

Appeal Decision

Site visit made on 4 July 2017

by J Bell-Williamson MA MRTPI

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

Decision date: 17 July 2017

Appeal Ref: APP/M1595/D/17/3175316

1 Scratton Road, Stanford-Le-Hope SS17 0NZ

- 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 Chudasama against the decision of Thurrock Council.
 - The application Ref 17/00342/HHA, dated 13 March 2017, was refused by notice dated 5 May 2017.
 - The development proposed is side and rear extension to existing detached house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the living conditions of the occupiers of Nos 1a and 3 Scratton Road, with regard to outlook;
 - the living conditions of the occupiers of No 39 Corringham Road, with regard to privacy; and
 - the character and appearance of the host dwelling and surrounding area.

Reasons

3. Scratton Road is a residential street of mixed properties, although the predominant type is semi-detached two storey dwellings. No 1 is located at the end of the street where there are a small number of detached buildings, including the appeal property and some apartment buildings.

Living conditions

4. The rear extension across two storeys would add some four metres in depth to the existing dwelling. As the appellant asserts, this would result in a rear building line similar to that of the neighbouring property, No 3. This is one of a row of semi-detached dwellings of uniform design and appearance. These are characterised by adjoining rear projections that are inset from the main part of the house and, therefore, are further away from the side boundary of each property, creating additional amenity space.
 5. In contrast, the proposed rear and side extension would add considerable bulk and mass to the appeal property across its fully extended width, close to the shared boundary with No 3. This would result in a sense of enclosure for the
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- neighbouring residents when using the patio area to the rear and side of their property, with the extended dwelling in close proximity appearing as a dominant and overbearing presence.
6. To the other side, No 1a appears to be a later addition to this part of the road that has a similar rear building line to that of the appeal property. The back gardens of the appeal property and its neighbours are of relatively limited depth and, consequently, the rear of No 1 as proposed would extend for half the depth of the neighbouring garden close to the boundary. The scale and bulk of the two storey property would, therefore, be highly apparent from the whole garden, but particularly the part of it nearest to the neighbouring dwelling. From here the extended dwelling would be overbearing and a dominant feature in views from the garden.
 7. The position and appearance of the extended appeal property would in respect of both neighbouring properties be incongruous and uncharacteristic in a setting where properties currently retain a good degree of separation and openness through their design and siting. The Council also raises the issue of loss of light to neighbouring occupiers. Due to the orientation of the dwellings, the most likely effects are some limited overshadowing of the rear patio area to No 3, but this would not be sufficient of itself to warrant the appeal's failure.
 8. The side boundary of the back garden of No 39 Corringham Road is shared with the rear boundaries of Nos 1 and 1a. The relatively compact garden of the appeal property would result in the extended dwelling being positioned much closer to this shared boundary than currently. I accept that one of the upper floor windows would serve a bathroom and, therefore, could include obscured glass. However, there would be six other upper floor windows, including high level dormers, which would face directly towards No 39's rear garden. The limited separation between the appeal property and No 39's garden and the extent of views possible from the number of upper floor window would compromise the privacy and reasonable enjoyment of this neighbouring garden. The extended dwelling would be much closer to No 39's garden than the rear windows of No 3 Scratton Road, so I give the appellant's assertion in this regard limited weight.
 9. The appellant refers to other examples of properties in the surrounding area, including in Scratton Road, which have large rear extensions. While I acknowledge that other extensions may exist, I am unaware of their built form and particularly their relationship with and effects on neighbouring occupiers. As such, I cannot draw a direct comparison between them and the appeal proposal and, accordingly, must afford them limited weight in reaching a decision on this issue.
 10. Therefore, for all the above reasons, I conclude that the proposal would have an unacceptably harmful effect on the living conditions of the occupiers of Nos 1a and 3 Scratton Road, with regard to outlook; and on the living conditions of the occupiers of No 39 Corringham Road, with regard to privacy. As such, it is contrary to Policy PMD1 of the Council's Core Strategy and Policies for Management of Development, which states that development will not be permitted where it would have unacceptable effects on the amenity of neighbouring occupiers, including through visual intrusion and invasion of

privacy. This policy is consistent with more recent national guidance in the National Planning Policy Framework.

Character and appearance

11. The extent of the changes to the appeal property would result in a substantively bulkier dwelling with a different roof form that would have a larger footprint across the site, positioned much closer to the boundaries. However, there is no uniformity of design and appearance of properties at this end of Scratton Road where most buildings are later additions compared to the uniform semi-detached dwellings that form the main property type on the same side of the road. These additions include the much larger property on the opposite side of the road and the apartment buildings nearby, which reflect a different scale and appearance to the majority of the road further down.
12. While the extended dwelling would contrast with the scale and appearance of its immediate neighbours either side it would not be so incongruous in this part of the street scene as described to cause significant harm. Accordingly, I conclude that there would be no materially harmful effects on the character and appearance of the host dwelling and surrounding area from the proposal. As a result, there would be no conflict with Policies PMD2 and CSTP22 of the Core Strategy which, respectively, require development to respond to the character of the area and to provide a high quality of design.

Conclusion

13. While I have found in the appellant's favour with regard to one main issue, concerning the effect on character and appearance, this is not sufficient to outweigh the finding that the proposed extensions would cause unacceptable harm to a number of neighbouring occupiers' living conditions. Therefore, for the reasons given, I conclude that the appeal should not succeed.

J Bell-Williamson

INSPECTOR