



Appeal Decision

Site visit made on 14 January 2020

by J E Jolly BA (Hons) MA MSc CIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 January 2020

Appeal Ref: APP/D1590/W/19/3235849

42 Highfield Gardens, Westcliff-on-Sea SS0 0SX

- 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 and Mrs Rafiei against the decision of Southend-on-sea Borough Council.
 - The application Ref 19/00531/FUL, dated 18 March 2019, was refused by notice dated 22 May 2019.
 - The development proposed is an extension to a medical clinic. Upper storey extension and a raised roof ridge with front-facing gable dormers.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the area
 - the living conditions of neighbouring occupiers, with particular reference to overbearing and loss of daylight and sunlight to 40 Highfield Gardens, and;
 - highway safety

Reasons

Character and appearance

3. The appeal site is located on a loose corner plot at the junction of Highfield Gardens and Prittlewell Chase. The area is typified by a range of one and two-storey, white-rendered or brick and tile dwellings facing the main highway, most of which have relatively spacious gardens to the rear. The host dwelling is a modest one-storey, chalet style white rendered bungalow that does not have a rear garden. To the front and side of the dwelling there are hard-standings/gravelled parking areas for at least 4 cars. The rear of the property has windows which face on to the side elevation and back garden of the single storey bungalow at 40 Highfield Gardens. No 40, has windows to its' side elevation, and a rear conservatory that looks out onto a back garden which is screened from the appeal property behind a fence and hedging.

4. The proposal is to add a first-floor, white-rendered extension to the host dwelling at No 42 that would increase the ridge height and have glazed dormers to the front and side elevations. The positioning of the rear ground-floor windows would be retained, and the new first-floor extension would have roof-lights.
5. The development would be similar to many of the two-storey, white-rendered properties seen along Prittlewell Chase. For example, but not limited to, the dwelling at the junction with Prittlewell Chase and Hobbeythick Lane. Moreover, the increased visual appearance and mass of the proposal would strengthen the existing corner plot as a result of its' front and side elevational features, materials and height that would enhance the character and appearance of the immediate surrounding area.
6. Therefore, the proposal accords with Policies KP2 and CP4 of the Southend-on-Sea Core Strategy 2007 (SOSCS) which say, amongst other things, that development should maintain and enhance the appeal and character of residential areas, and Paragraph 127 of the National Planning Policy Framework (the Framework) which requires that developments will function well and add to the overall quality of the area.

Living Conditions

7. The appeal dwelling is of a similar height and scale to the one-storey bungalow at No 40, which provides an element of privacy, and a sense of space between the buildings. Moreover, the existing boundary treatments, coupled with the simple or obscured side windows associated with both dwellings, assists the limited separation between the two properties.
8. The proposal is for an upper-storey extension that would face onto the garden and side of No 40. Whilst there are two-storey dwellings along Prittlewell Chase, unlike the appeal property they have relatively generous rear-gardens and are separated at some distance from the properties behind. As such, despite its' high-level roof-lights, the height, mass and proximity of the proposal would be overly prominent and overbearing on the occupiers of No 40 and would erode the sense of privacy and separation from the appeal property.
9. Further, although I have limited technical evidence before me, due to the proximity of the proposal the sunlight and daylight experienced by the occupiers of No 40, despite the given solar path, is likely to be reduced in both the garden and the dwelling during certain times of the day and throughout some periods of the year.
10. Therefore, the proposal is contrary to Policies KP2 and CP4 of the SOSCS, Policies DM1 and DM3 of the Southend-on Sea Development Management Document 2015 (SOSDMD) and the advice contained within the Southend-on-Sea Design and Townscape Guide (SOSDTG) which say that development should protect the amenity of the site, immediate neighbours, having regard to daylight and sunlight. For similar reasons, the proposal is contrary to Paragraph 127 of the Framework which requires that new development creates places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Highway Safety

11. The host dwelling has 4 parking spaces associated with the clinic and the option of a further 2 spaces related to a property in the appellants ownership at the adjacent 128 Prittlewell Chase. The existing spaces, although unmarked, are accessed by means of a relatively wide cross-over to both the side and rear of the property. Use of the spaces would be limited to clients visiting the clinic and the small number of staff employed by the business. As, I have limited evidence before me to suggest that the proposal would add to 'parking stress' in the area, and the fact that the clinic is also well served by several bus routes, the parking available and access to it is likely to be sufficient without compromising highway safety. I note the comments from the Councils' Highway Department related to 'ad-hoc' parking, and the concerns regarding un-marked parking areas. If necessary, the location and use of these spaces could be formalised by the imposition of a condition.
12. As such, the proposal accords with Policies KP1, KP2, CP3 and CP4 of the SOSCS, and Policy DM15 of the SOSDM which state, amongst other things that development will be allowed where there is, or it can be demonstrated that there will be, physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner, and the aims of Paragraph 102 of the Framework which says that parking and other transport considerations are integral to the design of schemes.

Other Matters

13. I acknowledge the appellants desire to meet the requirements of the Care Quality Commission, the need to improve operational systems and the invaluable service to patients the practice is likely to provide. However, although I have found in favour of the appellant with regard to character and appearance and highway safety this does not overcome the harm caused by the proposal to the living conditions of the occupiers of neighbouring properties.

Conclusion

14. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

J E JOLLY

INSPECTOR