



Appeal Decision

Site visit made on 11 April 2023

By Terrence Kemmann-Lane JP DipTP FRTPI MCMi

an Inspector appointed by the Secretary of State

Decision date: 26th April 2023

Appeal Ref: APP/D1590/D/22/3304907

82 Lymington Avenue, Leigh-on-Sea, SS9 2AN

- 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 Davis against the decision of Southend-on-Sea City Council.
 - The application Ref 22/00701/FULH, dated 18 March 2022, was refused by notice dated 19 May 2022.
 - The development proposed is the erection of single storey side and rear extensions and first floor rear extension, and form new vehicular crossover onto Lymington Avenue.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey side and rear extensions and first floor rear extension, and form new vehicular crossover onto Lymington Avenue at 82 Lymington Avenue, Leigh-on-Sea, SS9 2AN in accordance with the terms of the application, Ref 20/00701/FULH, dated 18 March 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans: Location Plan; KH-02 Rev P1 Proposed Floor, Roof & Elevation Plans; and KH-03 Proposed Vehicle Crossover Plan.
 - 3) 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.

Main Issues

2. The main issues in this case are: i) the effect of the proposed rear extensions on the appearance of the existing dwelling and the character and appearance of the wider area; ii) the effect on the living conditions of neighbours at 84 Lymington Avenue and the ground floor flat at No.80; and iii) the adequacy of the parking provision and its effect on highway safety.

Reasons

3. Local and national planning policies and guidance seek to ensure that new development is well designed. As paragraph 126 of the National Planning Policy Framework (the Framework) states "*Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities*". With specific reference to residential

rear extensions, the council's Design and Townscape Guide states that:
"whether or not there are any public views, the design of the rear extensions is still important and every effort should be made to integrate them with the character of the parent building, particularly in terms of scale, materials and the relationship with existing fenestration and roof form".

4. The appeal property is located on the eastern side of Lymington Avenue and is occupied by a semi-detached dwelling on a narrow but deep plot. Lymington Avenue is part of a long-established residential area, laid out on a grid-iron pattern, with two storey dwellings of varying scale, form and design.

The effect of the proposed rear extensions on the appearance of the existing dwelling and the character and appearance of the wider area

5. The house has an existing flat roofed rear extension, having the same depth as that proposed, measuring 5.5m from the main rear wall. The existing extension is 'L' shaped in plan, so that the northern element occupying about half the width of the house, extends some 1.9m from the rear wall. The proposal involves, at ground floor level, the infilling of the 'L' so that in plan the extension becomes a regular rectangle in shape, with dimensions 5.50m deep and 5.56m in width. In addition, the proposal seeks to add a pitched roof over the whole of the rear extension.
6. Clearly, the proposed addition cannot be seen from any part of the public realm, but as the council's Design and Townscape Guide states, whether or not there are any public views, rear extensions should integrate with the character of the parent building. The parent building in this case, of course, includes the existing substantial extension. Seen against the house in its extended form, I consider that the now proposed extension does integrate with the character of the parent building. This assessment includes the proposed addition of a pitched roof, which I consider relates well with the pitched roof of the original dwelling.
7. The other rear extension is at first floor, comprising a small addition on the west side of the house, measuring 1.45m from the back wall, and running across some 2.78m to the centre of the building. The fact that it is proposed to have a flat roof is unfortunate in visual terms, but as a minor feature at the back of the existing 5.50m deep ground-floor extension, it is not a short-coming justifying refusal of permission. I conclude, on this first issue, that the effect of the proposed rear extensions would not be harmful to the appearance of the existing dwelling and the character and appearance of the wider area.

The effect on the living conditions of neighbours at 84 Lymington Avenue and the ground floor flat at No.80

8. Whilst the existing extension has a flat roof and the proposal is to put a dual-pitch roof over the ground floor extension, the proposed pitch is relatively shallow. The height of the eaves, not greatly different from the fascia of the existing roof, would not make any perceptible difference. Number 80 is directly to the south of No.82, and as I have just explained, the addition of a pitched roof would be barely material, and the existing ground floor extension is not proposed to be enlarged on the southern side. The proposed first floor extension would be above the private open amenity area at the rear of No.80, almost on line with the rear wall of that property, so that to suggest

dominance, a loss of outlook and a sense of enclosure seems fanciful, especially as there would be no effect on sunlight.

9. Turning to No.84, clearly there would be no effect from the proposed first floor extension. Again, the proposed pitched roof would have no deleterious effect by virtue of the fact that the sun will always be at its highest when any effect on sunlight in the area immediately at the rear of No.84 might be felt. From what I could see at my site visit, there is an obscure glazed canopy/veranda over this area, which extends about half way or so along the total length of the proposed extension.
10. The appellant has supplied an appendix that illustrates views from this veranda and from inside the accommodation at the rear of No.84, which appear to me to be reasonable representations of the effect of the proposal. These images, together with the letter from the resident owners of No.84, giving a reasoned response of support to the proposal, satisfy me that there would be no material harm to the living conditions of the occupiers of that dwelling. I can see no basis for the council's conclusion that there would be significant harm to the amenity of the occupants of 84 Lymington Avenue through dominance, loss of outlook and an unacceptable sense of enclosure.

The adequacy of the parking provision and its effect on highway safety.

11. The Southend-on-Sea Vehicle Crossing Policy and Application Guidance is a material consideration. This specifies the minimum dimensions for parking spaces which should be at least 6.5m wide and 2.6m deep for parking parallel to the footway. The application drawing showed the proposed parking area as 5.55m wide and 2.06m, which of course is below the standard required. On that basis, the development could result in unsafe vehicle movements that would be to the detriment of pedestrian and highway safety and the local network. However, the appellant has subsequently stated that the measurements have been re-checked, with the result that the correct dimensions are 6.50m wide by 2.66m deep. The error came about primarily by not including the space beyond the flank wall of the house to the side boundary with No.80. At my site visit I measured the proposed parking space and found that it conforms with the revised measurements. That being so, the proposed parking space meets the requirements of the Southend-on-Sea Vehicle Crossing Policy and Application Guidance, so that the third reason for refusal is overcome.

Conclusions

12. I have concluded, on the first issue, that the effect of the proposed rear extensions would not be harmful to the appearance of the existing dwelling and the character and appearance of the wider area. In respect of the second issue, I found that there would be no harm to the amenity of the occupants of No.80 and 84 Lymington Avenue through dominance, loss of outlook or an unacceptable sense of enclosure. I have also found that the car parking space in fact meets the required standard. In the light of these conclusions, I will allow the appeal.

Conditions

13. The statutory condition that provides a time limit on the start of development must be imposed. In addition, the council has suggested 2 conditions in the

event that the appeal is upheld. I consider that these conditions should be imposed for the following reasons: condition 2 is required for certainty and avoidance of doubt as to the development permitted; condition 3 is to ensure that the appearance of the development permitted integrates with the existing in a visually satisfactory manner.

Terrence Kemmann-Lane

INSPECTOR