



Appeal Decision

Site visit made on 22 September 2022

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 October 2022.

Appeal Ref: APP/D1590/D/22/3302614
176 Burges Road, Thorpe Bay, SS1 3JP

- 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 Wakeling against the decision of Southend-on-Sea Borough Council.
 - The application Ref 22/00834/FULH, dated 4 April 2022, was refused by notice dated 7 June 2022.
 - The development proposed is the erection of a single-storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single-storey rear extension at 176 Burges Road, Thorpe Bay, SS1 3JP in accordance with the terms of the application, Ref 22/00834/FULH, dated 4 April 2022, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out and completed not later than 6 months from the date of this decision and in accordance with the following approved plans: Drg Nos 3C and 5A.
 - 2) 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.

Procedural Matters

2. I have used the description of development that was given on the decision notice and which was repeated by the appellants on the appeal form. This gives an accurate but more concise description of the development compared with that which was given on the original application form.
3. The application was retrospective and at the time of my visit I saw that the development was complete but with the exception of some modifications to the building's roof form which are proposed as part of the appeal proposal. For the avoidance of doubt, I have considered this appeal based upon the building as it has been constructed but subject to the modifications that are shown on Drg Nos 3C and 5A to its southern end and south elevation.
4. The conditions I have imposed differ from those suggested by the Council. As such, both main parties were invited to comment.

Background and Main Issue

5. In September 2020, planning permission (Ref: 20/00556/FULH) was granted for the erection of a single-storey rear extension. The permitted scheme allowed for a development over 21m deep along almost the entire side common boundary with the neighbouring detached property to the east but with space between the end of the building and the garden's rear boundary to retain a row of conifer trees. The building was constructed approximately 1.4m deeper resulting in the removal of the boundary trees at this point. Following the refusal of planning permission relating to an application for the building as constructed (Ref: 21/00957/FULH), a subsequent appeal (Ref: APP/D1590/D/21/3279357) was dismissed in November 2021.
6. The current appeal proposal seeks to retain the existing footprint and ridge height of the building, but to amend the roof over its deepest part from a gable to a hip end.
7. In light of the previous Inspector's findings, and the Council's reason for the most recent refusal of planning permission, the main issue is the effect of the development, as proposed to be modified, on the character and appearance of the host building and surrounding area.

Reasons

8. There is disagreement between the main parties over the true height of the building above original ground level. The Council's officer's report gives two different heights for the building. On the one hand it states that the existing built height is 3.65m whilst later stating that it has been measured as 3.8m. The appellants offer a built height of 3.59m. Whilst there is agreement that the building has been constructed taller than that which was approved, there is no substantive evidence from any of the parties to positively confirm any of the measurements that have been given in the submissions. Nevertheless, I have been provided with a copy of the approved elevations which are depicted on Drg No 2 dated August 2020. Whilst this gives an approximate measurement of 3.25m from ground level to ridge, it is also evident from the approved drawing that the ridge line would extend up to a height roughly equivalent to the sill height of the first-floor bedroom window nearest to the eastern boundary.
9. During my visit I observed from the same first-floor bedroom window of the appeal property that the ridge height of the extension sits roughly equivalent to the height of the window's sill. Based on these observations, I concur with the previous Inspector's observation that the building, as constructed, is likely to be just '*slightly taller*'. The Inspector found that the building did not result in any unacceptable effects upon the living conditions of any neighbouring occupiers in terms of natural light or outlook. Despite neighbours' continued assertions to the contrary, which I have noted, there has been no material change in circumstances for me to conclude any different with the previous Inspector's findings on this matter. Furthermore, I note that the Council did not raise this as a concern within their reason for the refusal of the latest planning application.
10. In my assessment it is not the height of the building, in isolation, which makes it overly prominent and harmful in its garden setting but rather, as the

previous Inspector commented, a combination of the building's siting, height, bulk and the loss of trees.

11. The current appeal proposal would remove a significant proportion of the additional height, bulk and overall mass of the building where it has been constructed beyond its approved footprint. The new eaves level on the end elevation would sit just marginally taller than the rear garden fence panel at this point, and the roof would pitch away from this boundary at a very shallow angle. I accept that there would be little, if any, scope for screen planting beyond the extent of the building. However, given the changes that are now proposed, in my assessment the building would have no significant wider visual impact when compared with the building that was originally permitted. I am satisfied that it would not appear conspicuous in its setting.
12. Overall, having regard to the original planning permission, and the modifications that are now proposed to the building that has been constructed, I am satisfied that the proposal would have no unacceptable effect on the character or appearance of the surrounding area. As such there would be no conflict with Policy KP2 of the Southend-on-Sea Core Strategy (2007) or Policy DM1 of the Southend-on-Sea Development Management Document (2015) which require developments to respect the character and scale of the site and existing neighbourhood and to maintain and enhance the character of residential areas. For the same reasons, I find no conflict with the aims of the Council's *Design and Townscape Guide 2009 Supplementary Planning Document 1* or with the National Planning Policy Framework's objectives for achieving well-designed places.

Other Matters

13. I am mindful of continued opposition to the building from some neighbours and interested parties. Some of these concerns were addressed by the previous Inspector and I have addressed those relating to the main issue in this case above. I have noted a suggestion that the development at No 176 has resulted in the flooding of neighbouring gardens but there is no substantive evidence before me to support this assertion and neither did the Council identify this as a concern.

Conditions

14. In order to ensure that the works are carried out to overcome the existing harm, it is necessary for the development to be carried out in accordance with the approved plans and within a limited timeframe that is reasonable for all parties concerned. It is also necessary to ensure that the works of modification are carried out in materials to match, in the interest of maintaining the character and appearance of the area.

Conclusion

15. For the reasons given, in the absence of any other conflict with the development plan, and having regard to all other matters raised, the appeal is allowed.

John D Allan

INSPECTOR