



Appeal Decision

Site visit made on 1 May 2007

by **C A Newmarch BA (Hons) MRICS MRTPI**

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

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Date: 16 May 2007

Appeal Ref: APP/D1590/A/06/2031801

31 Grand Parade, Leigh-on-Sea, Essex SS9 1DX

- 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 Executive Properties against the decision of Southend-on-Sea Borough Council.
- The application Ref SOS/06/00785/FUL, dated 15 June 2006, was refused by notice dated 23 August 2006.
- The development proposed is to demolish the existing block of flats & to construct a new contemporary structure comprising 5 apartments with basement car parking & private amenity space to the rear.

Summary of Decision: The appeal is dismissed.

Main issues

1. The main issues are the effect on:
 - the character and appearance of the area, and
 - the living conditions of the neighbouring occupiers in relation to privacy, outlook and sunlight.

Reasons

Character and appearance

2. The proposed block of flats would replace a 2-storey detached property with accommodation in the roof. The proposal is a revised scheme. It has one storey less, and is some 2.7m lower, than a previous proposal which was refused by the Council. The building would not be as tall as the block of flats at the nearby Steven Lodge, but it would be noticeably taller than the immediately neighbouring buildings. The appeal site is located at the brow of a hill and is in a prominent position. While the newer blocks of flats at Steven Lodge, All Hallows Court and the building which is under construction at No 41 have some impact on the appearance of the area, the street scene continues to be strongly characterised by the traditional appearance and materials of the predominantly Edwardian residential buildings. I am not persuaded that the townscape is sufficiently varied that a landmark building would be acceptable on this site.
 3. Although there is strong opposition to the design concept, especially the 'ribbons,' from local residents, I accept that the asymmetrical shape of the proposed building has evolved from the various constraints on the site and acknowledge that the design and materials are intended to reflect the coastal
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position of the site. However, the building would provide an unacceptable contrast to the traditional domestic scale, designs and materials of its neighbours. Furthermore, it would project forward of the established building line, which would increase its visual impact. It would appear as a dominant feature which would be out of keeping with its surroundings.

4. Concluding on the first main issue, the proposal would have a materially harmful effect on the character and appearance of the area. As such, it would conflict with policies BE1 and CS2 of the Essex and Southend-on-Sea Replacement Structure Plan (SP), adopted in 2001, and policies C11 and H5 of the Southend-on-Sea Borough Local Plan, adopted in 1994. Moreover, it would not accord with advice in the Council's Supplementary Planning Document 'Design and Townscape Guide,' which I afford considerable weight as it was adopted in 2006 following public consultation.

Living conditions

Privacy

5. Part of the front elevation of the building would be angled towards No 27 Grand Parade. Given that the building would project some 4m in front of the main front wall of No 27, the terraces on the 1st – 5th floors would overlook the front windows of the neighbouring house. This would result in an unacceptable loss of privacy to the occupiers of No 27.
6. No 33 Grand Parade has a corner feature facing towards the site which incorporates windows to habitable rooms at both ground- and first-floor levels. These would be overlooked by the roof terraces and, at an oblique angle, by the windows on the south-west corner of the building. This would materially harm the privacy of the occupiers of No 33.

Outlook

7. I have approached the question of outlook on the basis of any harm which could be caused by an overbearing development, rather than in the sense of a loss of view. The 2-storey houses at Nos 24 and 26 Glen Road, to the north of the site, have short back gardens, some 9m - 10m in depth. Both houses have principal windows serving habitable rooms at ground- and first-floor levels, including the windows in the 2-storey rear extension at No 24, which is not shown on the submitted drawings. The ash tree at the rear of the appeal site, and the evergreen tree in the rear garden of No 24, provide some screening, although objectors are concerned that the excavations for the basement car park could kill the ash tree. Nonetheless, the additional height of the building would result in a loss of sky views from both dwellings. Due to its proximity, the rear façade of the building would be overbearing, and would spoil the enjoyment of the rear-facing rooms and the gardens at Nos 24 & 26.

Sunlight

8. Local residents are concerned that the building would result in a greater degree of overshadowing than shown in the sunlight diagrams submitted by the appellant, but there are no other sunlight drawings before me. Nonetheless, having regard to the appellant's diagrams for 21 December, I find that there would be an additional loss of sunlight to the windows of the habitable rooms and the garden at the rear of No 24 Glen Road around 13.00 hours. Given the existing extent of the overshadowing in winter which is shown on the sunlight diagrams, the additional loss of sunlight would be material.
9. Concluding on the second main issue, the proposal would have a significantly harmful effect on the living conditions of the neighbouring occupiers in relation to privacy, outlook and sunlight. This would conflict with LP policies C11 and H5.

Other Matters

10. The appellant refers to a recent planning permissions for large schemes where overshadowing was shown to be significant. However, I do not regard this as a good argument as design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted. The application was recommended for approval by Council officers, but I am required to determine the appeal on its merits.

Conclusions

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

Formal Decision

12. I dismiss the appeal.

Christine Newmarch

INSPECTOR