



Appeal Decision

Site visit made on 26 June 2019 by C Brennan BAE (Hons) M.PLAN

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 September 2019

Appeal Ref: APP/D1590/W/19/3225914

Site Land South of 92 Glendale Gardens, Leigh-on-Sea SS9 2AY

- 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 Ayres against the decision of Southend-on-Sea Borough Council.
 - The application Ref 18/01931/FUL, dated 5 October 2018, was refused by notice dated 18 December 2018.
 - The development proposed is demolition of existing building and erect dwellinghouse with associated parking and amenity space.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are:
 - i) the effect of the proposed development on the character and appearance of the site and surrounding area.
 - ii) the effect of the proposed development on the living conditions of the occupiers of the first floor flat of 92 Glendale Gardens, with particular regard to their privacy.

Reasons for the Recommendation

Character and Appearance

4. The appeal site comprises a single-storey pitched roof building which was once used for storage and has the appearance of an ancillary structure. It lies to the southwest of 92 Glendale Gardens, a two-storey corner building that has been converted to flats. The appeal property is located on the northwest side of Leighville Grove and is set back from the street. Leighville Grove is a typical residential street characterised by terraces and semi-detached pairings of two-storey dwellinghouses featuring gable or hipped roofs, bay windows and small front gardens. Dwellinghouses on both sides of the street follow established building lines running from north to south and benefit from small front garden areas.
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5. The proposed front facing gable feature and prominent front dormer on the appeal proposal would render the dwelling substantially different in form, design and fenestration to the nearby properties along Leighville Grove. In addition, though the building would appear subservient in the context of No. 92 to the north and No. 77 Leighville Grove which adjoins immediately to the south of the site, this lower height would result in a contrast with the scale of these neighbouring buildings. Also, the set back siting of the proposal away from the building line would not completely shield the proposal from public view and indeed this set back, in combination with the provision of off-street parking and its only amenity space to the front of the appeal site, would represent a significant departure from the established pattern of development locally. Overall, the proposal would fail to relate positively to the distinctive characteristics of the street, and therefore it is considered that the proposal would appear as an incongruous addition and would therefore cause harm to the character and appearance of the site and surrounding area.
6. Furthermore, its set back position, its width greater than that of the plot's frontage and its shorter height than its neighbours means it would appear as a cramped addition to the streetscene.
7. The appellant states that the proposal has been designed to appear as a traditional stable structure, with the front dormer intended to appear as a loading hatch for a hayloft. It is argued that this is a common feature of Victorian stable buildings, and that there are many such buildings within the town that have been converted to dwellinghouses. However, no such examples are provided by the appellant. Furthermore, as the proposal would result in the demolition of the original building, it is considered that the site's historic ties to any previous agricultural use would be lost altogether and that this modern interpretation would appear entirely out of keeping with the surrounding built environment.
8. In the planning statement submitted as part of the application, the appellant draws attention to Nos. 49/51 Glendale Gardens, which they state has been converted to flats with some amenity space provided to the front of the site. While Glendale Gardens features some front gardens and off-street parking, the street is wider and includes some commercial uses alongside relatively larger residential dwellinghouses. In comparison, Leighville Grove is entirely residential in nature, with smaller houses of a broadly uniform design and a narrower width across the street. As such, this example is not comparable to the proposal and so does not provide sufficient justification for the harm that would be caused to the character and appearance of Leighville Grove.
9. I accept that the rear dormer would not be particularly visible within public views, and I note that there are similar box dormers within the vicinity of the appeal site. However, it would be readily apparent from private views, particularly from the south-facing windows and balconies of the flats which lie immediately to the north. Furthermore, I find that the set back of the rear dormer from the rear eaves is insufficient and it would therefore appear overly dominant within the rear roofslope of the proposed dwellinghouse.
10. For the above reasons, I conclude that the proposal would cause unacceptable harm to the character and appearance of the site and surrounding area and would therefore conflict with Policies KP2 and CP4 of the Core Strategy 2007, Policies DM1 and DM3 of the Development Management Document 2015 and

the Design and Townscape Guide SPD 2009, which broadly require that development proposals should be designed to the highest standards and should respect, enhance and be informed by the character and appearance of the surrounding area.

Living Conditions

11. From the plans, the first-floor front dormer window of the proposal would be approximately 8m away from the west-facing windows of the first-floor flat of 92 Glendale Gardens, which, the parties don't dispute, serves a bedroom and a kitchen. The lack of separation between these opposite facing windows would result in overlooking, thereby causing a significant level of harm to the privacy of the occupants of the first-floor flat.
12. I note that the appellant has suggested that a condition could be attached requiring the front dormer window to be obscurely-glazed and fixed shut. I accept that such a condition would adequately mitigate any harm that would be caused in terms of overlooking and loss of privacy. However, I agree with the Council that if the proposal was to be approved, a condition would have to be attached requiring the windows of the rear dormer to be obscurely-glazed and fixed shut to respect the privacy of the residents of No. 100 Glendale Gardens, situated on the western side of the adjacent car park. While I also note that the appellant states that No. 100 is already overlooked by the rear windows and balconies of No. 77 Leighville Grove, Nos 94-96 Glendale Gardens and the rear windows at No 102 Glendale Gardens, most of these windows would not have as direct or close a view of the garden at No.100 as the proposal, particularly over the rearmost section of the garden. I therefore find consider that the proposed rear dormer would result in a relatively greater level of overlooking upon the rear garden of No. 100.
13. As both the front and rear dormers would need to be obscurely-glazed and fixed to preserve the living conditions of neighbouring residential occupants, the resultant outlook for future residents of the proposed dwellinghouse from the first-floor bedroom would be poor, thereby compromising their living conditions. The proposed condition in respect of the front dormer window to address concerns relating to the privacy of neighbouring occupants would therefore not provide an acceptable solution.
14. For the above reason, I conclude that the proposal would cause unacceptable harm to the living conditions of the residents of the first floor flat of 92 Glendale Gardens in terms of privacy. The proposal therefore does not comply with Policies KP2 and CP4 of the Core Strategy 2007 and Policies DM1 and DM3, the Development Management Document 2015 and the Design and Townscape Guide SPD 2009, which broadly require that development proposals should safeguard the amenity of occupiers of neighbouring buildings.

Other Matters

15. The appellant states that the Council's Housing Delivery Test result of 49% means that the tilted balance to decision-taking as per Paragraph 11(d) of the National Planning Policy Framework must be engaged. However, this is not the case in this instance, as Annex 1 of the Framework states that the Housing Delivery Test published in November 2018 must indicate that the Council provided less than 25% of housing required over the previous three years in order for the tilted balance to come into effect. As such, the tilted balance does

not apply in this case and the development plan policies are consistent with the Framework.

16. Even if the policies were found to be inconsistent with the Framework, it is considered that the harm caused by the development to the character and appearance of the site and surrounding area would not significantly and demonstrably outweigh the benefits of providing a single one bedroom dwellinghouse to the housing supply even if housing in the Borough will primarily need to be provided through small infill developments.

Conclusion

17. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

C Brennan

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR