

Appeal Decision

Site visit made on 9 November 2016

by C J Leigh BSc(Hons) MPhil MRTPI

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

Decision date: 6 December 2016

Appeal Ref: APP/M1520/D/16/3156919
38 Tyrrell Road, Benfleet, Essex, SS7 5DH

- 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 Gary Bailey against the decision of Castle Point Borough Council.
 - The application Ref 16/0129/FUL, dated 18 February 2016, was refused by notice dated 23 June 2016.
 - The development proposed is a rear single storey extension with roof garden and loft conversion, including hip to gable dormers, and rear external spiral staircase.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effect of the proposed development on, firstly, the character and appearance of the surrounding area and, secondly, the living conditions of adjoining occupiers.

Reasons

Character and appearance

3. I saw at my site visit that many bungalows in the area have seen extensions to the front roof slope and to the rear and changes to the hipped roof. There are a number of properties where this has occurred on just one half of a pair of semi-detached bungalows, so leading to an imbalance between those pairs.
 4. The proposed works at the appeal property would result in an extension to the front roof slope on only one of the pair of Nos 38 and 40. Whilst, as noted, I see that imbalance occurs in the wider area, there is a difference in the other cases and that proposed in this appeal. Nos. 38 and 40 have existing front gables. That is a notably less common design than seen in the surrounding area; and where there are front gables at other properties I saw that most of those dwellings were not altered or, where any sensitive alterations have occurred this has been through the insertion of rooflights.
 5. The proposals in this appeal would see the creation of a second, very large gable at the front. This would be rise up from the building line of the elevation beneath. Such a design and form to the extension would create a very
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prominent change at roof level; crucially, other roof extensions that have occurred in the area through the provision of dormers are set-back from the front building line, and so they retain spacing between the new dormer and the eaves below. Although there is variety in the design of other dormers in the area – and some are not necessarily of a detailed design that might wish to be replicated – the set-back from the eaves and position within the roofspace reduces the visual impact of those additions in the streetscene, and so also reduces any adverse effect from a possible imbalance with any unaltered pair of dwellings. The appeal proposals would, in contrast, be a notably prominent addition due to the scale, design and position of the new gable, and so would disrupt the wider established character of the area, and also draw attention to the imbalance with No. 38 that would be created.

6. The proposed development would see an extension to the rear of the dwelling. This would continue the side elevation of the building beneath, as well as showing a solid wall that is provided to screen the roof terrace and the new gable end. As a result, when seen from the side, there would be an impression of a two storey property in side views from the street. This would be a notable and substantial change to the scale and character of the dwelling, resulting in a structure that appears of a scale excessive for the area where, even with past alterations and extensions, the general appearance is of relatively modest bungalows in a spacious setting. The Council have drawn my attention to the provisions of Policy RDG7 in their Residential Design Guidance Supplementary Planning Document (SPD) 2012 that requires dormers to not dominate the roofscape, and I agree that such an objective is sound in this instance, but that the proposals breach that requirement.
7. I have had regard to an appeal relating to 68 Tyrrell Road (ref. APP/M1520/D/13/2209099), where the Inspector concluded that the changes proposed in that scheme would not be harmful to the character of the area. That scheme concerned a different design for proposed extensions to that in this appeal, and at a property of different appearance to the current appeal property. I have determined the case before me on its own merits, and for the reasons given I consider there are differences between the two cases. Thus, on the first issue it is concluded that the proposed development would be harmful to the character and appearance of the surrounding area, and this would be contrary to saved Policy EC2 of the Castle Point Local Plan 1998 and the SPD, which seek to ensure a high standard of design in all new development.

Living conditions

8. The proposed rear extension would be on the boundary with No. 40 to a depth of 4.5m and at a height of 3.1m. I saw at my site visit that the outlook from No. 40 is constrained by their existing rear projection on the southern side of the property. I share the concerns of the Council that the depth of the proposed extension would lead to a further constriction of that outlook, with the result that there would be an over-dominant impression from the rear of the dwelling.
9. The appellant has referred me to possible permitted development rights for extensions and boundary fencing at the rear of the property. However, the depth as proposed would be greater than such rights, whilst the height is notably taller than any boundary fence that could be erected. I acknowledge

the ability for a householder to seek a larger extension under permitted development, but this requires formal notification to the local planning authority for prior approval, and the determination of such notification. Although there were no objections to the appeal before me, I cannot concur with the appellant that an assumption can be made relating to the outcome of any other application or notification. I have determined this appeal on the basis of the situation that exists now, and having regard to my observations at the site visit and the scheme as shown. Thus, on the second issue it is concluded that the proposed development would be harmful to the living conditions of adjoining occupiers, and so conflict with Policy RDG3 of the SPD, which seeks to ensure development will not be dominant to adjoining properties.

Conclusions

10. For the reasons given it is my judgement that the conflict arising with development plan policy and the SPD mean that permission should not be granted for the proposed development, and so the appeal is dismissed.

C J Leigh
INSPECTOR