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## Appeal Decision

Site visit made on 23 January 2017

**by Graham Chamberlain BA MSc MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 9<sup>th</sup> February 2017**

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**Appeal Ref: APP/D1590/W/16/3161623**

**119A Leigh Hall Road, Leigh-on-Sea SS9 1QY**

- 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 Neil Goodridge against the decision of Southend-on-sea Borough Council.
  - The application Ref 16/01365/FUL, dated 10 August 2016, was refused by notice dated 10 October 2016.
  - The development proposed is a loft conversion including a rear dormer.
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### Decision

1. The appeal is allowed and planning permission is granted for a loft conversion including a rear dormer at 119A Leigh Hall Road, Leigh-on-Sea SS9 1QY, in accordance with the terms of the application, Ref: 16/01365/FUL, dated 10 August 2016, subject to the following conditions.
  - 1) The development hereby permitted shall commence before the expiration of three years from the date of this decision.
  - 2) The development hereby approved shall be carried out in accordance with the following approved plans: Drawings No. 101, 102, 103, 104 and 105 (C01D)

### Main Issue

2. The main issue in this appeal is the effect of the proposed development upon the character and appearance of the area.

### Reasons

3. The appeal property encompasses a first floor flat on the western side of Leigh Hall Road, a residential street broadly characterised by terraced properties. The predominately terraced form of the properties in the street results in a compact street scene with only glimpsed views of rear elevations.
4. In respect of the appeal property, the Council have not directed me to any views that it considers would be harmed by the proposal. During my visit I was able to identify some glimpsed views of the appeal property's rear elevation from Queen's Avenue and Dawlish Drive. However, as these are only glimpsed views from these vantage points I would not describe the rear elevation of the appeal property as prominent. Thus, the impact of the proposed rear box dormer upon the character and appearance of the street scene would not be significant or dominant.

5. The appeal scheme is for the insertion of a box dormer in the rear roof slope of the appeal property and for the insertion of roof lights in the front roof slope. I share the view of the Council that the roof lights would not harm the character and appearance of the area as they would be similar to those inserted in 115 Leigh Hall Road. To an extent, the same can be said of the proposed box dormer, as I was able to observe other examples of rear box dormers<sup>1</sup> in the vicinity of the appeal site and these were not injurious to the street scene.
6. Whether the examples of box dormer windows referred to by the appellant were permitted locally by the Council, or nationally through the GPDO<sup>2</sup>, has little bearing upon the effect of these insertions on the character and appearance of the area. Nor does it have any notably bearing on the extent to which they are material considerations indicating that box dormers are unlikely to be harmful to the character and appearance of the area in all instances.
7. The proposed dormer would not be unduly prominent in public views and in those vantage points from which it would be seen, including neighbouring properties and the pedestrian lane to the rear of the appeal site, the dormer would appear reasonably in proportion with the roof plane in which it would sit. This is because the proposed dormer would sit in a position which was below the existing ridge, above the existing eaves and in from the existing sides of the roof. It would therefore appear as a dormer that would be viewed as incidental to the roof plane, rather than a bulky and discordant reconfiguration of the roof. In this respect, the proposal would adhere to aspects of the guidance in Paragraph 366 of the Council's Design and Townscape Guide<sup>3</sup>.
8. Additionally, the tile hung finish to the elevations of the proposed dormer would also harmonise with the existing roof tile, which would further integrate the dormer with the host building and ensure that it would not be unduly prominent.
9. In reaching this view, I note the Council's reference to Paragraph 366 of the Design and Townscape Guide, that *large box style dormers should be avoided, especially where they would have a public impact, as they are bulky and unsightly*. Box dormers can be constructed as permitted development but this is not the case here, as the appeal property is a flat. Nevertheless, I do not consider it is reasonable to interpret the guidance in the Council's Townscape Guide as a prohibition on box dormer windows. Instead, the guidance is an indication that box dormers should be conceived and designed with particular care and sets out those circumstances when they are more likely to be approved.
10. In this instance, given the very limited visual impact of the proposed dormer and its subservience to the roof plane in which it would sit, it has not been possible to identify any harmful impacts that would arise from the appeal scheme. Accordingly, planning permission should be forthcoming.
11. I therefore conclude that the appeal scheme would preserve the character and appearance of the area and there are no other areas of concern. As such, it would adhere to the development plan where read as a whole. In particular, the appeal scheme would adhere to Policies KP2 and CP4 of the Southend-on-Sea Core Strategy 2007 and Policies DM1 and DM3 of the Southend-on-Sea Development Management Document 2015, which seek to secure development which is

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<sup>1</sup> Flat 115a, Flat 84b and 61 Leigh Hall Road

<sup>2</sup> The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

<sup>3</sup> Supplementary Planning Document 1 2009

respectful and subservient to the original building and integrates with it. Similarly, the appeal scheme would adhere to the guidance in Paragraph 58 of the National Planning Policy Framework.

### **Conditions and Conclusion**

12. I have had regard to the advice in the Planning Practice Guide and in addition to the 3 year commencement period I consider it necessary in the interests of precision and safeguarding the character and appearance of the area to attach a condition for the development to be implemented in accordance with the submitted drawings. The proposed dormer would not match the existing building in terms of materials, method of construction and finished appearance. As such, the third condition suggested by the Council is unnecessary.
13. For the reasons given above, and having regard to all other matters raised, I conclude the appeal should be allowed.

*Graham Chamberlain*  
INSPECTOR