

Appeal Decision

Site visit made on 14 July 2020

by D Peppitt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th August 2020

Appeal Ref: APP/B1550/D/20/3245380

Braeside, 8 Etheldore Avenue, Hockley SS5 5PA

- 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 B Higgs against the decision of Rochford District Council.
 - The application Ref 19/01024/FUL, dated 6 November 2019, was refused by notice dated 23 December 2019.
 - The development proposed is construct new first floor and build two storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of No 12 and No 18 Etheldore Avenue, with particular reference to outlook.

Reasons

3. The appeal site consists of a bungalow and detached garage on Etheldore Avenue. The surrounding area is residential, and the nearby dwellings have a variety of architectural styles and design. Whilst the dwellings are predominately detached and in close proximity to their boundaries, there is no overriding pattern of development or uniformity, with this section of the road having an irregular building line.
4. The host property is set further back in the street scene than the properties either side of it. Behind the site there is a cul-de-sac and the properties on this road have a different development layout to the main road. The properties to the east of the site generally have shallow rear gardens and are in close proximity to each other.
5. The proposal would level off the rear elevation of the host property by extending the rear wall by approximately 2 metres. It would also create a first floor which would include a hipped roof. The proposed development would be in close proximity to the boundaries of No 12 and No 18 Etheldore Avenue.
6. The host property is set significantly further back from the road than No 12, with the front elevation of the host property being sited towards the end of the rear garden of No 12. Despite the difference in the set back from the road, the host property and No 12 both have garages in a similar area, and both are situated close to the dividing boundary.

7. The existing garages would partially obscure views towards the proposed development from the ground floor of No 12 and the garden area nearest the house. However, views towards the proposed development would be possible from the upper floors and end of the garden. I acknowledge that some of the views currently experienced at the end of the garden would be altered. However, given the positioning and proximity of the surrounding built form, and the distance and angle, of the proposed development towards the house, it would not appear overbearing or give rise to a sense of enclosure. Therefore, it would not have a detrimental effect on the outlook of the occupiers of No 12.
8. In terms of No 18, this property is located at the end of the cul-de-sac which sits behind the host property. The rear elevation of No 18 would face directly towards the proposed development. It has a relatively shallow rear garden and the rear elevation is L-shaped, with the protruding element situated closest to the location of the proposed development. Whilst I note that some views of the roof of the host property are already visible, the proposal would significantly increase the amount of built form and massing, in an area which would be in close proximity to the house of No 18 and its garden.
9. The appellant has suggested that even with the proposal, the boundary of No 18 would have over 13 metres of uninterrupted and open views, and that there are many properties sited perpendicular to each other with similar distances separating them. Although the proposal would not cover the whole boundary, the close proximity of it to No 18, when combined with the scale, bulk and positioning, would significantly alter the outlook currently experienced by the occupiers of No 18, both when in the property, and in the garden area. I note that the appellant suggests that light levels into the garden would not be affected and no overshadowing would occur, and that there are other properties which have similar layouts. However, these factors do not necessarily make this proposal acceptable and each proposal must be assessed on its own merits and context.
10. Whilst I have identified that the proposed development would not harm the living conditions of the occupiers of No 12, this does not overcome the harm that I have identified to the living conditions, with particular reference to outlook, of the occupiers of No 18. Therefore, it would be contrary to Policies DM1 and DM3 of the Rochford Development Management Plan (2014). These policies, amongst other things, require development to have a positive relationship with nearby buildings and to not harm the visual and residential amenity of nearby properties.

Other Matters

11. I note that there were other issues raised by an interested party. However, as I have already identified harm above, it is not necessary to consider these further.

Conclusion

12. For the reasons set out above, I conclude that the appeal is dismissed.

D Peppitt

INSPECTOR