



Appeal Decision

Site visit made on 5 November 2024 by T Morris BA (Hons) MSc

Decision by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2024

Appeal Ref: APP/D1590/D/24/3350938

319 Southbourne Grove, Westcliff-on-Sea, Essex SS0 0AH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs Fawzia Choudhury against the decision of Southend-on-Sea Borough Council.
 - The application Ref is 24/00797/FULH.
 - The development is proposed outbuilding.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The agent has confirmed that the appellant's surname was spelt incorrectly on the planning application form and that the appellant and the original applicant are the same person. On that basis, I have used the spelling on the appeal form in the banner heading.
4. I have taken the description of the proposed development from the application form although I have removed the word 'retrospective' as it is not a description of development. Nevertheless, on my site visit I saw that the outbuilding was already in situ and therefore I have assessed the appeal on the basis that planning permission is sought retrospectively.
5. The appellant has provided a drawing with additional detail on the proposal including an internal layout. The additional drawing also shows the size and position of a previous garage building on the site. Given that these details do not alter the size or position of the development applied for, no party would be prejudiced by me taking these details into account as part of the assessment.

Main Issues

6. The main issues are the effect of the development on:
 - i) the character and appearance of the area, and
 - ii) the living conditions of occupants of 321 Southbourne Grove (No 321), with particular regard to outlook.

Reasons for the Recommendation

Character and appearance

7. 319 Southbourne Grove (No 319) is a semi-detached dwelling situated within a residential area. Southbourne Grove comprises a mix of semi-detached and detached dwellings of varying appearance, some of which have spacious rear gardens. However, the appeal site and its immediate neighbouring properties on the same side of Southbourne Grove have modest rear gardens. From what I saw on my site visit, aside from the outbuilding subject of this appeal, outbuildings within these gardens are generally of a modest scale, of an overtly domestic appearance and often positioned towards the back end of rear gardens and this complements the residential context of the street.
8. Despite its limited perceptibility from the street, the outbuilding's substantial footprint occupies a significant proportion of the host dwelling's rear garden area which together with its considerable mass gives it a conspicuous presence when appreciated from neighbouring properties. Its presence is all the more noticeable due to its close proximity and extensive projection along the side boundary with No 321 together with its height above the fence line. As a result, the outbuilding is an incongruous and discordant feature within the modest rear garden surroundings of this part of Southbourne Grove.
9. The appellant has drawn my attention to permitted development rights for outbuildings as set out in Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). Firstly, the potential for the development to be used for purposes incidental to the enjoyment of the dwellinghouse is not a matter in dispute and the Council did not refuse planning permission for that reason.
10. However, even if an outbuilding of a similar or larger footprint could theoretically be constructed in line with the limitations in the GPDO, it is the combination of the appeal development's height, together with its depth and siting along the side boundary, which jars with the surroundings. Therefore, while I accept that there may be a fallback of an outbuilding with a lower height, this does not persuade me that the specific harm resulting from the appeal development is justified.
11. I have also seen the drawing which shows the location and plans of a garage which was previously at the site. However, from the evidence before me, the outbuilding is noticeably larger in depth and height than the previous garage at the site. Therefore, its visual effects and the extent to which the development does not complement its immediate surroundings are more pronounced than the previous smaller garage.
12. I conclude, the development has had a harmful effect on the character and appearance of the area. In this regard, the development conflicts with Policy CP4 (The Environment and Urban Renaissance) of the Southend-on-Sea Borough Council Core Strategy (CS) (2007) and Policies DM1 (Design Quality) and DM3 (The Efficient and Effective Use of Land) of the Southend-on-Sea Borough Council Development Management Document (DMD) (2015). These policies require that development proposals are well designed, add to the overall quality of the area, respect local context and surroundings and that they maintain and enhance the character of residential areas including securing

good relationships with existing development and respecting the scale and nature of that development.

13. The development also conflicts with the guidance on detached garages and other detached buildings contained within the Southend-on-Sea Supplementary Planning Document 1 Design and Townscape Guide (SPD) (2009), which advises that ancillary outbuildings within the grounds of an existing building should be designed to complement the character of the associated building.

Living conditions

14. The rear windows at No 321 are set away from the shared boundary meaning the outbuilding sits at an oblique angle to them. Consequently, they retain a suitable rear aspect. However, the rear garden of No 321 is of similar modest proportions to the rear garden at the appeal property. Despite the outbuilding's flat roof design, its considerable depth, height and position alongside a significant proportion of the shared side boundary has an unacceptable overbearing and enclosing effect on the rear garden of No 321, including from its patio area adjacent to the fence. This harm is not justified by the previous garage which from what I have seen was not as excessive in depth or as consistent in height.
15. I conclude, the development has a harmful effect on the living conditions of occupiers of 321 Southbourne Grove, with particular regard to outlook. The development conflicts with Policy CP4 (The Environment and Urban Renaissance) of the CS and Policy DM1 (Design Quality) of the DMD. These policies require that development proposals secure good relationships with existing development and protect the amenity of the site and immediate neighbours including having regard to outlook and visual enclosure.
16. The Council cites conflict with Policy KP2 (Development Principles) of the CS. However, this policy does not appear to relate to living conditions. The Council also cites conflict with Policy DM3 (The Efficient and Effective Use of Land) of the DMB. Whilst this policy does refer to living conditions, this seems to be in the context of backland and infill development, conversion of existing dwellings, bungalows, as well as alterations and additions to existing buildings, rather than outbuildings. In any case, while these particular policies have not been decisive in my findings, this does not diminish the conflict with Policies CP4 and DM1.
17. Whilst the section on detached garages and other detached buildings within the Council's SPD does not specifically refer to living conditions, it does advise that such development should embrace the design principles set out in the SPD. In this regard, the development would also conflict with the principles of the SPD where it advises that it is important that development makes the best use of the site without compromising the quality of life for the occupants or its neighbours.

Conclusion and Recommendation

18. For the reasons given above, I recommend that the appeal should be dismissed since it would conflict with the development plan.

T Morris

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

M Russell

INSPECTOR