



Appeal Decision

Site visit made on 22 July 2019

by M Chalk BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 August 2019

Appeal Ref: APP/D1590/W/19/3225563

38 Leigh Park Road, Leigh On Sea, Essex SS9 2DU

- 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 Ted Lewis Cox against the decision of Southend-On-Sea Borough Council.
 - The application Ref 18/02176/FULH, dated 30 November 2018, was refused by notice dated 31 January 2019.
 - The development proposed is erect 2 storey front extension, single storey side and rear extensions, raised patio to rear, alter roof to rear extension & rear elevations.
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Decision

1. The appeal is dismissed insofar as it relates to the two-storey front extension.
2. The appeal is allowed and planning permission is granted for single storey side and rear extensions, raised patio to rear, alter roof to rear extension & rear elevations in accordance with the terms of the application, Ref: 18/02176/FULH dated 30 November 2018, subject to the conditions set out in the attached schedule.

Procedural Matter

3. An amended drawing, ref AS2213 AM.7A has been submitted with this appeal, addressing the omission of the gable roof end from the original drawing AS2213 AM.7. I am satisfied that this drawing can be considered as part of this appeal without prejudice to the rights of other parties as the gable roof is an existing feature of the house and is shown on other proposed drawings. Drawing ref AS2213 AM.7A therefore forms part of the determination of this appeal.
4. The description of development is taken from the appeal form, as the description of the development has changed from that on the application form.

Main Issue

5. The main issue is whether the front extension would preserve or enhance the character and appearance of the Leigh Conservation Area.
6. The Council have stated, at paragraph 4.13 of the officer's report, that they are only concerned with the impact of the front extension on the Conservation Area. I agree that the other elements of the development are designed to be in keeping with and subservient to the existing building while not being visible from the street, and so would preserve the character and appearance of the Conservation Area.

Reasons

Character and appearance

7. The appeal site is within the Leigh Conservation Area. I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area, in accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The Leigh Conservation Area Appraisal (November 2010) refers to the rapid development of Leigh On Sea giving rise to a general uniformity of appearance, and the buildings in individual streets are generally similar in style. Within this section of Leigh Park Road there are six pairs of semi-detached houses on the approach from the Leigh Hill junction. These six pairs are generally uniform in appearance with no prominent alterations to their front elevations. Two-storey bay windows and oriel windows at first-floor level are common features to the front elevations of all these houses.
8. The appeal property is a detached house set at the end of this row. It is of similar height to those houses with a two-storey bay window on the front elevation, but there is an existing two-storey front projection that projects slightly forward of the generally consistent front building line that follows the road up the hill. Historic records show that the appeal property was built at around the same time as the semi-detached houses, and I find that this is reflected in the similar materials, design features and broadly uniform building line.
9. The proposed two-storey front extension would be the most prominent feature of the proposed development. It would extend forward of the existing front projection of the appeal property, which would become significantly more prominent in the street scene.
10. The uniform simplicity of the roofs to the appeal property and the six pairs of semi-detached houses nearby is a key characteristic of this side of Leigh Park Road. As the houses are set down from the road level, the roofs are brought directly into general view. The appeal property already has a forward projection that brings the roof forward of the established front building line, but this is quite modest in proportions.
11. The proposed front extension would be much deeper, projecting significantly closer to the front boundary of the site. It would not be respectful of, or subservient to, the original building and thus sit comfortably in the street. The appeal property is situated at the end of a row of houses which are of similar date and appearance, The proposal would make the appeal property a discordantly prominent feature in the street scene. The extension would also further complicate the roof form of the appeal property, and would be out of keeping with the simple roof forms that characterise this part of Leigh Park Road. The front extension would therefore fail to preserve or enhance the character or appearance of the Conservation Area.
12. As material harm has been identified it is necessary to determine whether this amounts to substantial or less than substantial harm. As an extension to a single property, the harm would be less than substantial when weighed against the significance of the whole Conservation Area. This harm would not be outweighed by any benefits of the development, which would improve the accommodation to a single private dwellinghouse but have no wider public benefits.

13. I therefore find that the proposed front extension would cause harm to the character and appearance of the house and the wider conservation area, contrary to the requirements of policies DM1, DM3 and DM5 of the Development Management Document (adopted July 2015) (the DMD), policies KP2 and CS4 of the Southend on Sea Core Strategy (adopted December 2007) (the CS) and the requirements of the National Planning Policy Framework (the Framework).

Other matters

14. The proposed rear extension would feature French windows opening onto a Juliet balcony, with the hardstanding at this level extended around the rear of this extension. Views from the French windows and patio would be towards the coast, with the rear of neighbouring properties in between. The rear gardens in the area are small, and whilst there is mature landscaping along some boundaries it is possible to see neighbouring windows. Given this existing relationship, the proposed rear extension and alterations to the hardstanding would not cause a harmful overlooking of neighbouring properties, in accordance with policies DM1 of the DMD and CP4 of the CS.

Planning Conditions

15. I have had regard to Paragraph 55 of the Framework, the advice in the Planning Practice Guide and the conditions suggested by the Council. It is necessary in the interests of safeguarding the character and appearance of the area to ensure the development is implemented in accordance with the approved drawings and that the external finishing material match the existing house and that windows are constructed from timber. To safeguard the privacy of neighbours it is necessary for a first-floor window to be finished in obscured glass.
16. The Council has suggested conditions relating to tree protection measures for trees at the front of the site and the details of boundary treatments. These follow from paragraph 4.23 of the officer's report, and I am satisfied that they are necessary and reasonably related to the proposed development.

Conclusion

17. The front extension would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed in so far as it relates to this part of the proposal.
18. The other parts of the proposal would adhere to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, this part of the appeal should succeed.

M Chalk

Inspector

Schedule of Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: AS2213 1, AS2213 2, AS2213 3, AS2213 AM4, AS2213 AM5, AS2213 AM6, AS2213 AM7A, AS2213 AM8, AS2213 AM9, AS2213 AM10, 18-519/1 Rev 0, BLOCK PLAN EXISTING, LOCATION PLAN, BLOCK PLAN PROPOSED
3. The external finishing materials of the development hereby permitted shall match those of the existing house.
4. Notwithstanding the information submitted all external doors and windows shall be constructed from painted timber to match the existing, and shall be retained as such thereafter.
5. Prior to occupation of the development hereby approved, the first-floor flank window shall be fitted with obscured glazing and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
6. Notwithstanding the information submitted with the application, no development shall take place unless and until details of the tree protection measures to be used in relation to the hazelnut tree and sycamore trees to the front of the site have been submitted to and approved in writing by the Local Planning Authority. The agreed tree protection measures shall be in place before the development is commenced and the development shall be carried out only in full accordance with the approved tree protection measures.
7. The extensions hereby approved shall not be first occupied unless and until details of the proposed boundary treatment have been submitted to and approved in writing by the local planning authority. The boundary treatments as approved, shall be erected prior to the first occupation of the extensions hereby approved and retained thereafter in perpetuity.