



Appeal Decision

Site visit made on 30 December 2020

by Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th January 2021

Appeal Ref: APP/D1590/D/20/3262186

67 Thorpedene Gardens, Shoeburyness, Southend-on-Sea, SS3 9JE

- 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 J Bines against the decision of Southend-on-Sea Borough Council.
 - The application Ref 20/01019/FULH, dated 23 June 2020, was refused by notice dated 28 August 2020.
 - The development proposed is single storey side and rear extension and hip to gable loft conversion.
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Decision

1. The appeal is allowed and planning permission is granted for single storey side and rear extension and hip to gable loft conversion at 67 Thorpedene Gardens, Shoeburyness, Southend-on-Sea, SS3 9JE, in accordance with the terms of the application, Ref 20/01019/FULH, dated 23 June 2020, and the plans submitted with it, subject to the following condition:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The window located in the upper part of the newly formed gable shall at all times be glazed with obscured glass and no part of this window shall be openable. The window to the en-suite bathroom in the rear dormer extension shall at all times be glazed with obscured glass and no part of this window that is less than 1.7 metres above the floor of the room shall be capable of being opened.
 - 3) Unless otherwise agreed in writing by the Local Planning Authority the materials to be used for the external surfaces of the development hereby permitted shall as far as is practicable match those of the existing building.

Main Issues

2. The main issues in this appeal are the effects of the proposed development on:
 - the character and appearance of the host dwelling and that of the local area; and
 - the living conditions of neighbouring residential occupiers at 69 Thorpedene

Gardens (No 69), with particular reference to enclosure, outlook and light.

Reasons

Character and Appearance

3. The appeal dwelling is a semidetached two storey house with a good sized rear garden and a smaller front garden with some hard standing. It sits in a street in a residential area made up of similar two storey houses with some bungalows. The proposal involves extending the appeal dwelling with three separate extensions, one at roof and two at ground level.
4. The proposed single storey flat roofed rear extension would be discreetly located within the context of an earlier larger rear extension and would appear as a subservient addition to the host dwelling. The proposed single storey mono-pitch roof side extension would infill the current side space. Its front wall would be set back approximately 250mm from the front elevation of the appeal dwelling, with its roof projecting slightly forward. The slight set back and proposed narrow single storey nature and roof form of the proposed extension, would result in it appearing as subservient to the host dwelling. This would reflect the form and position of many of the existing attached garages and side extensions within the immediate local area. The two proposed ground floor extensions would, therefore, not be out of keeping with the character and appearance of the host dwelling or that of the local area.
5. The proposed roof level extension would create space in the roof for a new ensuite bedroom. This would alter the existing hipped roof of the appeal dwelling, creating a larger roof form with a gable ended side elevation, with three roof lights in the front roof slope and a proposed large rear flat roofed dormer extension to the extended rear slope of the main roof. Although the appeal property is a semi-detached pair with hipped roof, the hip to gable proposal would not be out of place within the context of neighbouring properties with gable ends and would be in keeping with the character and appearance of the appeal dwelling and that of the local area.
6. The proposed large flat roofed rear dormer would be positioned close to the roof ridge and eaves of the proposed extended roof, which in combination with its misaligned fenestration, would appear as a discordant addition and not incidental to the appeal dwelling. The proposal would, therefore, be out of keeping with the character and appearance of the appeal dwelling and that of the local area. For this reason, the proposal would conflict with policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) (the CS), policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2017) (the DMD) and advice contained in the Southend-on Sea Design and Townscape Guide (20090) (the SDTD). However, the permitted development rights that the property has, in line with the Town and Country Planning (General Permitted Development) (England) Order (the GDPO) would potentially allow for such a dormer extension having deemed consent.
7. In these circumstances, I find that, when viewed in the context of the rear of the appeal dwelling and that of its neighbours, the harm caused to the character and appearance of the appeal dwelling and that of the local area, would not be so great as to justify planning permission being refused.

Living Conditions

8. The proposed rear extension would infill and square off the existing 'L' shaped rear extension. The combined side walls of the existing and proposed extension would extend by approximately 5.35m from the original rear wall of the appeal dwelling, along the shared boundary with its semi-detached pair at No 69. This extended side wall would be in close proximity to the windows and glazed door to a habitable room at the rear of No 69. Given the length and height of this extended wall, it would result in an increased sense of enclosure, loss of outlook and loss of light, resulting in it being experienced as a dominating and oppressive presence to the residential occupiers of No 69.
9. The appellant has drawn my attention to their subsequently approved application¹ for determining the requirement for prior approval under the provisions of the GPDO for a large rear extension projecting some 6m from the original rear wall of the appeal dwelling, which involves the demolition of the existing extension. This represents a realistic fall-back position for the appellant. However, due to the greater length of the side wall along the boundary with No 69, it would result in more harm to the living conditions of the occupiers, above that I have identified from the appeal proposal.
10. Consequently, I find that although the proposal would be in conflict with policies KP2 and CP4 of the CS, policies DM1 and DM3 of the DMD and advice contained in the SDTD, in so far as they relate to the protection of living conditions of neighbouring occupiers, the harm caused to living conditions of the residential occupiers at No 69 would not be so great as to justify planning permission being refused in these circumstances.

Conditions

11. As well as the required condition for the time limit for beginning the development I have added a condition to safeguard the character and appearance of the host dwelling and that of the local area, which relates to external building materials and a condition to protect privacy that requires obscure glazing to relevant windows.

Conclusion

12. For the above reasons, the appeal is allowed.

Victor Callister

INSPECTOR

¹ Local Authority Planning Ref: 20/01569/GPDE