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# Appeal Decision

Site visit made on 11 June 2024

**by J Bell-Williamson MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 June 2024

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**Appeal Ref: APP/P1560/D/24/3338487**

**Rairakushanti, Mill Lane, Dovercourt, Harwich, Essex CO12 3PU**

- 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 Miss Jade Anderson against the decision of Tendring District Council.
  - The application Ref 23/01282/FULHH, dated 12 September 2023, was refused by notice dated 20 December 2023.
  - The development proposed is first floor side addition.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. As the development has been undertaken, I have dealt with the appeal on the basis that it involves an application for retrospective planning permission.
3. The original description of development is provided in a more succinct form in the decision notice. Therefore, the above description reflects this amended description.
4. From the site inspection it is clear that the property referred to by the Council in its second reason for refusal is No 2 Empire Road, rather than No 3.

## Main Issues

5. The main issues are the effect of the side addition on the character and appearance of the host dwelling and the street scene; and on the living conditions of the occupiers of No 2 Empire Road, with regard to outlook.

## Reasons

### *Character and appearance*

6. The appeal property is a two storey semi-detached dwelling located on the corner of Mill Lane and Empire Road. The surrounding area is predominantly residential in character and the site is close to the seafront and local shops.
  7. Policy SP7 of the Tendring District Local Plan 2013-2033 and Beyond, Section 1 (2021), concerning place shaping principles, requires that all new development
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must meet high design standards. Policy SPL3 of the Local Plan, Section 2 (2022) concerns sustainable design and includes the overarching requirement that all new development should make a positive contribution to the quality of the local environment and protect or enhance local character. More specifically, it requires amongst other matters that development should relate well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials.

8. The street scene includes a range of different residential property types, including dwellings and apartment buildings. The appeal property is part of a group of dwellings that are encompassed on four sides by roads. Nos 1 to 8 Empire Road back onto Mill Lane, with their rear garden boundaries fronting this road. The appeal property is unusual in this regard as it stands directly behind and adjoins No 1 Empire Road.
9. This layout results in the side element of the appeal property that has been extended being directly next to the road and adjacent to the open rear gardens of the row of neighbouring dwellings. The previous built development to the side was single storey with a mono-pitched roof. This limited height and mass, and sense of openness at first floor level would have been reflective of and in proportion to the adjacent open gardens to the rear of the Empire Road dwellings.
10. By contrast, the upper storey addition results in the side element having an undue presence in the street scene due to its position directly next to the street corner and its contrast to the open rear gardens next to it. Moreover, the combined width and height of the extension is a bulky and substantive addition to the relatively modest principal two storey built form. In addition, the shallow mono-pitch roof does not integrate visually with the hipped roof form of the host dwelling, as well as adding to the overall bulk of the side projection. These harmful effects are readily apparent due to the building's prominence and visibility from the surrounding area, including nearby properties. The matching fenestration and materials do not overcome these harmful effects.
11. Accordingly, for these reasons, I conclude that the side addition has an unacceptably harmful effect on the character and appearance of the host dwelling and the street scene. Consequently, it is contrary to Policy SP7 of the Local Plan, Section 1 and to Policy SPL3 of the Local Plan, Section 2, as described. It is also contrary to the National Planning Policy Framework (the Framework), which promotes good design.

#### *Living conditions*

12. The rear wall of the appeal property is directly next to the garden boundary of No 2 Empire Road. The bottom part of the garden previously had the side wall of the single storey element next to it. The limited height enabled some views across the top of this built form from the modest back garden and thereby provided some visual relief from any sense of enclosure by the adjacent development.
13. The extension to the upper floor of the side projection combined with the principal two storey built form results in an unrelieved two storey wall running alongside the full depth of No 2's garden. This will appear as a dominant and

oppressive feature in views from the neighbouring garden, compromising its reasonable use and enjoyment.

14. The appellant contends that there were no objections from the neighbouring occupiers to the proposal. However, given the permanent nature of the change proposed, the effects need to be considered in the long term, with regard to both current and future occupiers of the neighbouring property.
15. Therefore, based on these findings, I conclude that the additional development results in material harm to the living conditions of the occupiers of No 2 Empire Road, with regard to outlook. Consequently, it is contrary to Policies SP7 and SPL3 of the Local Plan, insofar as they require development to protect the amenity of existing and future residents. It is also contrary to the Framework, which requires that decisions should ensure that development has a high standard of amenity<sup>1</sup>.

### **Other Matters**

16. I have had regard to the representation made by an interested party, which concerns overshadowing of neighbouring properties by the extension. The additional height created by the first floor addition combined with the proximity to No 2's garden and the relative orientation of the properties means that there is likely to be some loss of sunlight to the neighbouring garden. As such, this will result in further material harm to the neighbouring occupiers' living conditions.
17. I acknowledge that the extension was built to create additional living space. However, these personal circumstances do not overcome the harm and conflict with development plan policies that has been found.

### **Conclusion**

18. For the reasons given it is concluded that the appeal should be dismissed.

*J Bell-Williamson*

INSPECTOR

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<sup>1</sup> Paragraph 135f).