
Appeal Decision

Site visit made on 26 September 2019

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 25 October 2019

Appeal Ref: APP/D1590/W/19/3229461

34 Sandleigh Road, Leigh-On-Sea SS9 1JU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr Andrew Kinder against the decision of Southend-on-sea Borough Council.
 - The application Ref 19/00249/RES, dated 6 February 2019, sought approval of details pursuant to condition No 1 of planning permission Ref 15/00643/OUT, granted on 25 May 2016.
 - The application was refused by notice dated 4 April 2019.
 - The development proposed is new maisonette domestic dwelling erected over existing garages.
 - The detail for which approval is sought is: appearance.
-

Decision

1. The appeal is dismissed.

Background

2. Outline planning permission for a new maisonette domestic dwelling erected over the existing garage was granted at appeal in 2016¹ (2016 appeal) with all matters reserved except appearance. This proposal seeks approval of appearance and I have assessed and determined the appeal on this basis.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the host building and surrounding area; and
 - whether the proposed development would constitute a reserved matter to the approved outline scheme.

Reasons

Character and appearance

4. Sandleigh Road is a primarily residential street with two storey residential properties. The dwellings generally share common features such as bay windows, chimneys and detailing that give the area a distinctive and attractive character and appearance. The appeal site comprises a garage and

¹ Council ref: 15/00643/OUT; Appeal ref: APP/D1590/W/15/3140925

parking area associated with the adjacent host property, No 32 Sandleigh Road (No 32), which is a two storey end of terrace dwelling with bay windows and detailing around the door that is typical of the area.

5. The site has planning permission for the erection of a first-floor maisonette over existing garages. While I note that the site is not located within a conservation area, given the close proximity to the adjacent buildings and the shared characteristics of the vicinity that give the area a distinctive appearance, the approved development would have an influence on the character and appearance of the surrounding area. The question, therefore, is not whether it should be developed for residential use, but rather the detail of how this should be achieved.
6. The proposal includes a projecting gable end feature with windows that would visually combine the first and second floors into a singular mass in contrast to the gable end and bay window features of the neighbouring properties that consist of smaller components. The large gable end feature would be visually significantly more prominent than the gable ends and bay windows of the neighbouring buildings. I acknowledge the appellant's design rationale set out in drawing AK-MOD-05b including that the dominant feature in the front elevation was intended to afford the development an identity that would reflect the internal uses and newness of the proposal compared with the adjacent buildings. However, rather than maintaining a rhythm of dominant features, the large two storey gable end feature and fenestration would have a discordant and unduly dominant effect on the street scene thereby diminishing the distinctiveness of the area.
7. I also note that the proposed development would be in a modern style with less detailing. However, given that there are a number of modern examples in the vicinity, this in itself would not be harmful to the character of the area. Given the unwieldy proportions of the front elevation of the proposal compared with the other properties on the street, the proposal would have a discordant effect on the character and appearance of the area.
8. While I note the previous Inspector's comments regarding the scale and layout of the proposal, the condition requiring the submission of reserved matters prior to the commencement of development was attached due to the importance of the appearance of the proposal to its overall success and acceptability. While the broad scale of the proposal was not found to be objectionable, this does not preclude the appearance having an unacceptable effect on the character and appearance of the area.
9. Consequently, the proposed development would harm the character and appearance of the area. Therefore, it would conflict with Policies CP4 and KP2 of the Southend on Sea Core Strategy Adopted December 2007 (CS) which among other things seek development that maintains and enhances the character of residential areas and respects the character of the existing neighbourhood. It would also conflict with Policies DM1 and DM3 of the Development Management Document July 2015 (DMD) which among other things seek development that respects the character of the site, its local context and surroundings and would not conflict with the character and grain of the local area. It would also conflict with paragraph 127 of the National Planning Policy Framework (Framework) in this respect.

Reserved matter

10. The reserved matters drawings indicate a number of differences compared with the proposal approved at the 2016 appeal. The Planning Practice Guidance (PPG) defines layout as the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development. The PPG defines scale as the height, width and length of each building proposed within the development in relation to its surroundings.
11. The Inspector of the 2016 appeal treated the submitted drawings as an indicative concept giving broad parameters for scale and layout. Moreover, the relevant condition attached to the decision states that the height, width and length of the development hereby approved shall not exceed that shown on drawings 015A, 014A, 013A, 012A and 011A.
12. The proposal includes alterations to the roof design. I note that few dimensions are indicated on the drawings, and from the evidence before me, the height, width and length of the second floor would exceed that of the approved internal space of the second floor. A recess in the north eastern corner of the building that was approved has also been omitted in the appeal proposal. However, the height, width and length of the proposed development would not exceed the parameters of the overall building that was approved. Given that the proposal is for a single building, the relationship between the building, routes and open spaces remain largely unaltered in relation to buildings and spaces outside the development. Therefore, the proposal would not fundamentally alter the layout and scale of the proposal subject of the 2016 appeal.
13. Consequently, the proposed development would constitute a reserved matter to the approved outline scheme. It would therefore not conflict with the PPG or Framework in this particular regard.
14. While the Council has cited CS Policies KP2 and CP4 as well as DMD Policies DM1 and DM3, these policies do not refer to reserved matters applications and are not directly relevant to this main issue.

Other Matters

15. I note the comments relating to the living conditions of neighbouring occupiers. However, since I am dismissing the appeal on the basis of character and appearance, I have not considered this matter any further.
16. None of the other matters raised outweigh or alter my conclusions on the main issues.

Conclusion

17. For the reasons given above the appeal is dismissed.

R Sabu

INSPECTOR