



Appeal Decision

Site visit made on 9 June 2021

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 July 2021

Appeal Ref: APP/D1590/D/21/3267747

15 Philpott Avenue, Southend-on-Sea, Essex, SS2 4RJ

- 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 Linda Ley against the decision of Southend-on-Sea Borough Council.
 - The application Ref 20/01694/FULH, dated 7 October 2020, was refused by notice dated 8 December 2020.
 - The development proposed is a single storey outbuilding to rear to form residential annex for ancillary use to main dwelling.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues in this appeal are the effect of the proposed development on:-
 - the character of the dwelling and the area;
 - the living conditions of the neighbouring occupiers to the rear at 148 Hamstel Road.

Reasons

Character

3. The development plan includes policies KP2 and CP4 in the Southend-on-Sea Core Strategy (2007) and policies DM1 and DM3 in the Council's Development Management Document (2015). Those policies, amongst other things, seek to ensure that proposals improve the urban environment through quality design, secure a good relationship with existing development and have regard to the Council's Design and Townscape Guide SPD, respect the character of the site and its surroundings in terms of its size and adopt a scale that is respectful and subservient to that of the original building and the surrounding area.
4. The appeal site comprises an end terrace dwelling on a residential street of similar properties. It has a good sized garden, a rear conservatory and, adjacent to the side boundary with no 11, a single storey outbuilding. The proposed outbuilding would be located towards the rear of the site, of an L-shaped design with a shallow pitched roof. The main windows would be in the elevation facing the house with a small window in each of the rear and the western side elevations. It would provide ancillary accommodation for the current occupier of the property with family members living in the main house.

It would contain a bedroom, a kitchen/living area and shower and boiler rooms. The application is an amended scheme following a previous refusal.

5. The building would extend across almost the full width of the garden with a similar footprint to that of the main house. At my visit I did not see any other outbuildings of a similar size or scale in the area. The site can be seen from Newington Avenue. Whilst I noted an outbuilding that occupies the full width of the garden at no 7, it is much shallower in its plan form and is not of the same size or scale as this proposal. The scale of the proposed building would not be sufficiently subservient to the house and it would not respect the character of the area in terms of size or scale. When seen from the rear of other properties on the street and from Newington Avenue, it would appear unduly dominant and at odds with the character of the surrounding gardens.
6. Whilst a building of a similar size could be constructed as permitted development, it could not be used for ancillary, annexe accommodation as proposed here and would have to be incidental to the use of the main dwelling. It does not, therefore, constitute a realistic fallback position sufficient to outweigh the harm that would be caused by this proposal. I conclude then that the proposed outbuilding, by reason of its size and scale, would result in significant harm to the character of the dwelling and the area, contrary to the above development plan policies.

Living conditions

7. Policies KP2 and CP4 and policies DM1 and DM3, as referred to earlier, also seek to ensure that proposals protect the amenity of immediate neighbours in regard to outlook and do not lead to over-intensification, by requiring quality design, a good relationship with existing development and regard to the Council's Design and Townscape Guide SPD.
8. The proposed building would be sited some 0.75m from the rear boundary, which is a shared boundary alongside the rear garden of 148 Hamstel Road. That is an end terrace dwelling with a small, tapered rear garden. The dwelling is sited at an angle to the appeal site with a garage adjacent to the shared boundary. The proposed outbuilding would be some 3m from the rear elevation of no 148 at its closest point. Although it would be partially screened along part of the boundary by the garage, its height of 2.6m, albeit reduced from the previous proposal, would result in it being seen above that garage. Given its siting and size it would be significantly overbearing when seen from the small rear garden of no 148. Given the size of that garden, this would result in significant harm to the living conditions of those occupiers whose outlook would be dominated and unduly enclosed by the proposed outbuilding. The proposal would, therefore, be contrary to the policies above.

Conclusion

9. Whilst the proposal would provide additional accommodation for the family, this does not outweigh the significant harm identified above. It would be contrary to the development plan and there are no material considerations that would lead me to a different conclusion. The appeal is dismissed.

Sarah Colebourne

Inspector