
Appeal Decision

Site visit made on 23 November 2020

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 January 2021

Appeal Ref: APP/D1590/W/20/3252274

36 First Avenue, Westcliff-on-Sea, Essex SS0 8HR

- 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 E Nabi against the decision of Southend-on-Sea Borough Council.
 - The application Ref 19/02173/FUL, dated 26 November 2019, was refused by notice dated 5 February 2020.
 - The development proposed is demolition of existing building with integral garage and replacement with new two storey building with basement and rooms in roof.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the character and appearance of the area.

Reasons

3. The proposal would result in the demolition of the existing house and its replacement with a new detached dwelling. The council's concern is that the proposal would be harmful to the character and appearance of its surroundings.
 4. There are a wide range of properties in First Avenue, including a number of modern interventions. It is however characterised by the street trees and the set-back of properties which provide greenery to the frontages. Beyond the front gardens, the scale and distinctive period designs of the houses; and particularly the dominant forward facing gables, add to the distinctiveness of the area.
 5. On the northern side of the road, to the east, there are a number of relatively uniform large semi-detached properties that are closely spaced resulting in a terraced appearance, with distinctive detailing including repeating feature gables. The period properties in the remainder of the street are much more individual. I found them generally to have a relatively spacious character. Although a number are closely spaced, they often include design features which ensure that they retain a perceived level of separation from their neighbours, even if only at a higher level. These design elements include a vertical emphasis to the central forward projecting gables and roof forms that include low eaves to the sides. A number of the larger and wider properties have highly
-

- articulated frontages which ensure that the perception of their overall mass is much reduced.
6. The house proposed would substantially reduce the openness of this site given that it currently has a large area of single storey development close to the western boundary; and a relatively wide gap between its eastern elevation and the adjacent property. The proposal would bring full height development close to both boundaries and as such, the building would be a much more dominant feature within the street scene. The hipped roof would marginally reduce the perceived bulk, at a high level, but only by a limited amount.
 7. The forward projecting gable would be reflective of the period design features in the area and would help to break up the mass of the frontage. However, this would be a feature of limited scale compared to the overall mass of the building. The limited articulation of the frontage overall, even when taking account of the smaller proposed gable features, would not significantly reduce the buildings perceived scale and bulk.
 8. The neighbouring property to the east has a very substantial set back from its central gable. This ensures that the property has a perceived vertical emphasis with the wider bulk of the property being recessed, reducing its overall impact. This proposal would have an imposing large scale side elevation close to the boundary. Being situated well forward of the recessed element of its neighbour, it would increase the perceived dominance of the new dwelling.
 9. The property to the west sits relatively centrally in its plot but its forward projecting feature gable and low eaves ensure that the perceived overall scale of the dwelling is significantly reduced. In views from the west, the proposed dwelling would provide a high and dominant backdrop given that the substantial unrelieved side elevation would be clearly evident beyond the neighbouring distinctive house frontage.
 10. The proposal would be perceived as being overly large and out of scale with its neighbours and it would appear relatively cramped within its plot. The design, although taking some cues from the area, would not be of sufficient interest or quality to warrant such prominence. Its limited articulation would result in a perceived horizontal emphasis which would be out of keeping with the character of the more distinctive properties in the road. Overall, it would detract from the setting of the neighbouring properties; it would have a bulk and form that would not represent good design in this particular context; and it would detract from the character and appearance of the area.
 11. Given the scale, prominence and design shortcomings, the proposal would conflict with Policies CP4(1&4) and KP2(9&10) of the Core Strategy 2007, which seeks to secure improvements to the urban environment through good design which respects the existing character of the public realm. It would similarly conflict with Policies DM1(i) and DM3(2ii) of the Development Management Document 2015 which also seek high quality, sustainable design which does not conflict with the character of the local area. As these policies are consistent with the design requirements of the *National Planning Policy Framework* they must be afforded full weight.
 12. The proposal would also conflict with the Council's Supplementary Planning Document: Design and Townscape Guide 2009 (SPD), which seeks high design

standards. As the design objectives or the SPD are in accordance with the objectives of the *National Planning Policy Framework*, it can be afforded considerable weight.

13. The appellant has referred to a number of dwellings that have been extended, altered or take up more of the full width of their plots. I have had regard to these but they are not generally the most positive features of the areas character. The properties that are closely related to their neighbours also have to be considered in their own individual context. Furthermore, accepting the smallest level of gap between houses as a design guide for other development, without fully considering the wider context, would result in significant harm to the character of the area over time.
14. Although the greater scale of development would result in the rear elevation being closer to the properties to the rear, any increase in overlooking would not significantly harm the living conditions of the residents of properties in Second Avenue given the distances involved. The outlook from the rear facing windows of the adjacent neighbouring properties would be reduced but not to an unacceptable level. However, I am not satisfied that the outlook from the rear garden of the property to the west, number 38, would not be unduly harmed given the overbearing scale and position of the rear of the proposed house. I also have concerns that the scale and position of the front of the house, in relation to the front garden of the property to the east, number 34, would be unacceptably overbearing. However, given my main findings, these are not matters on which my decision would turn.
15. The proposal would result in benefits to the appellant given the improved level of accommodation and there would also be benefits to the economy from the works required. The proposal would eliminate the design shortcomings of the single storey element of the existing property which does not add to the character of the area. However, overall, I conclude that the matters that weigh in favour of the proposal do not outweigh the harm that would result to the character and appearance of the area; and they do not indicate that a decision that would be contrary to the design policies of the development plan should be reached. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR