
Appeal Decision

Site visit made on 30 August 2022

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 September 2022

Appeal Ref: APP/D1590/W/21/3283338

84-90 The Ridgeway, Westcliff on Sea, SS0 8NU

- 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 Dr Aval against the decision of Southend-on-Sea Borough Council.
 - The application Ref 21/01110/FUL, dated 24 May 2021, was refused by notice dated 20 July 2021.
 - The development proposed is first floor rear dining room extensions and proposed alterations.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application and appeal are partly retrospective. The first-floor rear extensions were in place at time of my site visit. In addition, the proposal seeks to alter the already constructed development through the replacement of existing plank cladding with render, installation of Juliette balconies, and inclusion of obscure glazing at the flank windows.

Main Issues

3. The main issues in the appeal are the effects of the development on:
 - The character and appearance of the existing building and surrounding area; and
 - The living conditions of the occupants of the first floor flat at No 92 The Ridgeway, with particular regard to outlook, light and privacy.

Reasons

Character and appearance

4. The appeal site is within a parade of shops, offices, restaurants and other retailers and services, located opposite a pleasant public greenspace. The building to which this appeal relates is a mid-terrace. Shop units occupy the ground floor with two flats located at the first floor. A pedestrian footway runs between the rear of the appeal site and a rail line, from which the appeal property's first floor extensions are clearly visible.
5. From the rear, the appeal site and neighbouring buildings appear tightly packed, with small back gardens enclosed by fences. The area consists of a mix of architectural styles; the appeal property has a flat roof, and adjoining

buildings have pitched, tiled roofs with tall chimneys. The use of render provides some uniformity across the terrace.

6. The first-floor rear extensions, which are the subject of this appeal, have been constructed on the roof of an existing single-storey extension to provide additional living space for each flat. The extensions are located either side of existing first-floor projections which serve as a bathroom for each flat.
7. Through infilling the space between each bathroom and the flank walls of the existing ground floor extension, the rear extensions create a large block which spans most the width of the existing building. The extensions project beyond the rear elevation of neighbouring No. 92 The Ridgeway and are close to the side boundaries of the site. The cumulative effect of the rear extensions at first-floor level is a built form and massing which appears visually intrusive, dominant and incongruous within the context of the terrace, particularly from the vantage point of users of the pedestrian footpath. Consequently, the scheme harms the character and appearance of the existing building and surrounding area.
8. The proposal seeks to replace the current plank cladding with render. Whilst this would create a more uniform appearance with the existing building, it would not mitigate the harm I have identified from the massing of the extensions on character and appearance.
9. The scheme is therefore contrary to Policy CP4 of the Core Strategy (2007) which requires new development to contribute to a high-quality urban environment through maintaining and enhancing the character of residential areas, and policies DM1 and DM3 of the Development Management Document (2015) which require proposals to make a positive contribution to the character of the original building and surrounding area.

Living conditions of neighbouring property

10. Adjoining the appeal site building is No 92 The Ridgeway, which includes a shop unit at ground floor level and a residential flat at first-floor level. Due to the extension's proximity to the site boundary and projection beyond No 92's rear elevation at first-floor level, the extension has an unacceptable enclosing effect on outlook from the rear habitable rooms of the first-floor flat at No 92.
11. The extension is not within the 45-degree line of the first-floor flat at No 92's rear windows, as indicated on the plans. I carried out my site visit on a bright summer's day at around 1pm when the sun was overhead, casting only short shadows. Due to the orientation of the buildings and proximity of the extension to the boundary, it is possible that some loss of light and overshadowing may occur, particularly in the mornings. However, due to the modest size of the extensions and the presence of the existing building's side elevation and first-floor projections, the extensions are not likely to have an unacceptable effect on light received by neighbouring properties.
12. The side elevation of each rear extension includes a large area of glazing. The glazing is located close to the site's side boundaries, overlooking the rear garden of No 92 and directly facing the rear bay window of the neighbouring first-floor flat which is glazed along its sides.
13. The proposal includes the installation of obscure glazing at the main section of each side window, with the top opening windows proposed to remain clear-

glazed. The presence of the glazing, irrespective of obscuring, creates a perception of overlooking and results in a sense of diminished privacy for occupants of the first-floor flat at No 92.

14. As such I find the scheme results in harm to the living conditions of the occupants of the first floor flat at No 92, with particular regard to outlook and privacy. The scheme is therefore contrary to Core Strategy (2007) policy KP2 which requires development proposals to secure improvements to the urban environment through quality design; Core Strategy policy CP4, as the scheme fails to secure good relationships with existing development; and Development Management Document (2015) policy DM1 which requires new development to protect the amenity of immediate neighbours.
15. In addition, the proposal would conflict with the advice contained with the Design and Townscape Guide (2009) which seeks to avoid adverse effects on neighbouring properties from overlooking.

Other Matters

16. The appellant put forward suggested planning conditions to secure standards for the proposed obscure glazing, material types, and to restrict the use of the roof space as a roof terrace. As discussed above, such measures are not sufficient to avoid harm in respect of character and appearance and living conditions. Therefore, the suggested conditions would not make the proposal acceptable in planning terms.
17. The appellant makes reference to other extensions within the local area which they consider to be similar to the appeal scheme. However, specific details of each case have not been supplied. It is therefore unclear if such other extensions are comparable in terms of the siting of such extensions and their relationship to neighbouring habitable windows.

Conclusion

18. For the reasons given above, having assessed the case against the development plan as a whole and having had regard to all other relevant material considerations, I conclude that the appeal should be dismissed.

E Dade

INSPECTOR