
Appeal Decision

Site visit made on 20 December 2019 by Emma Worby BSc (Hons) MSc

Decision by P J Davies BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2020

Appeal Ref: APP/B1550/D/19/3238802

8 Kenilworth Gardens, Rayleigh, Essex, SS6 9HS

- 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 Paul Topp against the decision of Rochford District Council.
 - The application Ref 19/00657/FUL, dated 15 July 2018, was refused by notice dated 23 September 2019.
 - The development proposed is 'add porch to front with extended roof over bay window. Add first floor extension to the rear on existing ground floor extension'.
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Decision

1. The appeal is dismissed.

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 Issues

3. The Council does not object to the proposed front porch with extended roof and I do not disagree. The main issues are the effect of the proposed first-floor rear extension on:
 - a) the character and appearance of the area;
 - b) the living conditions of the occupiers of the neighbouring dwelling with regard to outlook.

Reasons for the Recommendation

Character and Appearance

4. The appeal site is occupied by a semi-detached chalet bungalow style dwelling with a box dormer window to the front and rear elevations and a single storey extension to the rear. It is located in a residential street and is surrounded by other bungalows, many of which have been extended with loft conversions and dormer windows.
5. Whilst the proposed first floor rear extension would extend from the existing rear dormer, its large size and design would give the dwelling a more traditional two-storey dwelling appearance from the rear. As most properties surrounding the appeal site are bungalows and chalet bungalows, this two-

storey appearance would be out of keeping within the locality. Furthermore, the flat-roofed design of the proposed extension would appear bulky, with its significant depth creating an over-dominant appearance.

6. For these reasons the proposed development would have a harmful impact on the character and appearance of the area and therefore would be contrary to Policy DM1 of the Rochford District Council Development Management Document (2014) and Policy CP1 of the Rochford District Council Core Strategy (2011) which seek to ensure that the design of new developments promotes the character of the locality and promote good, high quality design.

Living Conditions

7. The adjoining dwelling at No.6 Kenilworth Gardens (No. 6), is single storey in nature and has a rear extension which does not extend the full width of the dwelling. This results in a gap between this extension and the existing rear extension at the appeal property. No. 6 has a window and door within this gap located on the rear elevation of the main dwelling. The Council have stated that the proposed first floor rear extension would overshadow the internal space which is served by this rear window and door, as it would not meet the 45-degree rule relating to loss of light.
8. It is noted that the existing single storey extension at the appeal site already creates some overshadowing to the rear window of this neighbouring property. However, due to its greater height and mass, the proposal would further restrict the outlook from this window and the daylight received by it. As a consequence, the proposal would create a harmful sense of enclosure. The proposal does have a slight pitched element to the proposed roof, however this is not sufficient to overcome the harm identified above. The appellant has not demonstrated that the proposal would meet the 45-degree rule, which is required by the Housing Design SPD, and therefore I have no reason to disagree with the Council's calculations.
9. For the above reasons, the proposed development would have a harmful impact on the living conditions of the occupiers of the neighbouring dwelling which would be contrary to Policy DM1 of the Rochford District Council Development Management Document (2014) which requires proposed development to positively contribute to residential amenity. It would also be contrary to the Housing Design SPD (2007) which states that first floor extensions shall be decided on their merits having regard to the protection of the amenities of the adjacent properties.

Other Matters

10. The appellant has highlighted two properties further along Kenilworth Gardens which appear to have similar extensions to the rear. However, I do not know the full circumstances of these developments and they have no bearing on the individual context of the appeal proposal which I have determined on its own merits. It is also noted that the occupiers of No.6 may wish to extend their property in the near future. However is no certainty that this would be the case, and this has not therefore influenced my recommendation.

Conclusions and Recommendation

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

Emma Worby

APPEALS PLANNING OFFICER

Inspector's Decision

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

P J Davies

INSPECTOR