



Appeal Decision

Site visit made on 6 January 2025

by **Nicola Davies BA DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 January 2025

Appeal Ref: APP/D1590/D/24/3348646

20 Oakwood Avenue, Leigh-on-Sea, Southend-on-Sea SS9 4JU

- 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 Mr and Mrs Morgan against the decision of Southend on Sea Borough Council.
 - The application Ref is 24/00496/FULH.
 - The development proposed is erection of a rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised version of the National Planning Policy Framework (the Framework) has been published since the planning application was determined by the Council. I have had regard to the revised Framework in reaching my decision.

Main Issues

3. The main issues raised by this appeal are the effect of the proposed development on the character and appearance of the host property and the area and the living conditions of existing adjoining occupiers at No.18 Oakwood Avenue.

Reasons

Character and appearance

4. The rear extension would have a large footprint, larger than that of the original host dwelling, and would be of significant size as a result of its proposed depth and height. It would also be larger than the existing rear extensions that it would replace and project further than rear extensions that have been added to the neighbouring properties either side.
5. The rear extension would have a dual pitched roof that would not reflect the design and form of the main roof of the host dwelling. The extension's architectural design approach would not respect the character or appearance of the host property. As such, the proposed extension would not visually assimilate well with the host property.

6. The proposal would represent a visually dominant addition to the dwelling and would create a disproportionately large and visually harmful extension to the host dwelling. For this reason, the proposed development would be harmful.
7. The proposal would not be readily visible from the street scene, as contended by the Council since the development would be to the rear of the dwelling. Nonetheless, the visual harm arising from the proposed extension would be visible in the outlook of existing neighbouring occupiers.
8. I accept that the proposal would represent a design improvement to that of the existing rear extension and that a significant proportion of the rear garden would be retained as outdoor amenity space. Whilst these are benefits of the proposed scheme they do not outweigh my above concerns or justify the proposed development.
9. For these reasons, I conclude that the proposed development would be harmful to the character and appearance of the host property and the area. The proposal would, therefore conflict with Policy CP4 of the Southend-on Sea Core Strategy 2007, Policies DM1 and DM3 of the Southend-on Sea Development Management Document 2015, the Southend-on-Sea Design and Townscape Guide 2009, the National Design Guide 2021 and the provisions of the Framework. These policies and guidance seek, amongst other matters, development to add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach with alterations to a building making a positive contribution to the character of the original building and the surrounding area.

Living conditions

10. The occupiers of neighbouring properties should reasonably expect to enjoy an acceptable outlook as part of their residential lives. The extension would create a development of significant size and height in extremely close proximity to the adjoining occupiers of No.18 Oakwood Avenue.
11. The existing rear extension at No.20 is already in close proximity to No.18. No.18 has been extended at the rear. Those extensions, which include a conservatory, are sited at the south side of No.18. However, the proposed development would project further from the rear of the appeal property than that of the existing extension and conservatory and, therefore, would be a larger extension at the rear of No.20.
12. The resulting rear projection at No.20 would be extremely dominant in the outlook from the rear habitable living space within this neighbouring property, as well as from their outdoor living space at the rear of the dwelling. The visually dominant impact of this addition in such close proximity to the adjoining property would create a sense of being enclosed by built development. Consequently, this would diminish the enjoyment of the residential living environment for the neighbouring occupiers. As such, this would harm the enjoyment the existing occupiers should reasonably expect to enjoy.
13. I acknowledge that no objection has been raised by the occupiers of No.18 to the proposal. Whilst this may be so, there remains the need to consider the proposal in terms of the living conditions of the existing adjoining occupiers.

14. For these reasons, I conclude that the proposed development would be harmful to the living conditions of existing adjoining occupiers at No.18 Oakwood Avenue. The proposal would, therefore conflict with Policy CP4 of the Southend-on Sea Core Strategy 2007, Policies DM1 and DM3 of the Southend-on Sea Development Management Document 2015, the Southend-on Sea Design and Townscape Guide 2009, the National Design Guide 2021 and the provisions of the Framework. These policies and guidance seek, amongst other matters, to ensure that development protects the amenities of immediate neighbours.

Other Matters

15. I note the appellants wish to extend the property to provide for personal mobility/ability needs. Whilst I sympathise with the personal circumstances of the appellants, I am mindful that the harm identified would be permanent and this is not outweighed by the appellants' particular circumstance.

Conclusion

16. Having regard to the above findings, the appeal should be dismissed.

Nicola Davies

INSPECTOR