The Planning Inspectorate

Appeal Decision

Site visit made on 10 June 2020

by I A Dyer BSc (Eng) MIHT

an Inspector appointed by the Secretary of State

Decision date: 19 June 2020

Appeal Ref: APP/D1590/D/20/3247302
144 Carlton Avenue, Westcliffe-On-Sea SS0 0QQ

- 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 Kweku Welsing-Quacoe against the decision of Southend-on-sea Borough Council.
- The application Ref 19/01819/FULH, dated 2 October 2019, was refused by notice dated 9 January 2020.
- The development proposed is part single storey/two storey side and rear extension (amended proposal).

Decision

1. The appeal is allowed and planning permission is granted for part single storey/two storey side and rear extension (amended proposal) at 144 Carlton Avenue, Westcliffe-On-Sea SS0 0QQ, subject to the following conditions: -

   1) The development hereby permitted shall take place 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 plans: 3528-03 Rev C & 3591-09 Rev A.

   3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building. All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finish appearance. This applies unless differences are shown on the drawings hereby approved or are required by conditions to this permission.

   4) The roof and the building/extension hereby approved shall not be used as a balcony, roof garden or similar amenity area or for any other purpose unless express planning permission has been previously obtained. The roof can, however, be used for the purposes of maintenance or to escape in an emergency.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the site and the surrounding area and the living conditions of the occupiers of 146 Carlton Avenue with particular reference to outlook.

Reasons

Character and appearance

3. The appeal site lies within a predominantly residential area of dwellings of varying design and scale. 144 Carlton Avenue is a two storey semi-detached house with a hipped pitched roof and a single storey flat roofed rear extension. To the east of No 144 lies 142 Carlton Avenue, a detached bungalow with a hipped pitched roof.

4. The proposal would add an extension to the side and rear of the dwelling. The proposed element of the extension to the side is set back from the frontage of the host dwelling, roughly in line with that of the neighbouring bungalow and of similar scale, with a pitched roof. From the street it would respect the scale and design features of the neighbouring property whilst appearing subservient to the main dwelling when viewed from the street. The proposed materials would reflect those of No 144, presenting a cohesive appearance.

5. The proposed rear element would be offset from the common boundary with 146 Carlton Avenue. It would project from the rear of the existing flat roofed extension. The flat roof is similar in form to those other similar structures in the area.

6. The two storey element would have a pitched roof, reflecting that of the host dwelling, whilst having a significantly lower ridge height. Whilst the proposal would increase the size of the dwelling significantly it would, nevertheless, appear visually subservient to the main dwelling and reflect its form and design.

7. Nearby properties have rear elements projecting to a similar extent, albeit that these are generally of a single storey. Nevertheless, even taking the two storey element of the proposal into account, the overall bulk and massing of the extended dwelling would not be out of keeping with that of the host dwelling or buildings in the immediate area.

8. Given the wide variety in design and scale of dwellings in the area the proposal would, whilst different to those dwellings, not be so out of keeping as to result in harm to the overall character or appearance of the area.

9. I conclude that the proposal would not result in material harm to the character and appearance of the site and the surrounding area and would, therefore comply with the aims of Policies KP2 and CP4 of the Southend on Sea Borough Council Core Strategy -2007- (the CS), and Policies DM1 and DM3 of the Southend on Sea Borough Council Development Management Document -2015- (the DMD) which together seek, amongst other things, to ensure that development, including alterations and additions to a building, respects the character of the site, its context and surroundings. Similarly the proposal would comply with the aims of those parts of the National Planning Policy Framework -2019- (the Framework) which seek to achieve well-designed places which are sympathetic to local character.

10. The proposal would also be in accord with the advice contained within the Southend on Sea Borough Council Supplementary Planning Document 1 Design and Townscape Guide -2009- (the SPD) which advises that extensions must integrate well with the character of the parent building, particularly in terms of

scale, materials and the relationship with existing scale, materials and roof form.

Living conditions

11. No 146 has a single storey rear extension and both this and the first floor have windows facing towards the rear. The common boundary between the gardens of No 144 and 146 is formed by a fence which reaches almost to the top of the windows of the rear extension.

12. Both the single storey and two storey elements of the proposal to the rear of No 144 would be set approximately 2.6 metres from the boundary. The single storey element would be largely screened from anyone standing in the garden of No 146, or close to the window in the extension.

13. The second storey element would be outside of a 45 degree line projected from the closest edge of the upper storey window. Whilst noticeable from the garden No 146 , the limited scale and bulk of the proposal would be unlikely to result in any significant level of enclosure or dominance.

14. I have limited information to demonstrate the degree of impact the proposed rear extension would have on light reaching the windows on the rear elevation of No 146. However, given the orientation of the rear extension and the position of the windows on the rear elevation of No 146 it is unlikely that there would be any significant reduction in this instance.

15. Neighbours have raised concerns regarding overlooking of their property. The gardens of adjacent properties already experience a degree of overlooking from windows in surrounding dwellings, including an upper storey window on the appeal site. The proposal does not include windows on the upper storey extension facing directly towards No 146 or No 142, but does include a window facing towards the garden of the appeal site, which would provide oblique views over the ends of adjacent gardens. However the degree of additional overlooking would not significantly reduce the privacy of those areas.

16. I conclude that the development would not unacceptably harm the living conditions of the occupiers of 146 Carlton Avenue with particular reference to loss of outlook and light. The proposal would not, therefore, conflict with Policy KP2 and CP4 of the CS, and Policies DM1 and DM3 of the DMD which together seek to ensure that development, including alterations and additions to a building, protect the amenity of immediate neighbours having regard to outlook, daylight and sunlight through good design. Similarly the proposal would comply with the aims of those parts of the Framework which seek to achieve well-designed places with a high standard of amenity for existing users.

17. The proposal would also be in accord with the advice contained within the SPD which advises that extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties.

Other Matters

18. Neighbours have raised concerns regarding the use of the site and the internal layout. These are matters for the Council and I have determined this appeal on the basis of the proposal as described.

19. It has been questioned whether there is a need for this particular development. Nevertheless, there is no requirement in terms of planning policy for the appellant to demonstrate the need for the extension.

20. Neighbours have complained that they have experienced abusive behaviour from residents of the site. However, I have little substantive evidence before me to demonstrate that there would be a material increase in the incidence of such behaviour were the development to proceed.

21. It has been suggested that insufficient change has been made to previous proposals on the site to overcome the concerns raised in regard to those[1]. I have considered the appeal on the basis of the proposal before me.

Conditions

22. I have had regard to the various conditions suggested by the Council. In addition to the standard conditions which limit the lifespan of the planning permission I have included the approved plans. These are necessary in the interest of certainty.

23. A condition requiring the submission of external materials is necessary to ensure that the appearance of the building is satisfactory, together with a condition restricting the use of the flat roof of the extension to protect the living conditions of occupiers of adjoining properties with regard to privacy.

Conclusion

24. For the above reasons, and having taken into account all other matters raised, I conclude that the appeal should be allowed and planning permission granted, subject to conditions.

I Dyer

INSPECTOR

[1] Council Refs: 19/00654/FULH and 19/01225/FULH