and large format bulky buildings are not considered appropriate and will be resisted (vi); and the low rise height of buildings should be maintained and development only allowed where it is appropriate to its context and adds to the overall quality of the area (vii).

6. The existing scale, appearance, roofscape and layout within the plot of the appeal property are all broadly comparable to those immediately to the west including Nos.33-37 Chalkwell Esplanade and to a group to the east comprising Nos.9-21 Chalkwell Esplanade. These properties, including the appeal site, are also laid out to provide a reasonably consistent rhythm through spaces to the side of the properties which afford views through to housing further inland. These properties which are all either 2 or 3 storey in height also provide a reasonable coherence in appearance through the layout of hipped front roofs orientated to the coast. There are only a small number of anomalous examples in the host frontage block including an original larger property at the corner with Crowstone Avenue, the 1960s/1970s flats development at Viceroy Court on the corner with Chalkwell Avenue and the modern 5 storey, double plot width development at No.25 Chapman Sands immediately to the east of the appeal site. Whilst some other plots have been sympathetically remodelled there nonetheless remains a reasonable consistency and intactness to the appearance, massing and layout of the residential properties fronting Chalkwell Esplanade in the frontage block containing the appeal site.
7. In contrast to the prevailing frontage character in the host block described above, the appeal proposal would result in a conspicuously bulky structure due to a combination of occupying the full width of the plot and the increase in height of the building including a cumbersome roofscape. The resultant massing of the building would be incongruously larger than the relatively modest domestic 2-3 storey dwellings which still make up the majority of buildings in this part of the Seafront. Furthermore, the proposed design would result in the loss of the side gap within the plot which currently makes a significant contribution to the degree of separation to the large modern building at No.25.
8. In terms of the significant reduction in the gap that currently separates the existing property from No.25 to the east, the consequence of this would not be a gradual stepping up in scale from No.33 as suggested by the appellant. The result would be a discordant agglomeration of bulky buildings starkly at odds with the surrounding pattern of more modestly scaled residential properties in this part of the Seafront. In considering this harmful impact I do not consider the proposed vehicular undercroft, which would afford and retain only a very limited sense of openness through the site, would sufficiently mitigate the harmful consolidating effect identified.
9. In terms of the appearance of the proposed building, there would be a loss of the extent of the characteristic hipped roof orientated to the seafront. The proposed minor element of hipped roof would not overcome or deflect from what would be an awkward and inelegant roofscape comprising a jarring assemblage of pitched, hipped and flat roof elements to accommodate the additional level of residential accommodation proposed.

10. Additionally, the proposed building would result in an unusual blocky appearance due to the extent of the proposed linear and horizontal structural framework on the front elevation clad in dark oak timber. This is not the predominant appearance of seafront buildings on this part of Esplanade and so the extent of the clad framework would appear visually jarring. I observed the appearance of Nos. 25 and 33 adjacent to either side of the appeal site and whilst these have strong horizontal frameworks, they echo the orientation of buildings to the coast. I note on No.25 the supporting vertical steel columns for the balconies, but these are relatively modest in scale and number and widely spaced along the frontage of the building such that they do not visually dominate. Similar applies to the limited timber framework struts on the existing building at the appeal site which support the front balconies. Accordingly, the extent and dominance of the proposed framework on the front elevation, particularly the extensive vertical elements, would be harmful to the appearance of the appeal building.
11. The appellant refers me to other examples of recent developments in the locality, including a number further to the west on the Esplanade, west of Chalkwell Avenue and towards Chalkwell Station. Many of these examples are beyond the 'host frontage block' containing the appeal site described above, which limits their applicability. Whilst I observed that there is an increasing variety in the appearance of dwellings on the Esplanade west of Chalkwell Avenue, including their roofscapes and a slightly greater number of redeveloped and remodelled plots including a small number of examples that occupy the full width of the plot, these are some distance from the appeal site. They are generally not within the same streetscene on the Esplanade within which the appeal site is experienced. As such, I do not find the examples west of Chalkwell Avenue to provide a basis for setting the pattern and appearance of development within the 'host frontage block' at the appeal location.
12. As set out above there are some examples closer to the appeal site, including proposals to redevelop the vacant plot at No.39 Chalkwell Esplanade, which may have provided design cues for the appeal proposal. Whilst No.33 immediately to the west of the appeal site has been remodelled it nonetheless retains a relatively modest scale and massing and a characteristic gap to No.35 to the west. As such I find No.33 to be of limited applicability in justifying the appeal proposal. The scale and massing of the double plot development at No.25 is unique in this part of the frontage and generally not to be found until reaching similar scaled developments some considerable distance to the west nearer to Chalkwell Station. As such, No.25 is not representative of the established character or appearance of development in this part of the Seafront and therefore not a basis for setting the future pattern of development.
13. I have mixed details before me about the planning history of the various developments referred to by the appellant and whether they were assessed against current development plan including the specific requirements in Policy DM6 and associated design objectives identified for Character Zone 4. The appellant places some emphasis on the redevelopment at No.87 Chalkwell Esplanade, a 5 storey building occupying almost the full width of the plot which also includes strong timber vertical and horizontal framing on the front elevation. This site is some distance to the west of the appeal site closer to Chalkwell Station and not within the same visual envelope as the appeal site. I note this development was allowed on appeal in 2011 and so it predates Policy

