



Appeal Decision

Site visit made on 7 October 2020

by Michael Evans BA MA MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2020

Appeal Ref: APP/D1590/D/20/3250467

48 Chelsworth Crescent, Thorpe Bay SS1 3EF

- 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 Lambert against the decision of Southend-on-Sea Borough Council.
 - The application Ref 19/02213/FULH, dated 3 December 2019, was refused by notice dated 28 January 2020.
 - The development proposed is a side flat roof extension.
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Decision

1. The appeal is allowed and planning permission is granted for a side flat roof extension, at 48 Chelsworth Crescent, Thorpe Bay SS1 3EF, in accordance with the terms of the application, Ref 19/02213/FULH, dated 3 December 2019 and the plans submitted with it, subject to the following condition:
 - 1) The flat roof area of the extension hereby permitted at the side of the dwelling shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the local planning authority.

Main Issues

2. The main issues in this appeal are:
 - The effect on the character and appearance of the host dwelling, streetscene and locality.
 - The effect on the living conditions of the occupiers of the adjacent dwelling at 46 Chelsworth Crescent, with regard to whether the development appears overbearing.

Reasons

3. The property at 48 Chelsworth Crescent is a detached bungalow where the ground floor extension the subject of this appeal has already been built. The street is characterised by single storey properties, which often have flat roof projections to the side, with many of these comprising garages. There is also a flat roof structure at the appeal site on the opposite side to the extension now under consideration. The flat roof form of the development reflects these features of the street and serves to balance the host dwelling.
4. Many of the structures at other properties have little or no space to the side boundary. Being visible from the street is not, in itself, evidence of a

detrimental impact. While the addition abuts the boundary with no. 46, this reflects the pattern of development in the street rather than appearing cramped. The render of the external walls of the addition matches that of the original dwelling.

5. The extent to which the addition rises above the eaves of the host dwelling is fairly modest, with the Council estimating it to be only 450mm. At my site visit I saw that the side addition at 6 Chelsworth Crescent also rises above the eaves of the main roof. I see no inherent reason why extensions rising above the eaves should necessarily be unacceptable and the Council's report makes no reference to any policy specifically seeking to prevent this.
6. Moreover, unlike some side projections in the street, that at the appeal site is set back appreciably from the front of the dwelling. It also has the vast majority of the main roof rising above it and the overall height of the extension is not excessive. In these circumstances, the extension is clearly subservient to the original building, while also being suitably integrated and of an appropriate standard of design.
7. For the above reasons, it is concluded that the development has not harmed the character and appearance of the host dwelling, streetscene and locality. Due to the above findings, the development complies with Policy CP4 of the Core Strategy 2007, Policies DM1 and DM3 of the Development Management Document 2015 and Supplementary Planning Document 1, Design and Townscape Guide 2009. These intend, among other things, that development should be well designed, while maintaining and respecting the character of the area, site and surroundings, as well as being subservient to the original building and integrated with it.
8. The neighbouring dwelling at no. 46 has a bedroom window and door in the side facing towards the flank of the bungalow at the appeal site. The extension is on this side of the host dwelling but largely alongside the garage attached to the neighbouring property. The extent to which it projects beyond the front of the garage and above the boundary fence is relatively modest.
9. Moreover, prior to the development taking place, because of their position at the side these openings would have faced the flank wall and main roof of the neighbouring dwelling, as well as the boundary fence, at fairly close proximity. The garage at no. 46 is also particularly close to the bedroom window. Both the window and door would therefore be subject to an appreciable degree of enclosure anyway. Moreover, the adjacent property has its main outlook to the front and rear which have not been affected by the development.
10. In these circumstances, I am not persuaded that matters such as the height, size and scale of the addition are excessive and there has been no unacceptable increase in enclosure or reduction in outlook and the development does not appear overbearing.
11. A condition preventing use of the flat roof of the extension as a balcony is needed to protect the privacy of the adjacent occupiers. Because of this and the absence of any windows in the side of the addition projecting beyond the front of the adjacent garage, the privacy of the adjacent occupiers has not been compromised.

12. Due to the above factors, it is concluded that the living conditions of the occupiers of the adjacent dwelling have not been harmed. The development therefore complies with Policies KP2 and CP4 of the Core Strategy 2007, Policies DM1 and DM3 of the Development Management Document 2015 and Supplementary Planning Document 1, Design and Townscape Guide 2009, which among other things, seek to prevent such detrimental effects.
13. The National Planning Policy Framework (The Framework) indicates that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve and good design is a key aspect of sustainable development. It also indicates that planning decisions should ensure that developments create a high standard of amenity for existing and future users. Due to the above conclusions, I am satisfied that the development complies with Government policy in the Framework.
14. This is a case where the development has not resulted in any detrimental effect. In these circumstances and taking account of all other matters raised, it is determined that the appeal succeeds. In reaching this decision I have carefully considered the representations of an occupier of the adjacent dwelling.
15. In addition to that regarding the use of the roof, the Council has requested conditions concerning the time limit for the commencement of development, the approved plans and facing materials. However, as the development has already taken place these are not necessary

M Evans

INSPECTOR