



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: 05 February 2020

Appeal Ref: APP/D1590/W/19/3238356

Haven House Hotel, 47 Heygate Avenue, Southend-on-Sea SS1 2AN

- 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 Ali against the decision of Southend-on-Sea Borough Council.
 - The application Ref 19/00389/FUL, dated 27 February 2019, was refused by notice dated 23 April 2019.
 - The development proposed is to erect a single storey rear extension, and dormers to the roof in order to accommodate additional rooms.
-

Decision

1. The appeal is dismissed insofar as it relates to hip to gable roof extension and dormers to sides to form additional rooms.
2. The appeal is allowed insofar as it relates to the single storey rear extension and planning permission is granted to erect a single storey rear extension at Haven House Hotel, 47 Heygate Avenue, Southend-on-Sea SS1 2AN, in accordance with the terms of the application Ref: 19/00389/FUL, dated 27 February 2019, so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1655 01b and 1655 03a.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials that match the existing dwelling, in colour, texture and finished appearance.

Procedural Matters

3. Notwithstanding the description on the application form, the Council's decision notice and the appeal form described the proposal as: 'to erect a single storey rear extension, hip to gable roof extension and dormers to sides to form additional rooms (amended proposal)'. This more accurately reflects the scheme shown on the submitted plans and how it was determined by the Council. I have dealt with the appeal on the same basis.

Main Issues

4. The main issues are the effect of the roof alterations on:

- the character and appearance of the area, and;
- the living conditions of the occupiers of 45 Heygate Avenue, with particular reference to daylight and outlook.

Reasons

Character and appearance

5. Haven House Hotel is a detached dwelling located near to the town-centre of Southend-on-Sea, in a residential area of predominantly two-storey, brick and tile dwellings. The appeal property, with its front court-yard garden, gabled elevation and modest rear extension is similar to the other properties on both sides of Heygate Avenue as it slopes down towards the main road at 'Queensway'.

a) Roof alterations

6. The existing hip roof of Haven House Hotel contributes to the sense of visual balance along the street-scene which is typified by simple gabled elevations. The proposed hip to gable roof would fundamentally alter the shape of the roof and substantially increase the upper bulk of the property. This would create a top-heavy appearance to both the front and rear elevations of the host property.
7. Moreover, the prominence and box-like appearance of the extension, which would be flush to the front elevation, would be at odds with the prevailing gabled-fronted pattern of development when viewed across and along Heygate Avenue. Further, the gradient of the road is such that to the rear and side of the host dwelling the full depth and width of the extension would be visible from many of the gardens to the rear of Heygate Avenue and York Road. Consequently, the proposal is incongruous with the character and appearance of the area.
8. It is proposed to insert dormer windows into each slope of the enlarged roof. The scale, proportions and design of these dormers would be appropriate in relation to the size of the new roof slopes and would not appear dominant. They would also be compatible in style and size with windows that are present in the neighbouring properties. However, they would be inserted into a new roof which I have found to be out of keeping with the host property and the surrounding area. As they could not be implemented in isolation from the other alterations to the roof it follows that they are unacceptable.
9. I therefore conclude that the roof alterations would harm the character and appearance of the area. Therefore, the proposal is contrary to Policies KP2 and CP4 of the Southend-on-Sea Core Strategy 2007 (SOSCS), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document 2015 (SOSDM). These policies, state amongst other things, that development should be of the highest quality, respect the character of the existing neighbourhood and draw reference from the Southend-on-Sea Design and Townscape Guide 2009 (SOSDTG), which aims include that development integrates with existing buildings.

10. For similar reasons, the proposal would be contrary to the Policies of the National Planning Policy Framework (the Framework), including Paragraph 127 which indicates that developments should be visually attractive and be sympathetic to the local character of the surrounding built environment.

b) Single storey rear extension

11. To the rear of the host dwelling the proposal is to replace the existing conservatory with a single storey extension with an enclosed balcony above. Its scale, style and materials would respect the host property and bring a degree of cohesion to the rear courtyard. I therefore concur with the Council that this element of the scheme would be acceptable and would comply with the policies referred to above.

Living conditions

12. To the left side of the hotel there is a small gated path that runs between the side elevations of No 45 and No 47 Heygate Avenue. On the side elevation of No 47 there are a number of ground and first floor windows which face onto the elevation and side windows of No 45 Heygate Avenue. As such, the proximity of the host dwelling with the neighbouring properties is tight-knit. Nevertheless, some of the windows are obscured, and at separation distances in keeping with this town-centre location.
13. However, I noted at my site visit that the residents of No 45, which appears to be a house in multiple occupation, have a view from their first-floor side windows to the path below and obliquely to the front and rear of the property. Nonetheless, the separation gap to No 47 is relatively narrow, and the opportunities to look out in this location are far from ideal. Indeed, whether or not these windows are habitable rooms, the daylight and sunlight experienced by the occupiers of No 45 is likely to be limited during some parts of the day and during the course of the year.
14. In this context, the increased mass of the gable extension, given the existing distance between the properties and the relative height of the building, would further diminish the daylight and sunlight available to the side windows of No 45. Hence, this further reduction in daylight and sunlight would result in gloomy rooms facing onto an extended gable.
15. Moreover, the additional height of the proposed roof extension and its proximity to the in the side elevation of No 45 would increase the sense of enclosure for people living at No 45. In combination these factors would adversely affect the living conditions of the occupiers of No 45.
16. I therefore conclude that the scheme would harm the living conditions of the occupants of No 45, arising from an unacceptable loss of daylight and outlook. As such, the scheme is contrary to Policies KP2 and CP4 of the SOSCS, Policies DM1 and DM3 of the SOSDM and the advice within the SOSDTG which say, amongst other things, that development should protect the amenity of a site, immediate neighbours, and surrounding area, having regard to, amongst other things, daylight and outlook.
17. Additionally, the scheme conflicts with Paragraph 127 of the Framework which identifies that developments should create 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.

Other Matters

18. I acknowledge the appellants desire to improve the affordability and operation of the hotel, including the economic benefits that might bring. However, that is not a justification for setting aside the harm I have identified to the character and appearance of the area and the living conditions of neighbouring occupants.

Split Decision

19. I have found that the roof alterations would be harmful to the character and appearance of the area and the living conditions of the occupants of No 45. However, I am satisfied that the proposed single storey rear extension is both physically and functionally severable from the proposed roof alterations. In these circumstances, I am able to issue a split decision and will grant planning permission for the single storey rear extension.

Conditions

20. In addition to the standard time limit I have considered the other conditions suggested by the Council having regard to the tests set out in against Paragraph 55 of the Framework and the Planning Practice Guidance. I have imposed a condition specifying the plans in the interests of certainty and a materials condition in the interests of the appearance of the building.

Conclusion

21. For the reasons given above, I conclude that the appeal should be dismissed insofar as it relates to the hip to gable roof alterations and dormer windows but allowed insofar as it relates to the single storey rear extension, subject to the conditions set out above.

J E JOLLY

INSPECTOR