



Appeal Decision

Site visit made on 22 July 2019

by M Chalk BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 August 2019

Appeal Ref: APP/B1550/W/19/3228437

8 and 10 Daws Heath Road, Rayleigh SS6 7QH

- 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 & Mrs Chapman and Holland against the decision of Rochford District Council.
 - The application Ref 18/01077/FUL, dated 12 November 2018, was refused by notice dated 22 February 2019.
 - The development proposed is described as two storey side/rear extensions, roof alterations and loft conversion to No 10.
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Decision

1. The appeal is allowed, and planning permission is granted for two storey side/rear extensions, roof alterations and loft conversion to No 10 at 8 and 10 Daws Heath Road, Rayleigh SS6 7QH subject to the conditions in the attached schedule.

Main Issues

2. The main issues in this appeal are as follows:
 - The effect of the proposed development on the character and appearance of the appeal properties and wider area
 - The effect of the proposed development on the living conditions of the occupants of 12 Daws Heath Road, with particular reference to outlook

Reasons

Character and appearance

3. The appeal site encompasses a pair of semi-detached houses in a predominantly residential road. Within this section of Daws Heath Road there is generally a mix of detached and semi-detached houses, although from the appeal site to the junction with Castle Road there is a row of six consecutive pairs of semi-detached houses.
4. Houses within this section of the road are generally set back from the edge of the pavement with parking or gardens in front of the houses. The space between neighbouring properties varies within the street, as some houses have a garage or driveway alongside while others have a side passage.

5. Roof forms vary within the street, with a mix of hipped and gable-sided roofs. Five of the six pairs of semi-detached houses between the appeal site and Castle Road have hipped roofs, while one pair has gable-sided roofs. These five pairs are of somewhat similar character with two-storey bay windows to the front elevations, although there are differences in external materials and finishes and the size and siting of windows and doors.
6. Planning permission was granted in June 2017 for extensions to no 8 (Ref 17/00426/FUL) and no 10 (Ref 17/00427/FUL). There is no question that these extant permissions could be implemented, and they represent a fallback position against which to assess the appeal proposals.
7. The proposed development would create gabled roofs to nos 8 and 10. This would differ from the established character of the pair, and the similar appearance of the groups of semi-detached houses in this part of Daws Heath Road. However, gabled roofs are common features of houses in the street scene, and within the row of six pairs of semi-detached houses there is already one pair with gabled roofs. Given the variety of roof forms within the street and within this group of houses, the development would not cause unacceptable harm to the character and appearance of Daws Heath Road.
8. The appeal properties have large rear gardens, and neighbours to the rear would view the appeal proposals within the context of the wider group of properties, several of which have rear extensions and/or outbuildings in their rear gardens. Therefore the proposed development would not appear out of place given this wider context and the distance to neighbouring properties, and would be a development of a scale and form appropriate to the locality.
9. The proposals would therefore preserve the character and appearance of the area in accordance with policy DM1 of the Rochford District Council Development Management Plan (adopted 16 December 2014) and policy CP1 of the Rochford District Council Core Strategy (adopted December 2011).
10. The proposals would also be acceptable having regard to guidance in the Rochford District Council Supplementary Planning Document 2: Housing Design (adopted January 2007), which among other criteria advises that extensions to existing dwellings should be harmonious in character, scale, form and materials with the existing dwelling, and that side extensions will be decided on their merits.

Living conditions

11. The proposed two-storey rear extensions would project further at first-floor level than those approved in June 2017. However, this would not significantly affect the outlook from 6 Daws Heath Road, which has a two-storey rear extension of similar depth to the appeal proposals.
12. 12 Daws Heath Road has not been extended to the rear. However, there is a significant distance between the two properties even allowing for the proposed works. Both 10 and 12 Daws Heath Road have large rear gardens providing a generally open outlook to the rear of the houses.
13. The proposed extension to no 10 would not breach a 45 degree line taken from the nearest windows to no 12, and it would be a generally peripheral feature in the outlook to the rear from no 12.

14. The proposals would therefore be acceptable on the grounds of impact on living conditions in accordance with policy DM1 of the Rochford District Council Development Management Plan (adopted 16 December 2014) and policy CP1 of the Rochford District Council Core Strategy (adopted December 2011).
15. The proposals would also be acceptable having regard to guidance in the Rochford District Council Supplementary Planning Document 2: Housing Design (adopted January 2007), which among other criteria seeks to protect the amenities of neighbouring occupiers from harm from extensions to dwellings.

Conditions

16. In addition to conditions relating to commencement of the development and confirmation of the approved plans, I consider two additional conditions are necessary, which in accordance with paragraph 55 of the National Planning Policy Framework are relevant to planning and the development permitted, enforceable, precise and reasonable in all other respects. These are numbered 3 and 4 on the attached schedule, and have been reviewed and agreed in principle by the Council and appellant.
17. The proposals include first-floor flank windows facing 8 and 12 Daws Heath Road. To ensure that no unacceptable harm through loss of privacy arises it is necessary that these windows shall be obscure glazed, and non-opening below 1.7 metres above floor level.
18. The proposed rear extensions would create a large area of flat roof. To preserve the privacy of neighbours it is necessary for a condition to be imposed requiring that this area not be used as a balcony, roof garden or similar amenity area.
19. The Council have suggested a condition requiring that external surfaces of the development be constructed of materials and finish as detailed in the application. I am satisfied that this is covered by the approved plans condition.

Conclusion

20. The appeal scheme would adhere to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should succeed.

M Chalk

Inspector

Schedule of Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: DH/NAK/01 Rev A, DH/NAK/02 Rev A, DH/NAK/03 Rev A, Site Location Plan
3. The first-floor flank windows shown on the approved drawings shall be glazed in obscure glass and shall be of a design not capable of being opened below a height of 1.7m above finished floor level. Thereafter, the said windows shall be retained and maintained in the approved form.
4. The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.