



Appeal Decision

Site visit made on 21 January 2020

by N Holdsworth MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 February 2020

Appeal Ref: APP/D1590/D/19/3240026
32 Percy Road, Leigh-on-Sea, SS9 2LA

- 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 Sevan Alticosalian against the decision of Southend-on-Sea Borough Council.
 - The application Ref 19/01205/FULH, dated 24 June 2019, was refused by notice dated 5 August 2019.
 - The development proposed is first floor extension at the rear.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Sevan Alticosalian against Southend-on-Sea Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The effect on the character and appearance of the host building and surrounding area, and the living conditions of residents along Westleigh Avenue with particular regard to privacy.

Reasons

Character and Appearance

4. The host building appears as a chalet bungalow with a pitched roof and jerkinhead gable walls on each side, with three symmetrical dormer windows at first floor level on the rear elevation. It sits on a road characterised by residential properties of various sizes, exhibiting a variety of different architectural styles and designs.
5. The host building exhibits an existing rear ground floor addition. Because of its limited height, this preserves the existing chalet bungalow form of the building, when viewed from the rear.
6. By contrast, the proposed extension would add a full height, second storey to one side of the building. This would project forward of the existing pitched chalet bungalow roof. Because of its height and size relative to the remainder of the property, the extension would be a dominant feature that competes for visual attention with the remainder of the roof.

7. It is suggested that the extension would read as a traditional cross wing addition. However, in this context it would appear disproportionately large, in relation to the remainder of the building. Due to its siting on one side of the property, the building would appear unbalanced when viewed from the rear.
8. The extension would also abut the existing central rear facing dormer window. It would sit uncomfortably beside this existing feature of the building, with the pitched roof of the extension immediately adjoining the roof above the dormer window. This serves to further illustrate the unduly dominant appearance of the proposed extension, in relation to the host building. Rather than appearing quirky, this detail would appear cluttered and unresolved.
9. Reference is made to a projecting gable at the front of the host building. However, this is a well-designed feature that replicates the jerkinhead gable walls apparent on the sides of the building. Its siting in the centre of the building means that the front of the property appears balanced, and the proportions of the other parts of the roof and dormer windows on either side are respected. As such, the proposed rear extension is not justified by reference to this existing feature of the host building.
10. Overall, the works would detract significantly from the existing architectural coherence of this building as a chalet bungalow. It would take on a sprawling, overextended appearance to the rear, with no convincing design rationale. Consequently, there would be a significant degree of harm to the character and appearance of the host building.
11. It is argued that in seeking to achieve a high standard of design the Council has applied an unreasonably demanding test in its assessment of this proposal. However, the National Planning Policy Framework ("The Framework") places a significant emphasis on achieving well-designed places. It seeks to ensure that developments are visually attractive as a result of good architecture. Whilst the works here are confined to the rear of the building away from public views, they are in a raised position and would be visible in private views from surrounding residential properties. As such, the harm identified to the appearance of the host building would also detract from the quality of the wider residential environment, found to the rear of the site.
12. I therefore conclude that the proposal would result in unacceptable harm to the character and appearance of the host building and the surrounding area. Policy DM1 of the Southend-on-Sea Development Management Document (2015) (DMD) requires that new development should add to the overall quality of the area. That would not be achieved here. The proposal conflicts with this policy, in addition to DM3 of the DMD, and KP2 and CP4 of the Southend on Sea Core Strategy (2007) ("Core Strategy") which all seek to achieve well-designed development. The proposal also conflicts with the Southend-on-Sea Supplementary Planning Document 1: Design and Townscape Guide (2009) ("DTG"). In seeking to achieve good design this document has the same purposes as the development plan policies cited above.

Living Conditions

13. The proposal would bring an existing rear facing window at first floor level forward of its existing position. In consequence, it would be closer to the rear

elevation of the adjacent residential properties on Westleigh Avenue, and their gardens.

14. However, there is already a significant degree of mutual overlooking between the properties on Percy Road and those on Westleigh Avenue. The extension would project to a similar building line at first floor level to that established by the immediate neighbour at No 34, which was approved following a series of appeal decisions at this site¹. On the basis of my site Inspection, this neighbouring building includes large windows at first floor level, facing towards properties on Westleigh Avenue which are sited in a very similar position to those facing the appeal site.
15. On the basis of the information provided in the officer report, the separation distance to the neighbouring property on Westleigh Avenue would extend to around 18 metres². This would amount to a reasonably sized gap between the properties that would prevent any intrusive overlooking. Consequently, the repositioning of the windows within the extension would not result in material harm to the living conditions of residents on Westleigh Avenue, through loss of privacy through either perceived or actual overlooking.
16. In this respect the proposal complies with policies DM1 and DM3 of the DMD; and KP2 and CP4 of the Core Strategy which seek, amongst other things, to protect the amenity of immediate neighbours where new development is proposed. On this matter the proposal does not conflict with the DTG, which shares similar objectives.

Other Matters

17. The proposal would provide improved living conditions for the existing residents of the host property in a cost effective way, whilst retaining a reasonably sized garden and without resulting in unacceptable harm to the living conditions of neighbouring residents. However, this does not overcome the harm identified in the first main issue in this appeal. The proposal conflicts with the requirement, set out in the Framework, to achieve well designed places and the presumption in favour of sustainable development does not apply. The lack of objections to the proposal does not amount to a benefit in its favour.

Conclusion

18. Whilst the proposal would be acceptable in terms of its effect on the living conditions of existing residents, there would be unacceptable harm to the character and appearance of the area. The proposal therefore conflicts with the development plan, when it is considered as a whole, and there are no other considerations that outweigh this finding. The appeal should be dismissed.

Neil Holdsworth

INSPECTOR

¹ Including: APP/D1590/W/17/3188745

² Paragraph 7.10 of the officer report.