



Appeal Decision

Site visit made on 15 April 2009

by **Michael Ellison MA(Oxon)**

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

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Decision date:
14 May 2009

Appeal Ref: APP/V1505/A/09/2096177
23-25 The Broadway, Wickford, Essex, SS11 7AD

- 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 Lema Partnership against the decision of Basildon District Council ("the Council").
- The application (Ref 08/00229/FULL), dated 30 January 2008, was refused by notice dated 25 July 2008.
- The development proposed is proposed flats.

Preliminary matters

1. The proposed development is more fully and accurately described as the conversion and alteration of the first floor and the construction of a second floor to provide 12 flats with a parking area to the rear. I have adopted that description in dealing with the appeal.
2. Two of the plans originally submitted with the appeal application were revised before the Council reached their decision on the application. Like the Council, I have taken these revised plans into account in dealing with the appeal.

Decision

3. I allow the appeal and grant planning permission for the conversion and alteration of the first floor and the construction of a second floor to provide 12 flats with a parking area to the rear at 23-25 The Broadway, Wickford, Essex, SS11 7AD in accordance with the terms of the application Ref. 08/00229/FULL dated 30 January 2008, and the plans numbered ABD 729/12A, ABD 729/13A, ABD 729/14 and ABD 729/15, subject to the following conditions:
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
 - 2) No development shall commence until details of the colour and types of materials to be used on the roofs and external walls of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
 - 3) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority, and these works shall be carried out as approved. All planting, seeding and turfing comprised in the approved details shall be carried out in the first planting and seeding season following occupation of the buildings, or completion of the development, whichever is the sooner. Any tree, shrub or other element of landscaping
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dying within five years of planting shall be replaced by the developers or their successors in title.

- 4) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing No ABD 729/14 for twelve cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. The parking and turning arrangements shall be retained for the occupiers of the flats thereafter.
- 5) Full details of the proposed extract flue serving the ground floor restaurant shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved, and the approved extract flue shall be constructed prior to the first occupation of any of the flats.
- 6) No development shall commence until details of the arrangements for refuse storage have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Main issues

4. The main issues in this case are:

- a. the impact of the proposed development on the character and appearance of the area;
- b. the living conditions which the proposed development would offer to future residents;
- c. the impact of the proposed development on the living conditions of adjoining occupiers, with particular reference to overlooking and to loss of daylight and sunlight; and
- d. the impact of the proposed development on highway safety in the immediate area.

Reasons

Impact on character and appearance

5. The appeal site is located in the town centre of Wickford. It is a two storey building, physically joined to the adjacent property on either side, though probably having been built as an infill development. There is a carpet shop and a fish bar and restaurant at ground floor level; the first floor is vacant, having last been used as a snooker hall. There is access and parking space to the rear of the appeal site, from which the shops are serviced.
6. The surrounding area contains a mixture of retail and commercial uses at ground floor level, often with flats or offices above. There is a range of early twentieth century shops with first floor accommodation above; a range of 1960s style shops and commercial premises with residential use above; and at several sites within the vicinity of the appeal site there are new mixed use schemes which are either recently completed, under construction, or benefit from planning permissions which have not yet been implemented. The site

therefore lies within the central area of a typical small market town, which has evolved in response to commercial pressures and opportunities, with no predominant architectural style.

7. The Development Plan for the area includes the Basildon District Local Plan ("the LP"), which was adopted in 1998. Saved policies of the LP accept the principle of mixed use within the town centre. The Wickford Master Plan, which has been approved by the Council as non-statutory guidance, places the appeal site in the Riverside Living Zone, where high quality residential development is to be promoted adjacent to the River Crouch. Housing development on previously developed land in the town centre would also be in line with national policy guidance contained in PPS3 and PPS6.
8. The appeal proposal would include the remodelling of the existing shop fronts, the conversion and alteration of the first floor, and the construction of a second floor within which floors 12 flats (8 two bedroom and 4 one bedroom) would be created. The flats would be in two blocks of 6, one block fronting to The Broadway, above the ground floor shops, and the other to the rear of the building, separated by an open atrium area at first and second floor level. The overall building height would be raised to 13 metres from its current 8.6 metres. There would be parking for 12 cars marked out in the service area to the rear. The shops would also continue to be serviced from that area.
9. With an increase to three storeys, the appeal development would represent a prominent feature on a very visible site opposite the junction of The Broadway with Lower Southend Road. The Council criticise both the design and the scale of the appeal proposal.
10. In terms of design, the Council regard the proposal as awkward and contrived, with the gambrel roof of the front facing block uncharacteristic of the local vernacular, and the unorthodox configuration of the rearward block making an awkward juxtaposition with both the rear site boundary and the forward block.
11. As I have indicated, however, there is no unified architectural style in the town centre of Wickford. The front of the appeal development would respond to the two storey buildings to either side by incorporating a mansard roof with a lowered eaves level and the use of dormer windows to serve the second floor accommodation. The result would be a building which would be similar in height and scale to other developments recently constructed or permitted in the area. A mixed use development with four to six storeys is currently under construction at 1-29 Lower Southend Road. Planning permission has been granted for a mixed use, part three, part four storey building on the site of 2-12 The Broadway directly opposite the appeal site. Permission has been granted on appeal for a five storey mixed use building at 3-31 Runwell Road, some 100 metres north-east of the appeal site. There are other existing three storey buildings within The Broadway, and a recently completed four storey mixed residential conversion within The Willows Shopping Centre in High Street. These buildings display a mixture of design styles and roof configurations. I do not see the proposed front elevation of the appeal development as out of character with these surrounding developments.

