



Appeal Decision

Site visit made on 12 December 2023

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 28.12.2023

Appeal Ref: APP/B1550/D/23/3327635

136A Down Hall Road, Rayleigh, SS6 9LP

- 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 Vaidas Videikis against the decision of Rochford District Council.
 - The application Ref 23/00386/FUL, dated 28 April 2023, was refused by notice dated 28 June 2023.
 - The development proposed is a single storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey side extension at 136A Down Hall Road, Rayleigh, SS6 9LP in accordance with the terms of the application, Ref 23/00386/FUL, dated 28 April 2023, 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.

Main Issue

2. The main issue in this case is the effect of the proposal on the character and appearance of the streetscene.

Reasons

3. The appeal site is a semi-detached bungalow incorporating a hipped roof, raised from the street level of Down Hall Road onto which it fronts, at the junction with Preston Gardens. It is the end of a row of 5 similar bungalows to the south-west, although the area generally has a wide variety of dwelling types and architectural styles. The result of the rise of levels from Down Hall Road, which is not entirely matched by the contours of Preston Gardens as it too rises from Down Hall Road, means that the flank fencing to the appeal bungalow is raised on a block wall, so that the side elevation of the bungalow is largely screened below eaves height. A current side lean-to addition can barely be seen from Preston Gardens.
4. This change in levels means that the front garden of the appeal bungalow is supported by a brick retaining wall, close to 1m high. The garden then continues to slope up to the front of the dwelling. Taking these characteristics

into account, and that the proposed extension would be set well back from the front of the dwelling so that it would appear a subservient and harmonious addition, it would not have a harmful effect on the character and appearance of the streetscene of Down Hall Road.

5. As to the effect on the streetscene of Preston Gardens, because the appeal proposal would have a hipped roof, complementing that of the existing bungalow, the upper part of the extension and roof would be plainly visible, although the roof would naturally slope away from the road. As I have already noted, it would appear subservient, being set well back from the front of the dwelling. The next house along Preston Gardens, Preston House, has a shallow frontage to the road so that, although the remainder of the dwellings on this side are set further back from the road, the proposed extension would not amount to a significant break to the building line.
6. It is also germane to the issue that the pair of houses on the other side of the junction of Down Hall Road with Preston Gardens have their frontages set just off the back edge of the footway to Preston Gardens. As a result of these significant features of the Preston Gardens frontage, the appeal extension would not appear insensitive or have a harmful dominating effect on the character and appearance of the streetscene.

Conclusions

7. For the reasons that I have given above, I conclude that the appeal proposal would not have a harmful effect on the streetscenes of either Down Hall Road or Preston Gardens. Therefore the appeal will be allowed.

Conditions

8. The statutory condition that provides a time limit on the start of development must be imposed. In addition, the council has suggested conditions in the event that the appeal is upheld. I have considered these in the light of Planning Practice Guidance. These conditions would require the materials to be used in the construction to match those used in the existing building, and that the development be carried out in accordance with the approved plans. The first of these is necessary to ensure that the appearance of the development permitted integrates with the existing in a visually satisfactory manner, whilst the second is needed for certainty and avoidance of doubt as to the development permitted. I will impose the first of these, and incorporate compliance with the plans in the terms of the permission.

Terrence Kemmann-Lane

INSPECTOR