



Appeal Decision

Site visit made on 27 February 2024

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5TH March 2024

Appeal Ref: APP/D1590/D/24/3336309

33 Briarwood Close, Leigh on Sea, Southend on Sea, SS9 4LE

- 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 Mark Rumbell against the decision of Southend on Sea Borough Council.
 - The application Ref 23/01512/FULH dated 21 September 2023, was refused by notice dated 16 November 2023.
 - The development proposed is single storey side and rear extensions and alter elevations (amended proposal).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have utilised the Council's description of the development as per the decision notice as I feel it more concisely describes the development.
3. Since the determination of this application the National Planning Policy Framework 2023 (the Framework) was again revised in response to the Levelling-Up and Regeneration Bill: reforms to national planning policy consultation on 19 December 2023. The appeal was, however, submitted after this date in January 2024. The refusal reason generically references the Framework however, it is not considered that this latest revision impacts upon the determination of this appeal given the main changes to the Framework and the main issue before me.

Main Issue

4. The main issue is the impact of the proposal upon the character and appearance of the host dwelling, street screen and wider surroundings.

Reasons

5. The appeal site is a semi-detached, single storey, dwelling which is located on a corner plot on Briarwood Close. I note that the proposal is intended to be for the benefit of a family member, and I acknowledge the need for the proposals. Whilst this is stated to have been outlined to the Council at pre-application stage, it would appear that the Council have failed to appropriately take this into account as a key issue within the overall balance within this proposal.
6. At the time of my site visit I noted that Briarwood Close slopes downwards which allows clear views of the rear elevation, and space to the side, of the appeal site from this part of the street scene despite the boundary fencing.

When stood facing towards the side elevation, within the street scene, this elevation is also prominent. Carrying on down, and around the bend to the front elevation, the appeal site then stands at a higher ground level than the pavement and road immediately outside. The appeal site is in a highly prominent location, within a corner plot, with viewpoints within the street scene allowing clear views of all three elevations of the host property.

7. The proposal would result in extensions which would wrap around the host property creating a total side wall, to the west elevation, with a depth in the region of 13 metres at around around 1.4 metres from the existing boundary wall/boundary fencing. The extensions, cumulatively, would be significant and out of proportion taking into account the depth and scale of the host dwelling which, combined with the design, would be out of odds with the immediate surroundings which would cause significant harm to both the character and appearance of the host dwelling, the street scene, and wider surroundings. The side extension, and proposed side wall, would overall appear larger (visually) due to the close proximity to the side boundary and the site levels.
8. I note, from my site visit, that there is evidence of alterations and extensions to housing within the vicinity including as a result of gable extensions and dormers, but I have no evidence before me of any extensions which are comparable to the scale of the proposal which is before me. The proposal would, as an extension, therefore, be uncharacteristic in terms of scale. The dwellings within the vicinity of the appeal site present as modest with the extensions which have taken place, particularly within the roof form, still allowing the original dwellings to be legible. They do not immediately stand out within the street scene when walking up, and down, Briarwood Close.
9. The appeal site, as outlined above, is in a highly prominent location which can be seen from a large proportion of Briarwood Close meaning that it is more sensitive to alteration especially when considering the scale of the proposals within this appeal. The proposals would create a disproportionately wide extension taking into account the modest size of the host dwelling and would dominate the host dwelling rather than appearing as a subservient extension as a result of form, position, scale, bulk, and design.
10. Reference is made to a preapplication covering letter; however, this is not included within the appeal evidence before me. I acknowledge that the property may be in need of renovation and general improvement, however, the scale of the proposals in comparison to the host dwelling are significant and these would be significantly harmful to the character and appearance of the surrounding area from the vast majority of the street scene.
11. The proposal would be contrary to Southend on Sea Core Strategy 2007 Policy CP4 which expects development proposals to contribute to the creation of a high quality, sustainable urban environment, and Policy KP2, which requires proposals to respect the character and scale of the existing neighbourhood. The proposal would also be contrary to Development Management Document 2015 Policy DM1 which confirms that in order to reinforce local distinctiveness, all development should add to the overall quality of the area and respect the character of the site, its local context and surroundings and Policy DM3 which requires that alterations and additions to a building will be expected to make a positive contribution to the character of the original building through adopting a

scale that is respectful and subservient to that of the original building and surrounding area.

12. The proposal would also be contrary to The National Design Guide 2021 which outlines that well designed new development is influenced by the characteristics of the existing built form and the overarching objectives of the Framework, particularly paragraph 135, which requires that developments be sympathetic to local character including the surrounding built environment. The proposal would also be contrary to the guidance contained within Supplementary Planning Document 1 Design and Townscape Guide 2009 which confirms a requirement for extensions to be subservient to the parent building.
13. In favour of the appeal, I have found that the proposal would be utilised by the appellant's family, and I am sympathetic and attach significant weight to the family's situation. Dismissing the appeal would interfere with the appellant's and their family's rights to peaceful enjoyment of their possessions, and to a private and family life and home, under Article 1 of the First Protocol and Article 8 as set out under the Human Right Act 1998. However, those are qualified rights; interference with them in this instance would accord with the law and be in pursuance of a well-established and legitimate aim: the protection of the character and appearance of the street scene and the wider surroundings.
14. I find that the proposal would result in significant harm to the character and appearance of the host dwelling and immediate surroundings in its current form and, whilst I acknowledge the stated need for the proposal, interference is necessary in the circumstances to protect the character of the host building and locality in accordance with the relevant policies I have outlined above.

Other Matters

15. The proposal is one of four applications and one pre-application relating to this site but have no details before me as to the previous proposals, however, it falls to consider the proposal which was refused as part of this appeal. I also note that the appellant is stated to have tried to liaise with the Council on several occasions with regard to how the plans could be amended, however, the behaviour of the Council in that regard is outside the scope of this appeal. It is acknowledged that there were no objections to the proposals, however, a lack of objection is a neutral consideration.
16. I note that the appellant has discussed, and submitted photographs of, development in Bellhouse Crescent SS9. It is stated that that property was demolished, and five houses were constructed in its place, however, the redevelopment of another site within the local area is of limited relevance or weight to the proposal which is before me.

Conclusion

17. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR