
Appeal Decision

Site visit made on 26 February 2020

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 17th March 2020

Appeal Ref: APP/D1590/D/20/3244300

36 Fillebrook Avenue, Leigh-On-Sea SS9 3NT

- 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 Miller against the decision of Southend-on-sea Borough Council.
 - The application Ref 19/01701/FULH, dated 16 September 2019, was refused by notice dated 12 November 2019.
 - The development proposed is described as, 'two storey rear extension, single storey side extensions + internal alterations'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the host building and surrounding area; and
 - the effect of the proposed development on the living conditions of the occupiers of No 38 Fillebrook Avenue (No 38) with particular regard for outlook and light.

Reasons

Character and appearance

3. Fillebrook Avenue is largely characterised by two storey detached and semi-detached dwellings with modest extensions such that the area has an attractive character and appearance.
4. The proposed two storey extension would extend across the full width of the host property and its projection together with its height would result in a mass that would appear incongruous when viewed against the other properties. While there may be two storey rear extensions in the wider area and I note the size of the gardens in the locality, the dwellings in the vicinity around the site have modest single storey extensions such that the proposal, given its height and projection, would appear dominant. While it would not be prominent from the street, it would be visible from the rear of neighbouring properties and would appear discordant.

5. I note that the roof would be set down from the ridge of the main roof and was designed to reduce the mass of the extension. I also note that there may be other hipped roofs on extensions in the wider area. However, given the eaves height set below the host building together with the varied projections of the proposed roofs, their juxtaposition would appear awkward against the host building. While I acknowledge that the scheme has been altered from previous applications and the materials are proposed to match the existing building, for the foregoing reasons, the changes have not overcome the harm identified.
6. Consequently, the proposed development would harm the character and appearance of the host building and surrounding area. Therefore, it would conflict with Policies KP2 and CP4 of the Southend On Sea Core Strategy Development Plan Document One adopted December 2007 (CS) and Policies DM1 and DM3 of the Development Management Document July 2015 (DMD) which together among other things require developments to respect the character and scale of the site and existing neighbourhood and maintains and enhances the character of residential areas. It would also conflict with the Supplementary Planning Document 1 Design and Townscape Guide 2009 (SPD) and the National Planning Policy Framework (Framework) in this particular regard.

Living conditions

7. The appeal site forms part of a pair of semi-detached dwellings. The adjacent dwelling, No 38 has a conservatory at the rear such that there is a patio area between it and the shared boundary with the appeal property. While I acknowledge that the design has been amended since the previous application, given the two-storey height and projection of the proposed extension it would result in an oppressive outlook from the ground floor window and the large rear window of No 38. Furthermore, it would create a tunnelling effect from the patio area of No 38 given the conservatory to one side and the significant height of the proposal on the other side. Therefore, the proposal would have an adverse effect on the outlook of the occupiers of No 38.
8. Turning my attention to light, from the evidence before me, the rear windows and garden of No 38 would continue to receive adequate daylight and sunlight from other directions such that the proposal would not be harmful in this particular regard.
9. Consequently, the proposed development would harm the living conditions of the occupiers of No 38 with particular regard for outlook. Therefore, it would conflict with CS Policy CP4 which among other things requires developments to secure good relationships with existing development and with DMD Policies DM1 and DM3 which together among other things seeks development that protects the amenity of immediate neighbours having regard to outlook. It would also conflict with the SPD and Framework in this regard.
10. CS Policy KP2 does not directly refer to living conditions or outlook and is therefore not directly relevant to this main issue.

Other Matters

11. I acknowledge the evidence regarding normal permitted development provisions. However, there is little evidence before me to indicate that any such

development would be more harmful than the proposed development.
Therefore, this point has not altered my overall decision.

12. I acknowledge that there is no dispute regarding the principle and location of the development, or the single storey aspect of the proposal. However, these are neutral matters that do not weigh in favour of the proposed development.
13. I note that the purpose of the development is to provide additional accommodation for the family. However, these are private matters and I have assessed the appeal based on its planning merits.

Conclusion

14. For the reasons given above the appeal is dismissed.

R Sabu

INSPECTOR