
Appeal Decision

Site visit made on 15 May 2017

by J L Cheesley BA(Hons) DIPTP MRTPI

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

Decision date: 19 May 2017

Appeal Ref: APP/D1590/D/17/3171821

121 Eastwoodbury Lane, Southend-On-Sea, Essex SS2 6UY

- 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 David Bate against the decision of Southend-on-Sea Borough Council.
 - The application Ref 16/02133/FULH was refused by notice dated 26 January 2017.
 - The development proposed is to erect single-storey rear and two-storey side extensions.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider the main issues to be:

the effect of the proposal on the character of the existing dwelling and surrounding streetscene; and

the effect of the proposal on the living conditions of occupiers of 119 Eastwoodbury Lane, with particular reference to visual impact and daylight.

Reasons

Character

3. Guidance in the Council's Supplementary Planning Document: Design and Townscape Guide (SPD) (2009) requires side extensions to be subservient.
 4. The appeal property lies within a row of primarily semi-detached dwellings of traditional design and of predominately similar scale. Gaps at first floor level between the pairs of dwellings make a positive contribution to the character of the area. The adjacent dwelling at 123 Eastwoodbury Lane has been extended close to the side boundary with the appeal property. That property is distinctly different in scale and design to many others in this streetscene.
 5. The proposal includes a two-storey side extension which would project out to the rear to a similar depth to that on the extension to 123 Eastwoodbury Lane and would have a hipped, rather than gable end roof. The first floor would be in line with the existing first floor frontage. There would be a full width single-
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storey flat roof rear extension and a front forward projection incorporating a porch and garage door.

6. From my observations, due to the scale, width, bulk and design of the proposed side extension, together with the wide forward projection, I consider that the proposal would not appear as a subservient addition and would overwhelm the traditional character of the dwelling. This would be to the detriment of the character of the existing two-storey dwelling. In such a prominent location, this would be to the detriment of the character of this part of the streetscene.
7. In addition, whilst not visible from the public realm, the proposed rear extension would not integrate with the existing dwelling and would appear as an incongruous addition. In addition, it would appear over-scaled in relation to the existing dwelling. This adds to my concerns.
8. In reaching my conclusion on this matter, I have taken into consideration all matters raised, particularly the comparison with the existing extension to the neighbouring property at 123 Eastwoodbury Lane. I have determined the proposal before me on its individual merits. In my opinion, the proposal before me would create a dominant and unsympathetic addition to the existing dwelling. This would be exacerbated by the width of the proposed side extension. I consider that the proposed single-storey front projection emphasises the proposed width and bulk of the side extension.
9. For the reasons stated above, I conclude on this matter that the proposal would have an adverse effect on the character of the existing dwelling and surrounding streetscene.

Living Conditions

10. Guidance in SPD seeks to ensure that extensions respect the amenity of neighbouring buildings.
11. The proposed single-storey rear extension would be some 4.843 metres in depth close to the side boundary with the neighbouring property at 119 Eastwoodbury Lane. This proposed extension, together with an existing rear extension and an existing small outbuilding at the neighbouring property would create an unacceptable sense of enclosure to occupants of that property. In particular, there would be a tunnelling effect around the rear door area, which would create a cramped sense of enclosure and restrict daylight.
12. For the above reasons, I consider that the proposal would have an adverse overbearing impact on the living conditions of occupiers of 119 Eastwoodbury Lane.
13. I have taken into account that a single-storey rear extension some 6 metres in depth could be constructed under the provisions of Schedule 2, Part 1, Paragraph A4 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (GPDO). The provisions of the GPDO require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises - taking into account any representations received. In addition, I have taken into account that a single-storey rear extension some 3 metres in depth could be constructed as permitted development. Either of these possible fall-back developments is likely to take place.

14. Due to the position of the outbuilding at the neighbouring property on the side boundary close to the back door, either of the fall-back possibilities would have a similar impact on the living conditions of neighbours as the proposal before me. These are material considerations and I have attributed them considerable weight in my determination of this appeal. In these circumstances, I consider the possible fall-back positions lead me to conclude that there are exceptional circumstances to justify the depth of the proposed single-storey rear extension, as it would cause similar harm to either fall-back position.

Conclusion

15. Whilst I have found that the proposal would have an adverse effect on the living conditions of neighbours, I have found that the fall back positions would cause similar harm. Thus, residential amenity is not a reason to dismiss the appeal. However, I have found that the proposal would have an adverse effect on the character of the existing dwelling and surrounding streetscene. I consider this identified harm to be materially significant to a level that is necessary to dismiss the appeal. Thus, the proposal would be contrary to guidance in SPD and contrary to Policies KP2 and CP4 in the Southend-on-Sea Core Strategy (2007) and Policies DM1 and DM3 in the Southend-on-Sea Development Management Document (2015), where they seek high quality design that respects existing character.
16. As the Core Strategy policies precede the National Planning Policy Framework, it is necessary for me to determine whether these policies are in accordance with the Framework. I consider that these policies referred to above are broadly in accordance with the Framework as far as they meet the Framework's core principles; particularly that planning should be seeking to ensure high quality design and should be taking account of the different roles and character of an area.

J L Cheesley

INSPECTOR