

Appeal Decision

Site visit made on 18 April 2017

by Les Greenwood MRTPI

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

Decision date: 2nd May 2017

Appeal Ref: APP/M1520/D/17/3169357

16A Rainbow Road, Canvey Island SS8 8AE

- 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 Mrs D Lanzon against the decision of Castle Point Borough Council.
 - The application Ref 16/0925/FUL was refused by notice dated 16 January 2017.
 - The development proposed is the conversion of a bungalow to a house including a front ground floor extension with a balcony over and a new first floor level with a widened crossover.
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Clarification

1. Although the description of the proposal on the application form (as quoted above) refers to a widened crossover, it was confirmed during the application process that the existing site access would remain as is. I have considered the appeal on that basis.

Decision

2. The appeal is dismissed.

Main issues

3. The main issues are the effects of the proposal on:
 - i) the character and appearance of this part of Rainbow Road;
 - ii) living conditions at the neighbouring property, 11 Chamberlain Avenue, in terms of the impact on outlook from that property's rear garden; and
 - iii) living conditions for future occupiers of No 16A, in terms of the amount of outdoor space provided.

Reasons

Character and appearance

4. Rainbow Road is a densely built up, architecturally varied residential street of houses and bungalows, located close to the town centre. The proposal would add a first floor to the low bungalow at No 16A, changing the building into a 2 storey house. The Council has no objection to this in principle given that there is already a house to either side. Its concern in relation to this issue is about the gap to the next door house at 13 Chamberlain Avenue.
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5. The Council's Supplementary Planning Document *Residential Design Guidance* (SPD) advises that the extension of dwellings close to or up to boundaries can produce a 'terraced' effect due to the loss of the visual gap between adjacent dwellings and that the creation of a large single mass on a plot can often be visually dominant in the street scene. It continues to say that different areas may have varied densities and layouts of development which is often reflected in the amount of space provided around dwellings and that flexibility is required to ensure all types of development are provided with appropriate space around them, informed by their context.
6. It is commonplace on Rainbow Road for there to be narrow gaps between buildings, especially at ground floor level but also at first floor level. The existing bungalow at No 16A sits almost up to the boundary with 13 Chamberlain Avenue. The appeal proposal has been amended following a previous refusal so that it would inset the new first floor (aside from an open balcony), keeping it a metre away from the boundary. No 13 itself also has a ground floor section by the boundary with its first floor set further away. The gap retained at first floor level by the appeal proposal would be sufficient to maintain a visual break that would be in character with the street, avoiding the appearance of a single built mass. The proposal would therefore fit in well with the local street scene.
7. In respect of the first main issue, I conclude that the proposal would not harm the character or appearance of this part of Rainbow Road. It therefore accords in this respect with the aims of Castle Point Borough Council Local Plan (LP) Policy EC2 and SPD Policy RDG2, to ensure that extensions are of a high standard of design appropriate to their setting. This is in line with the National Planning Policy Framework's emphasis on securing high quality design that reinforces local distinctiveness.

Neighbours' living conditions

8. No 16A has a shallow back garden facing onto the side of 13 Chamberlain Avenue's small back garden. The proposed first floor element opposite No 13's garden has been moved back a metre in comparison to the earlier proposal, so that it would be about 5.5m from the boundary. This would nevertheless still be a significant width of full height wall situated close to No 13's garden. Together with the rear wall of 14 Rainbow Road next door, which is also close to 13 Chamberlain Avenue's back garden, it would create intrusive, overbearing effect. The presence of first floor windows in the proposed rear elevation, even if obscure glazed, would intensify the psychological impact of this development on No 13.
9. I note that light to No 13's garden would be largely unaffected and that privacy could be protected. I take into account that this is a tightly built up area where some flexibility of approach can be expected. I nevertheless conclude on balance that the proposal would unacceptably harm living conditions at 13 Chamberlain Avenue due to the impact on outlook from that house's rear garden. The proposal therefore conflicts in this regard with the aim of SPD Policy RDG3, to avoid excessive dominance to adjoining properties, and the Framework's aim to ensure a good standard of amenity for existing occupants.

Living conditions for future occupiers

10. In order to ensure that occupiers have sufficient outdoor space, SPD Policy RDG6 states that dwellings should be provided with at least 15m² of amenity space per habitable room. The proposal would nearly double the size of the existing small 2 bedroom bungalow. Although the proposed plans still only show 2 bedrooms, I agree with the Council that 1 habitable room would be added, increasing the total from 4 to 5 and increasing the need for outdoor space.
11. The rear garden at the property is only a few metres deep so that the amount of space provided is well below the standard for the existing bungalow. This space is furthermore not of high quality as it is somewhat hemmed in by 2 storey height neighbouring walls. The proposal would increase the amount of outdoor space available by about 10.5 m² by adding a front balcony, but this would have limited privacy. Even allowing for this there would still be an increase in the shortfall to standard. The resulting house would be much more appropriate for family occupation. I find that the outdoor space to be provided would be inadequate to reasonably serve the needs of future occupiers.
12. The appellant refers to the availability of other open space nearby, making specific reference to the sea front which is a considerable distance away from Rainbow Road. I accept that there are open spaces in the local area, but these are not sufficiently near to make up for a distinct shortfall in on-site provision.
13. I once again take into account that this is a tightly built up area, where comparatively small gardens might be expected. I nevertheless conclude that the proposal would not provide adequate living conditions for future occupiers due to lack of outdoor space. It therefore conflicts in this respect with the aims of SPD Policy RDG6, as set out above, and with the Framework's aim to secure a good standard of amenity for future occupants.

Conclusion

14. I have taken into account all other matters raised. In particular, I saw no significant problems with on-street parking locally and find that the proposed access and parking arrangements would be satisfactory. Although I have found in favour of the appellant in regard to the first main issue, my concerns in regard to the second and third main issues are sufficiently compelling for me to conclude that the appeal should not succeed.

Les Greenwood

INSPECTOR