



Appeal Decision

Site visit made on 6 January 2024

by **Nicola Davies BA DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21st January 2025

Appeal Ref: APP/D1590/D/24/3348787

26 Belle Vue Road, Southend-on-Sea SS2 4JF

- 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 Haki Koka against the decision of Southend on Sea Borough Council.
 - The application Ref is 24/00344/FULH.
 - The development proposed is single storey extension and first floor rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of proposed development from the planning application form although I note it is expressed differently on other documents.
3. A single storey rear extension was in place at the time of my visit. The appellant's statement confirms that the single storey extension has been constructed on site and that this part of the proposed development is retrospective.
4. 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

5. The main issues raised by this appeal are the effect of the proposed development on the living conditions of existing adjoining occupiers and the character and appearance of the host property and the area.

Reasons

Living conditions

6. The appeal property is a mid-terrace two-storey dwelling. The ground floor extension is constructed up to and along the common boundaries of the site. It is of some height and projects a considerable distance beyond the rear elevation of the host property as well as that of the adjoining properties either side. The properties either side host small single storey extensions. Nonetheless, the proposed extension would project some distance beyond these additions.

7. The occupiers of neighbouring properties should reasonably expect to enjoy an acceptable outlook as part of their residential lives. The extension creates a development of significant size and height in extremely close proximity to the adjoining properties. I do not consider, given the height of the side walls of the extension that these are akin to a fence along the common boundaries, as suggested by the appellant.
8. The resulting rear projection would be extremely dominant in the outlook from the rear habitable living space within the neighbouring properties, as well as from their outdoor living space at the rear of the dwellings. The visually overbearing impact of this addition in such close proximity to the adjoining property would create a sense of being enclosed by built development. This diminishes the enjoyment of the residential living environment for the neighbouring occupiers. As such, the extension would harm the enjoyment the existing occupiers should reasonably expect to enjoy. Whilst the appellant contends that the development would not have a significant impact on neighbouring occupiers, for those reasons set out above I disagree with the appellant on this matter.
9. It is suggested that the proposal would be acceptable under the prior approval or permitted development processes. However, I have not been provided any substantive information that would enable me to come to a view on this point.
10. For these reasons, I conclude that the proposed development would be harmful to the living conditions of existing adjoining occupiers. The proposal would, therefore conflict with Policies KP2 and 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 and the provisions of the Framework. These policies and guidance seek, amongst other matters, to ensure that development protects the amenities of immediate neighbours.
11. The appellant comments on the proposal's potential to cause shadowing of adjoining properties. However, on my reading of the Council's case and reasons for refusal it does not appear to me that the Council is raising this as a matter of concern.

Character and appearance

12. The host dwelling has a conventional pitched roof although a rear roof extension has been added to the property. The first floor extension would have a shallow pitched pyramid style roof that would not reflect the design and form of the main roof of the host dwelling. It would also have a different eaves height to that of the main dwelling. The window within the rear elevation would not align with the openings within the roof extension above or those openings within the rear of the ground floor extension.
13. The first floor extension's architectural design approach would not respect the character or appearance of the host property. As such, the proposed first floor extension would not visually assimilate well with the host property. Its visually awkward design would represent a development of poor design. The fact that it would be set in from the northern shared boundary of the site would not mitigate the visual harm.

14. The proposal would not be visible from the street scene as the development would be to the rear of the dwelling. Nonetheless, the visual harm arising from the proposed first floor extension would be visible in the outlook of existing neighbouring occupiers.
15. 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 Policies KP2 and 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 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.

Other Matters

16. The principle of the development is acceptable to the Council. The proposal would make efficient use of land and optimise the site to provide additional living accommodation. It would not result in undue stress on local services and infrastructure, including transport capacity. The property is not listed or within a conservation area or area of special designation. As such, the proposal would not harm any interests of acknowledged importance. Whilst these may be merits of the proposal they do not overcome the harm that I have identified above or justify the proposed development.
17. My attention has been drawn to other proposals that have been granted planning permission by the Council and I have been provided with decision notices relating to those developments, and in three of four cases the plans. However, those examples are in different locations and do not relate to Belle Vue Road. Furthermore, the plan details do not illustrate development of a similar form and house type to that proposed here. Whilst the proposals may relate to first floor rear extensions, the acceptability of those other developments will have depended on the individual circumstances of those sites. Therefore, they can and should be considered on their own individual merits, as should the proposal that is before me.

Conclusion

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

Nicola Davies

INSPECTOR