12. The accommodation proposed in the block to the rear of the appeal site would largely be contained within the three proposed, 40 degree pitched roof slopes, which would run in a staggered formation. While this would represent an unusual design in the area, to my mind it would represent a significant improvement in design terms on the existing substantial area of solid blank wall, with unbalanced, obscured windows and a large expanse of flat roof.
13. In terms of scale, the Council contend that the appeal development would represent over development and an excessive use of the site. This is also not a view which I share. On the front elevation, the gabled projections and dormers would serve to break up the mass of the building, and the overall mass would also be reduced by the accommodation being partly set within the mansard roof. On the rear elevation, the staggered, sloping roofs would open up the area to a greater extent than the solid vertical wall which exists at present. I do not see that the overall density proposed amounts to overdevelopment in a town centre location such as the appeal site.
14. **I conclude** that the appeal development would comply with both local and national planning policy, and would have no adverse impact on the character and appearance of its area.

Living conditions for future occupiers

15. The Council express concern about the limited distance between the front and the rear blocks of flats in the proposed development. The distance varies between just over 5 metres and 10 metres. The study and bathroom windows on the inward facing elevations at first and second floor levels would all be obscure glazed, and the balance of the windows on those elevations are all bedroom windows.
16. The Council also point out that there would be a limited amount of amenity space provided for the occupiers of the proposed flats in the central atrium. This would provide less than the 15 square metres per unit required as a normal minimum for purpose built flats by Policy DC21 of the Council's Development Control Guidelines, which were approved in 1993 and amended in 1997. I note, however, that the Council have apparently recently accepted a mixed use scheme at 2-12 The Broadway without any level of amenity provision of this sort.
17. It seems to me that potential future occupiers of the flats in the appeal development would have a choice whether or not they wished to accept the level of accommodation and facilities offered. For some people, the lack of a private, individual garden might make the accommodation offered unacceptable; for others, the opportunity to live close to a town centre, with excellent facilities, good access to public transport, and a dedicated car parking space, might make a limited amount of communal amenity space which would be provided perfectly acceptable.
18. **I conclude** that the living conditions which would be offered to potential future occupiers at the appeal development do not represent a level of provision which means that the development should be prevented on that account.

Impact on adjoining occupiers

19. Both the Council and some adjoining occupiers at properties at Elm Road and Jersey Gardens to the rear of the appeal site consider that the appeal development would give rise to overlooking of the rear gardens of these properties and reduce the amount of sunlight reaching the properties.
20. With the exception of the lounge and one bedroom window of the first floor flat closest to 21 The Broadway, however, all of the additional windows would be Velux windows located in pitched roofs sloping at 40 degrees. The two conventional windows in the first floor flat would be at a lower level than any of the existing four windows on the rear elevation of the appeal property. Those windows are currently blocked or obscure glazed, but need not necessarily remain so if the building were to revert to its existing use. Views of rear gardens in Elm Road would only be oblique views of the sort which are perfectly normal in a built up urban area. Views of rear gardens in Jersey Gardens would be similar to those available from the rear elevations of a number of properties in Elm Road.
21. Given the orientation of the properties concerned and the distances between them, I cannot see that there would be any significant loss of either daylight or sunlight to adjoining properties. The removal of a large section of the existing first floor rear wall and its replacement by sloping roofs which are staggered back would reduce the impact of the increase in the overall roof height.
22. **I conclude** that the appeal development would have no significant adverse impact on the living conditions of adjoining occupiers.

Impact on highway safety

23. The Council contend that the development would lead to increased parking problems having regard to what they say is the limited parking which would be provided for the number of units proposed. The level of parking provision proposed is, however, perfectly normal and in line with national policy for a town centre location with excellent public transport links readily available to the site. I note that a similar level of parking has apparently been accepted by the Council for the mixed use development site at 2-12 The Broadway opposite the appeal site.
24. The Council also argue that the proposal would increase the use of the existing vehicular access to the rear of the site, which they say is substandard, and give rise to conflict between residents' parking provision and the arrangements for deliveries to the ground floor premises. No specific standard is identified with which the access is said not to comply. The access would provide a minimum access width of 3.4 metres, with parking bays of 2.5 metres by 5 metres, and manoeuvring space between bays of 8.5 metres. It has been considered and found to be acceptable by the Local Highway Authority and the Fire and Rescue Service. Rear deliveries would continue to be possible to the shops at ground floor level, but employee parking which currently takes place (and to which there is no entitlement) would be displaced.
25. **I conclude** that the appeal development would have no adverse impact on highway safety in the immediate area.

Conditions

26. Without prejudice to their opposition to the appeal, the Council suggested conditions which could be imposed on any grant of planning permission. I have considered those conditions in the light of the guidance on conditions contained in Circular 11/95. Subject to minor amendments aimed at improving clarity and bringing the conditions more closely into line with the model conditions contained in the Circular, I have accepted the suggested conditions. They are necessary in the interests of visual amenity, to maintain adequate parking provision, to deal properly with emissions from the fish bar and restaurant in the interests of residential amenity, and to ensure proper provision for the storage and disposal of waste.

Overall conclusion

27. Subject to the conditions which I have imposed, I consider that the appeal development would comply with relevant local and national planning policy. **I conclude** that the appeal should be allowed.

Michael Ellison

INSPECTOR