



Appeal Decision

Site visit made on 9 May 2023

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 23 May 2023

Appeal Ref: APP/B1550/D/23/3317397

32 Elmwood Avenue, Hockley, SS5 4ND

- 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 Ms Karen Howells against the decision of Rochford District Council.
 - The application Ref 22/01113/FUL, dated 17 November 2022, was refused by notice dated 25 January 2023.
 - The development proposed is a two-story side extension, single story rear orangery extension and overhanging roof canopy with brick piers to front.
-

Decision

1. The appeal is allowed and planning permission is granted for a two-story side extension, single story rear orangery extension and overhanging roof canopy with brick piers to front at 32 Elmwood Avenue, Hockley, SS5 4ND in accordance with the terms of the application, Ref 22/01113/FUL, dated 17 November 2022, and the plans submitted with it, 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary matters

2. The officer's report, at paragraph 6.4, refers to a previous proposal on the site, application reference: 21/00888/FUL, which proposed to 'convert No.32 Elmwood Avenue into a 2-bedroom house, sub-dividing the plot and erecting an attached 2-bedroom house to create terraced housing. It also included forming a new shared vehicular access off Elmwood Avenue. That application was refused, for reasons that can be summarised as 'the narrow and deep plot would not reflect the prevailing character of the street, and the terrace of 3 houses would be an incongruent, cramped and contrived addition, not in keeping with the streetscene'. That refusal was appealed and the appeal dismissed. I was the Inspector for that appeal.
3. At the outset, I make it clear that the current appeal proposal is substantially different in terms of its nature and its effect on the local character and appearance and the streetscene.

Main Issues

4. The main issues in this case are: i) the effect of the proposed development on the return frontage of the site relating to the design of the existing dwelling and the streetscene; ii) the effect of the proposed development on the character of the street in respect of the size of the residential plots in the immediate locality.

Reasons

5. The application site is located on the southern side of Elmwood Avenue, at the junction of that street with Hawkwell Chase. The site flanks Hawkwell Chase, which at this point is a short cul-de-sac that terminates on the line of the rear boundary of the appeal site. No.32 Elmwood Avenue has a spacious front garden, with the house set fairly well back in the curtilage. The locality is clearly suburban, the appeal site being occupied by a semi-detached house, of a form that typifies the southern side of Elmwood Avenue, although many of the pairs have been altered by side extensions and changed external materials. The northern side is developed with bungalows, the majority of which are also in semi-detached pairs. In the immediate vicinity of this junction, the development on Hawkwell Chase, opposite the appeal site, comprises mainly semi-detached houses, which have seen substantial alterations over time.
6. Starting with the development plan, policy DM1 of the Development Management Plan requires that proposals should promote visual amenity and have a positive relationship with nearby buildings and a scale and form appropriate to the locality. The Council's adopted Housing Design Supplementary Planning Document 2 (SPD2) follows from policy DM1. It is the most detailed element of the council's policies that are of particular relevance to the main issue identified above, as is the Essex Design Guide to which the council refers. SPD2 indicates that extensions including external facing materials should be harmonious in character, scale and form with the existing dwelling. The objective of policy is to ensure that any additions are of a scale and appearance which are proportionate, and which do not appear to be out of character within the streetscene.
7. These local policies are in line with the National Planning Policy Framework (the Framework), which also makes clear the desirability of preserving an area's prevailing character, and ensuring that developments are visually attractive. It states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve; and that developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping (paragraphs 126 and 130).
8. The proposal involves the construction of a two-storey extension set to the eastern side of the application site, a single storey rear extension/orangery and an overhanging roof canopy with brick piers located to the front. The rear extension is not contentious, whilst the officer's report states that *'the overhanging canopy and brick piers are a welcome addition and are considered to add to the character of the dwelling, with many of the surrounding properties similar in form undertaking modest modifications to the front elevations including both porch extensions and similar overhanging canopies.'*

The effect of the proposed development on the return frontage of the site relating to the design of the existing dwelling and the streetscene

