



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: 29th December 2023

Appeal A Ref: APP/D1590/D/23/3324061

52 Maldon Road, Southend-on-Sea, SS2 5AZ

- 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 Mrs Donna Goldsworthy against the decision of Southend-on-Sea City Council.
- The application Ref 23/00131/FULH, dated 25 January 2023, was refused by notice dated 23 March 2023.
- The development proposed is erect single storey side/rear extension.

Appeal B Ref: APP/D1590/D/23/3324062

52 Maldon Road, Southend-on-Sea, SS2 5AZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal of planning permission.
 - The appeal is made by Mrs Donna Goldsworthy against the decision of Southend-on-Sea City Council.
 - The application ref 23/00541/FULH, dated 29 March 2023, was refused by notice 22 May 2023.
 - The development proposed is single storey side extension.
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Decision on Appeal A

1. The appeal is dismissed.

Decision on Appeal B

2. The appeal is allowed and planning permission is granted for a single storey side extension at 52 Maldon Road, Southend-on-Sea, SS2 5AZ in accordance with the terms of the application, Ref 23/00541/FULH, dated 29 March 2023, subject to the following condition:
 - 1) The development shall be carried out in accordance with the details shown on drawing project No.23-002 200 revision 01 save that the details of the construction of the side wall and the box gutter and parapet on the boundary with No. 50 Maldon Road shall be submitted to and approved in writing by the Local Planning Authority and shall then be completed in accordance with those details.

Preliminary matters

3. As set out above, there are two appeals on this site. They both relate to proposals for very similar single storey side extensions in the same position in the curtilage of the appeal dwelling. Appeal A relates to the proposed side

extension having a mono-pitched roof running from front to back, while Appeal B relates to the same extension but with the mono-pitched roof running across the site, with the lower edge adjoining the curtilage boundary. To avoid duplication I have dealt with the two schemes together, except where otherwise indicated.

Main Issue

4. The main issue in both cases is the effect of the extension of the living conditions of the adjoining occupiers at 50 Maldon Road in respect of loss of outlook, and sense of enclosure.

Reasons

5. The appeal dwelling is a semi-detached house which has an existing part single-storey, part two-storey outrigger. Both proposals are for an extension to be placed in the space between the outrigger and the fence line with the neighbour. Within the appeal property the space between the outrigger and the fence is 2.63m. The neighbouring house (No.50) also has an outrigger, with the space between that and the fence being 2.64m. The length of both proposed extensions would be 5.10m along the fence. The fence is 1.8m high.
6. The proposed extension in Appeal A, which is as currently constructed, has a mono-pitched roof that would be 2.90m high at the rear elevation of the main part of the appeal property, falling to 2.44 at the rear. The extension would thus be 1.1m higher than the fence at the front end and 0.64m higher at the rear.
7. The proposed extension in Appeal B, which includes elements of the existing extension, would have a mono-pitched roof that would be 2.93m high at the outrigger, falling towards the fence with a box gutter behind a parapet wall. The parapet would be 2.55m high and the extension would thus be 0.75m higher, than the fence.
8. Both the appeal property and its neighbour at No.50 have outriggers that are set in from the main parts of the dwellings where they front onto Maldon Road. The wider front parts leave space on each side of the joint boundary, just wide enough for a pedestrian gate to close off the rear private space. At the rear of this front element the space between the 2 dwellings widens out so that between the boundary fence and each outrigger it is 2.63/2.64m wide. Both appeal proposals do not extend as far rearwards as the back of the outriggers, so that the effect on the neighbour of either proposal is felt solely on the space between the outrigger and the fence: there is no effect on the full width garden behind the outrigger.
9. This narrow space is described by the planning officer as an enclosed well. This is a reasonable way of describing the space alongside the outrigger, which has that form and degree of enclosure irrespective of either of the 2 appeal proposals. Without either of the appeal proposals, it is my view that the neighbour's 'enclosed well' has little value as amenity space, especially as both dwelling have reasonably generous lengths of gardens at the rear. Whilst the areas between the outriggers and the joint boundary is enclosed, because the rear gardens run almost due south, they have a reasonable amount of light for a good part of the day.

10. The decision in these cases comes down to the extent to which either extension would be a visual intrusion, and bring a loss of outlook. Of the 2 proposals, the Appeal A proposal would have the greater effect. Its roof, sloping along the length of the boundary, from front to back, would have a substantial effect as the higher end would appear somewhat dominant and would be detrimental to the outlook. It would also appear rather incongruous in relation to the main built forms of the houses.
11. On the other hand, the Appeal B proposal, whilst still projecting above the fence, would have a uniform height and would have a more natural relationship with the horizontal top of the fence. The projection above the fence would not have an unacceptable degree of dominance on the neighbouring area and would not appear incongruous.
12. The proposed rear elevation indicates that the fall of the roof in the Appeal B proposal would descend to box gutter behind a low parapet wall, and the drawing suggests to me that it would be of brick. This would provide a more subtle appearance above the fence than the wall that is described on the same drawing as being of white uPVC external cladding. This dichotomy could be dealt with by a condition which required the details of the wall of the extension to be submitted to and approved by the council.
13. The Appeal A proposal is clearer in this respect in that the side wall, which slopes up to the highest point of the mono-pitched roof would clearly be finished in white uPVC cladding. This finish, whilst reflective of light into the neighbouring area, would be unattractive and would add to the incongruity.

Conclusions

14. For the reasons that I have set out in paragraphs 10 and 13, the extension proposed in Appeal A would have a harmful effect on the living conditions of the adjoining occupiers at 50 Maldon Road in respect of a sense of enclosure and a dominant and incongruous unattractive addition to their outlook. Appeal A will therefore be dismissed.
15. For the reasons that I have set out in paragraph 11, the Appeal B proposal would not be harmful to the living conditions of the adjoining occupiers since there would no significant loss of outlook, or sense of enclosure and it would not be unattractive – subject to the condition that I refer to in paragraph 12 – or incongruous. Appeal B will therefore be allowed.

Conditions

16. In respect of Appeal B, since this is not the current form of the extension, it is not fully retrospective. Nevertheless, part of the construction that is in place would likely be incorporated into that now being permitted, and to that extent, the development has begun. Thus the statutory condition that provides a time limit on the start of development should not be imposed. 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. The first condition requires the flank glazing to be in obscure glass, and the second requires the external materials to be those detailed on the approved plans or alternative materials agreed with the council.
17. I do not consider that these conditions are appropriate because of the matters and the condition that I have referred to in paragraph 11 above. This condition

is required to ensure the satisfactory appearance of the development and that there is no loss of privacy to the neighbours at No.50 Maldon Road.

Terrence Kemmann-Lane

INSPECTOR