



## Appeal Decision

Site visit made on 10 September 2019

by **C Osgathorp BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 September 2019

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**Appeal Ref: APP/D1590/W/19/3232695**

**22-24 St. Benets Road, Southend-on-Sea SS2 6LF**

- 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 Paul Miller against the decision of Southend-on-Sea Borough Council.
  - The application Ref 19/00075/FUL, dated 14 January 2019, was refused by notice dated 4 April 2019.
  - The development proposed is raise ridge height, erect part one, part two and part three storey rear extension with dormers to rear and roof lights to front, convert dwellinghouses into 6 self-contained flats, install layout parking, cycle storage, bin stores and amenity space.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The description of development shown on the appellant's appeal form and the Council's decision notice is more precise than the description shown on the planning application form. I have therefore used the description of development shown on the appeal form and the decision notice in the banner heading and determined the appeal on this basis.
3. The planning application form states that the site address is '22 St. Benets Road', however the appeal site comprises 22-24 St. Benets Road, as shown on the appeal form and the decision notice. I have therefore used the address shown on the appeal form and the decision notice in the banner heading.

### Main Issues

4. The main issues are the effect of the proposed development on (i) the character and appearance of the host building and the surrounding area; and (ii) the living conditions of the occupiers of No 16 St. Benets Road with respect to outlook.

### Reasons

#### *Character and appearance*

5. The appeal site is located in an established residential area, which predominantly consists of 2 storey semi-detached and terraced dwellings. Whilst there is some variation to the design and appearance of the properties,

they are generally similar in scale and designed with pitched roofs. The appeal building is currently unoccupied. The rear elevation features an existing two storey extension which is designed with a part pitched, part flat roof. It projects approximately 7.5m to the rear, however the dominance of the extension is limited by its modest width and the setting down of its roof from the ridgeline of the main roof.

6. The proposed dormer would effectively create a 3 storey rear extension as it would extend beyond the rear of the main roof. The extension would cover most of the rear roof slope and therefore its width would not appear proportionate to the main roof. Taken together with its significant projection from the main roof and the small set down from the ridgeline, it would appear bulky and dominant in relation to the host building. Furthermore, whilst the two storey element of the extension would extend to the same depth as the existing rear extension, the overall width of the resulting enlargement would be sizeable and it would create a bulky appearance. The proposed extensions would appear boxy and would not integrate well with the form of the existing building.
7. The proposed increase in ridge height of the main roof would not be particularly noticeable in the street scene, however the bulky 3 storey rear extension would be visible above the neighbouring bungalow at No 16 when viewed from the street. The extensions would collectively fail to respect the scale, form and proportions of the host building and would appear visually intrusive in the surrounding area.
8. The proposed materials, including vertical cladding, grey facing brickwork and grey aluminium windows would provide an acceptable appearance. However, this would not address the harm that I have identified above.
9. For the above reasons, I conclude that the proposed development would be harmful to the character and appearance of the host building and the surrounding area. The proposal would therefore be contrary to 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 advice contained within the Southend-on-Sea Design and Townscape Guide (2009) and Chapter 12 of the National Planning Policy Framework (the Framework), which, amongst other things, seek development proposals that contribute to the creation of a high quality built environment.

#### *Living conditions*

10. The existing two storey rear extension is set in from the side wall of the original building and the proposed single storey rear extension would infill this space. The proposed extension would therefore add to the bulk of the existing extension when viewed from the garden of No 16 St. Benets Road. Whilst the proposed single storey extension would project a similar distance to the existing two storey rear extension, its proximity to the boundary, a distance of approximately 1 metre, would result in the proposal appearing overbearing. This would cause significant harm to the outlook from the rear garden for the occupiers of No 16.
11. Furthermore, whilst the 3 storey element of the extension would be set in from the side wall of the building, it would appear as a dominant and imposing feature when viewed from the rear garden of No 16 due to the combined effect

of its height and the extent that it would project beyond the rear elevation of the neighbouring property. As such, the above elements of the proposed development would individually and cumulatively appear overbearing when viewed from the neighbouring property.

12. For the above reasons, I conclude that the proposed development would cause a significant loss of outlook to the rear garden of No 16, which would be harmful to the living conditions of the occupiers of the neighbouring property. The proposal would therefore be contrary to Policy CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015), the advice contained within the Southend-on-Sea Design and Townscape Guide (2009) and paragraph 127 of the Framework, which, amongst other things, seek to protect the amenity of immediate neighbours.
13. The Council has cited Policy KP2 of the Southend-on-Sea Core Strategy (2007) in the reason for refusal, however this policy does not refer to the living conditions of neighbouring properties and so it is not relevant to the second main issue.

### **Other Matters**

14. The Council does not dispute the appellant's contention that it is unable to demonstrate a five year supply of deliverable housing sites. As such, relevant policies for the supply of housing, in particular Core Strategy Policy CP8, should not be considered up-to-date in accordance with footnote 7 of the Framework. In these circumstances, paragraph 11(d) of the Framework should therefore be applied.
15. Whilst paragraph 59 of the Framework refers to significantly boosting the supply of housing, the net increase of 4 additional units would make a limited contribution. There would be a small social benefit in providing a limited number of additional housing units in an urban area close to passenger transport facilities. Modest economic advantages would also arise from the construction and occupation of the proposed dwellings. However, the harm to the character and appearance of the host building and the surrounding area and the adverse impact on the living conditions of the occupiers of No 16 would be significant. As a result, the environmental role of sustainable development would not be achieved. The proposal would not safeguard and improve the environment and so it would not accord with paragraph 117 of the Framework in respect of promoting an effective use of land.
16. As such, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Therefore, the proposal would not be a sustainable form of development. The conflict with the development plan is not outweighed by other material considerations including the Framework.
17. I have had regard to the concerns raised by interested parties, which, in addition to the above matters, relate to overlooking, parking, fumes and loss of a family residence. However, as I find the proposed development unacceptable for other reasons, these considerations would not alter my decision.

**Conclusion**

18. For the above reasons, and having had regard to all other matters, I conclude that the appeal should be dismissed.

*C Osgathorp*

INSPECTOR