9. This issue, the first element of the refusal reasons, is very specific in highlighting the return frontage, the decision notice stating *"The proposal would fail to address the return frontage of the site in design terms with the proposed two storey element being of inappropriate scale, mass and design and would not positively contribute to the existing dwelling or street scene"*.
10. The fact is that most of this elevation would have the ground floor largely hidden behind the 1.8m high boundary fencing. Leaving that aside, the difference in the flank elevation between the host building at present and that proposed is that a) on the ground floor there is now a side entrance door with a small high-level window next to it, and a regular 3-pane (including fanlight) casement window, which would be replaced with a single doorway; b. the first-floor currently has a central window matching the ground floor 3-pane window, whilst the proposal is for 2 separate 2-pane windows (including fanlight). The other change would be that the existing conservatory would be replaced by the end elevation of the single-storey rear extension, which the officer describes as *"not considered significantly detrimental to the existing dwelling or character of the area and is considered also to complement the existing dwelling with the removal of the existing dated conservatory"*.
11. Such changes to the existing appearance of the house are minor, and relate to the internal layout which they serve. The impact on the streetscene of such a side elevation is replicated in very many return frontages in the area and wider afield. No doubt it would be possible to enliven this return elevation, with perhaps a change of materials, or some decorative architectural feature, but this would hardly be in keeping with the existing house or its neighbours. It is true, of course, that the flank elevation would be nearer to the highway than the current elevation, but I consider that this does not materially alter the basic judgement that has to be made here.
12. Looking at the proposed development more in the round, the 2-storey extension would be set back from the existing front elevation, and the ridge would be lower than the existing roof. The extent that it is set back and lower, is not as great as might be desired, but the effect is that the extension is, to that extent, subservient to the existing house. The same cannot be said about a number of 2-storey side extensions on houses in Elmwood Avenue. In addition, the overhanging canopy and brick piers on the frontage bring cohesion to the appearance of the 2-storey extension and its host.
13. This proposal also maintains close to a 3m offset from the curtilage boundary to Hawkwell Chase, as compared with the less than 2m of the previous appeal proposal, and without the shared vehicular access off Elmwood Avenue. Therefore, there would be relatively little intrusion into the spacious frontage of the appeal property, and its side garden. These are important to the open nature of the junction of Elmwood Avenue with Hawkwell Chase, and are significantly pleasing elements of the locality.
14. I conclude that the return frontage of the proposed 2-storey extension is appropriate in design terms on a flank elevation, being of appropriate scale, mass and design and would make a positive contribution to the existing dwelling and streetscene.

The effect of the proposed development on the character of the street in respect of size of the residential plots in the immediate locality.

15. I can deal with this issue briefly: the size of this residential plot is larger than all but one other on this side of Elmwood Avenue, the proposal does not reduce the frontage width or depth, and it maintains a reasonable open element along the side of the extensions. The single-storey rear extension protrudes into the rear garden rather more than the existing conservatory, but leaves sufficient open area to provide adequate amenity.

Conclusion

16. As I remarked in my previous appeal decision on this site, consideration must be given to design, which does not simply refer to the appearance of the development itself, but also the extent to which it fits within the existing context and to whether it takes opportunities for improving the character and quality of the area. In my judgement this appeal proposal is satisfactory in itself, but also takes the opportunity for improving the character and quality of the area. It may not be an exemplar in the wider sense, but it certainly points to improving the quality of further changes to houses in the immediate vicinity.
17. Overall, I find that the proposed 2-storey extension is appropriate in design terms, being of appropriate scale, mass and design and would make a positive contribution to the existing dwelling and streetscene. It would also not have a harmful effect on the character of the street in respect of size of the residential plots in the immediate locality. For these reasons I will allow the appeal.

Conditions

18. 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 have considered these in the light of Planning Practice Guidance (PPG). One requires that the development be carried out in accordance with the approved plans. This can be incorporated into the description of the development: it is necessary for certainty and avoidance of doubt as to the development permitted. The other is to require the materials to match those of the existing house. This is necessary to ensure that the appearance of the development permitted integrates with the existing in a visually satisfactory manner

Terrence Kemmann-Lane

INSPECTOR