
Appeal Decision

Site visit made on 28 November 2020

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2020

Appeal Ref: APP/D1590/D/20/3256785
1055 London Road, Leigh-on-Sea SS9 3JP

- 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 and Mrs McHugh against the decision of Southend-on-Sea Borough Council.
 - The application Ref 20/00606/FULH, dated 8 April 2020, was refused by notice dated 8 June 2020.
 - The development proposed is to erect an additional storey to existing bungalow to create 4-bedroom house with pitched roof.
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Decision

1. The appeal is allowed and planning permission is granted to erect an additional storey to existing bungalow to create 4-bedroom house with pitched roof at 1055 London Road, Leigh-on-Sea SS9 3JP in accordance with the terms of the application Ref 20/00606/FULH, dated 8 April 2020 subject to the conditions set out in the schedule to this decision.

Main issue

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of 1057 London Road with particular regard to light, outlook, sense of enclosure and visual impact.

Reasons

3. The appeal property is a modest sized single storey detached dwelling that faces London Road in an area of mixed character. It has a short front projection towards the road and an attached flat roof garage and utility room at the side. The roof of the main dwelling has a shallow pitch with hipped ends.
4. On one side of the site is a single storey dwelling with relatively wide elevations to the front and rear, which is 1057 London Road. The appeal dwelling projects beyond the rear elevation of No 1057, within which there are a number of windows and an entrance door. Due to the notable difference in ground levels, No 1055 occupies an elevated position relative to this adjacent bungalow.
5. The proposal is to extend No 1055 upwards with a new first floor and living accommodation in the roof space together with a new dual pitched roof with gable ends. The new first floor would broadly match the footprint of the ground floor, apart from the garage and utility room at the side, which would remain single storey with a flat roof.

6. The additional built form would significantly increase the scale, mass and height of the appeal building. As a result, the finished dwelling would reduce the natural light to the rear windows of No 1057 and the outdoor space nearest to this neighbouring dwelling. This overshadowing would be most pronounced during the early part of the day in winter months when the sun is lower in the sky. However, the main rear windows of No 1057 are set back from the shared boundary with the site, as would be the 2-storey element of the finished dwelling. The single storey side projection to the appeal dwelling adjacent to the boundary with No 1057 would remain largely unchanged. Consequently, the main source of lighting to the rear windows of No 1057 would not be significantly affected, as the appellants' analysis and illustrations confirm. Similarly, the main direction of outlook from the rear windows of No 1057 across the parking area and back garden would remain largely unaffected.
7. When seen from the rear of No 1057, the new 2-storey flank wall with a gable would be evident beyond the sidewall and flat roof of the single storey garage and utility room. This stepped arrangement to the new side elevation would ensure that the completed dwelling would not overbear or unduly heighten a sense of enclosure as experienced by the occupiers of this adjacent property.
8. The Council states that the proposal would project beyond a line drawn at 45 degrees from the nearest windows of No 1057. From what I saw, the nearest window of No 1057 appears to serve a lean-to structure with those of the main dwelling situated much further away. As the flank wall of No 1055 next to the boundary between these adjacent properties would remain largely unchanged, it is likely that the existing dwelling would also infringe the 45-degree line, as the appellants suggest. For these reasons, a potential conflict with this design standard is insufficient in itself to withhold planning permission.
9. On the opposite side of the site to No 1057 is a 3-storey block in mixed use, to which the appellants have referred and provided photographs and background details. That some reliance is placed on the close relationship between this block and the site in support of the appeal is understandable. Nevertheless, the Council raises no objection in this regard and I share that opinion.
10. On the main issue, I conclude that the proposal would not materially reduce the living conditions of the occupiers of No 1057. Consequently, there is no conflict with Policies KP2 and CP4 of the Southend-on-Sea Core Strategy, Policies DM1 and DM3 of the Development Plan Document and the advice within Council's Supplementary Planning Document 1 *Design and Townscape Guide*, insofar as they aim to safeguard residential amenity. It also accords with the National Planning Policy Framework, which states that new development should create places with a high standard of amenity for all users.
11. Adequate space would surround the completed dwelling with a reasonable sized garden to the rear and a driveway at the front. Consequently, the appeal scheme would not represent overdevelopment of the site. Any potential noise and general disturbance to others during the construction phase is likely to be temporary and is insufficient reason to refuse planning permission. While an interested party considers that the proposal would reduce the supply of smaller homes suitable for first time buyers in the Borough it would also enable the existing property to be enlarged and adapted to better suit the needs of current and future occupiers.

Conditions

12. In addition to the standard time limit condition, I have imposed a condition specifying the relevant drawings and to require that the development be carried out in accordance with them as this provides certainty. To ensure the satisfactory appearance of the development, a condition is attached to require that the external materials match those of the existing building.

Conclusion

13. For the reasons set out above, I conclude that the appeal should be allowed.

Gary Deane

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin 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 approved plans: Refs 010 Revision A, 011 Revision B and 012 Revision B.
- 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.