DM6 by some margin. As such I find it of limited relevance in providing a basis for justifying the design of the appeal proposal before me.

14. There is no in principle development plan policy resistance to remodelling or making a more efficient use of the site, with support for the principle of this to be found at Policy DM3 of the SSDMD. However, for the reasons set above I do not consider the scale, massing and appearance of the appeal proposal would be an appropriate response to its local context and surroundings in the terms supported by Policy DM3, including the need to avoid harmful over-intensification.
15. I therefore conclude by virtue of its scale, massing and roofscape that the appeal proposal would have a significantly harmful effect on the character and appearance of the surrounding area. It would be contrary to the general design objectives in Policies KP2 and CP4 of the Southend-on-Sea Core Strategy 2007 and Policies DM1 and DM3 of the SSDMD. These policies collectively seek to secure high quality design that amongst other things would add to the overall quality of the area, maintain and enhance the appeal and character of residential areas, secure good relationships with existing development and specifically for alterations and additions are expected to make a positive contribution to the character of the host building and surrounding area. Moreover, and specifically, as a seafront location, the appeal proposal would be contrary to SSDMD Policy DM6 which seeks to protect existing buildings along the Seafront that form a cohesive frontage and contribute to the sense of place.
16. The proposal would also be contrary to the guidance in the Design and Townscape Supplementary Planning Document 2009 (SPD) on achieving appropriate alterations to existing residential buildings and responding to character and context. Achieving well-designed places is a key strand of national planning policy as set out in Section 12 of the National Planning Policy Framework (NPPF). In particular, the appeal proposal would conflict with NPPF paragraphs 126 and 130 in that the proposal would not result in a high quality design by virtue of not adding to the overall quality of the area, not being visually attractive as a result of good architecture and layout and by not being sympathetic to local character and maintaining a strong sense of place.

Other Matters

17. The LPAs first reason for refusal is broadly worded and relates to matters of design and appearance. Whilst not explicitly stated in the reason for refusal, the officer's report, nonetheless, expressed concern regarding the proposed arrangement for pedestrian access to the flats at the rear via the proposed vehicle undercroft. This is echoed in the LPAs appeal statement. Whilst the appellant objects to this forming part of the LPAs appeal case, in objectively assessing the appeal proposal I too find the relatively tight arrangement of the vehicular undercroft would not function well as the pedestrian access. It would result in future occupants of the building having to utilise an uncharacteristic, unappealing and restricted threshold by which to access the rear of the property. This adds to my overall concerns regarding the design quality of the appeal proposal in the context of the development plan policies and national planning policy listed above. The harm arising from the unsatisfactory pedestrian access to the flats is a further material consideration weighing against approving the development.

18. I note the appeal proposal would allow for an increase in 2 bedroom properties in the City and that remodelling and extending the property would enable improved accessibility including for disabled persons and persons with restricted mobility. These are moderate social benefits that weigh in favour of the appeal proposal. The scheme would also allow for the provision of electric vehicle charging facilities, which I find to be a modest environmental benefit. These material considerations are cumulatively of limited weight. Ultimately, they do not indicate that a decision should be made other than in accordance with the development plan on the main issue in this appeal.

Conclusion

19. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Spencer

Inspector