



Appeal Decision

Site visit made on 5 November 2019 by Emma Worby BSc (Hons)

Decision by J Whitfield BA (Hons) DipTP MRTPI

appointed by the Secretary of State

Decision date: 13 December 2019

Appeal Ref: APP/D1590/D/19/3234445

64 Mount Avenue, Westcliff-On-Sea SS0 8PT

- 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 Rowland against the decision of Southend-on-Sea Borough Council.
 - The application Ref 19/00502/FULH, dated 11 March 2019, was refused by notice dated 7 June 2019.
 - The development proposed is an upper storey extension with internal alterations.
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Decision

1. The appeal is allowed and planning permission is granted for an upper storey extension with internal alterations at 64 Mount Avenue, Westcliff-On-Sea SS0 8PT in accordance with the terms of the application, Ref 19/00502/FULH, dated 11 March 2019, subject to the following 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: 'MA/NAK/01 Rev B' and 'Site Location Plan'.
 - 3) The materials to be used in the construction of the external surfaces of the proposed development hereby permitted shall match those used in the existing building.
 - 4) The extension hereby permitted shall not be occupied until the windows at first floor level on the side elevations have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter.

Appeal Procedure

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

Main Issue

3. The main issue in this appeal is the effect of the proposed development on the living conditions of the occupiers of the neighbouring properties, to the south of the site on The Crossways, in relation to outlook.

Reasons for the Recommendation

4. The appeal site is a detached bungalow located within a residential setting. The immediate surrounding properties on Mount Avenue and The Crossways are two storeys in height. The site has an uneven ground level and the existing property is built on a gradient which is highest at road level. The property is also at a slightly higher ground height than those to the south on The Crossways. The proposal seeks to convert the bungalow into a two-storey dwelling.
5. The proposed development would not increase the footprint of the existing dwelling. However, the proposal would significantly increase the height of the appeal dwelling to a similar height to the neighbouring properties, if not slightly higher than those on The Crossways due to the change in ground level.
6. Nevertheless, the properties on The Crossways which border the appeal site, specifically No.35, No.37 and No.39, have relatively large gardens. Therefore, a separation distance of 12.5m between those dwellings and the appeal property would be maintained. Moreover, whilst the dwelling would undoubtedly be higher than the existing bungalow, the design of the roof would be hipped, which would reduce the bulky nature of the two-storey property. In addition, the height of the property would be in keeping with that of surrounding two-storey properties.
7. The other dwelling on The Crossways which would border the site, No.41, would be situated adjacent to the rear garden of the appeal property. Although the proposal would be visible from this property, due to its location, the proposed development would not unduly harm the occupiers outlook as their current view into their own garden and the garden of the appeal property would be retained.
8. For the reasons above, I consider that the proposal would not have a harmful effect on the living conditions of the occupiers of the neighbouring properties with particular regard to outlook. Therefore, it would not be contrary to Policies KP2 and CP4 of the Southend On Sea Core Strategy (2007) or Policies DM1 and DM3 of the Southend On Sea Development Management Document (2015) which collectively seek to: ensure proposals have good relationships with existing development; protect the amenity of neighbours; and resist, development which has a detrimental impact upon living conditions. In addition, it would also accord with living condition objectives within the National Planning Policy Framework. Finally, the proposed development would also accord with the SPD 'Southend On Sea Design and Townscape Guide' (2009) which states that extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect the outlook of the habitable rooms in adjacent properties.

Other Matters

9. During the planning application stage, a number of third-party representations were made. Along with loss of outlook as discussed above, one of the primary concerns was that the proposal would result in a loss of privacy through increased overlooking. Specific concerns have been raised regarding overlooking from a door on the side elevation, however this would be at ground floor level and is in a similar location to the current bedroom window, which is not obscure glazed. Moreover, the appellant has indicated that a condition

could be imposed to require all new side facing windows to be obscurely glazed. I agree that a condition to require the proposed first floor windows to be fitted with obscure glazing and to be non-opening below 1.7m from floor level would suitably mitigate the potential for any overlooking from the first-floor bathroom and stairwell which the windows would serve. Thus I am satisfied the proposal would not result in a harmful loss of privacy.

10. Concerns from third parties were also raised regarding the lack of car parking provision on the site and the possible noise and disturbance during the construction period. The property currently has three off-road car parking spaces, which would remain unchanged and would be considered acceptable for a four-bedroom dwelling. Furthermore, no concerns have been raised by the Council or Highways Authority with regard to this. The construction period for the proposal would be controlled under alternative legislation and, nevertheless, would be relatively minor works due to the nature of the development which relate to a householder extension only. Any disturbance and inconvenience neighbours would experience would not amount to the unacceptable harm to living conditions necessary to justify the dismissal of the appeal, particularly considering the temporary nature of the construction works.

Conditions

11. In addition to the standard time period for commencement of the development, I have attached a condition requiring the development to accord with the approved plans, as this provides certainty. A condition requiring the use of materials matching that of the existing building is also necessary to ensure that the development does not unduly affect the character and appearance of the area. As mentioned previously, I consider to ensure the first-floor windows on the side elevations are obscure glazed and non-opening below 1.7m from floor level to prevent overlooking is necessary to protect the living conditions of neighbouring residents.

Conclusions and Recommendation

12. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is allowed.

Emma Worby

APPEALS PLANNING OFFICER

Inspector's Decision

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

J Whitfield

INSPECTOR