
Appeal Decision

Site visit made on 11 December 2020

by **S Poole BA(Hons) DipArch MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 December 2020

Appeal Ref: APP/D1590/D/20/3261163

36 Fillebrook Avenue, Leigh-On-Sea, Essex 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 20/00754/FULH, dated 13 May 2020, was refused by notice dated 22 July 2020.
 - The development proposed is described on the application form as “two storey rear extension, single storey side extensions and internal alterations”.
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Decision

1. The appeal is dismissed in so far as it relates to the erection of a two storey rear extension. I allow the appeal in so far as it relates to the erection of the single storey extension at 36 Fillebrook Avenue, Leigh-On-Sea, Essex SS9 3NT in accordance with the terms of the application, Ref 20/00754/FULH, dated 13 May 2020 subject to the following conditions:
 1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with drawings 18.123/03 Rev C and 18.123/04 Rev C in so far as they relate to the works approved.
 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.

Main Issues

2. The main issues are the effects of the proposal on:
 - (i) the character and appearance of the host building and surrounding area, and
 - (ii) living conditions of the occupiers of No 38 Fillebrook Avenue, with particular regard to outlook.

Reasons

Character and appearance

3. The appeal property is a 2-storey semi-detached house with a conservatory to the rear. It is located within a residential street comprising a mix of semi-detached and detached houses with front and rear gardens.
4. The proposal comprises a part single and part 2-storey rear extension and a separate single storey side addition. It follows a similar proposal – the “2019 scheme” - that was refused planning permission and a subsequent appeal dismissed¹. My colleague's observations in respect of the earlier appeal are matters to which I attribute significant weight.
5. I note that the appeal proposal would be of slightly lesser bulk than the 2019 scheme due to the first floor element next to the boundary with the attached neighbouring property being set behind the left-hand half of the addition. However due to its height, bulk and massing the rear addition would be an incongruous and overly dominant form of development that would be out of keeping with the appearance of the rears of the neighbouring properties. Due to its size and roof form it would also be a discordant addition to the host property.
6. For these reasons I conclude that the rear addition would have an unacceptable effect on the character and appearance of the host property and the wider area. It therefore fails to comply with Policies KP2 and CP4 of the Southend On Sea Core Strategy Development Plan Document One (2007) (CS) and Policies DM1 and DM3 of the Development Management Document (2015) (DMD) which require developments to respect the character and scale of the site and existing neighbourhood and maintain and enhance the character of residential areas. There is also conflict with the aims of the Council's Supplementary Planning Document 1, Design and Townscape Guide 2009 (SPD) and the National Planning Policy Framework (2019).
7. The proposed single storey side addition would be set behind the main part of the front elevation of the appeal property and a long way behind the frontage of the garage at No.34. Due to its size and siting it would be a relatively inconsequential element in the street scene and would be subservient in scale to the host property. For these reasons it would not have an unacceptable effect on the street scene or the host property and accords with the aforementioned policies. As this aspect of the proposal is both physically and functionally severable from the rear addition it can be allowed and a split decision issued.

Living conditions

8. The appeal proposal differs from the 2019 scheme in respect of its bulk next to the boundary shared with the attached property, 38 Fillebrook Avenue. The ground floor element would be similar in height and rear protrusion to the conservatory it would replace whilst the upper floor element would extend a short distance beyond the original rear wall. Whilst the latter would result in a degree of increased enclosure at the rear of No.38 I am satisfied that adequate levels of outlook would be retained from rear windows and from the garden.

¹ Appeal ref: APP/D1590/D/20/3244300 dated 17 March 2020

9. The proposal would not therefore have an unacceptable effect on the living conditions of the occupiers of No.38 and consequentially accords with CS Policies KP2 and CP4, DM Policies DM1 and DM3 and the aims of the Framework and SPD in this particular respect.

Conditions

10. I have considered the conditions suggested by the Council having regard to the National Planning Policy Framework and Planning Practice Guidance. In addition to the standard time limit condition, I consider a materials condition is required to safeguard the character and appearance of the area. Furthermore, for the avoidance of doubt and in the interests of proper planning, a condition requiring the approved development to be carried out in accordance with the approved drawings is imposed.

Conclusion

11. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should fail in respect of the erection of the 2-storey rear extension but succeed in respect of the single-storey side extension. A split decision is therefore issued.

S Poole

INSPECTOR