
Appeal Decisions

Site visit made on 3 December 2019

by Sarah Dyer BA BTP MRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 17th December 2019

Appeal A Ref: APP/D1780/C/19/3228131

Appeal B Ref: APP/D1780/C/19/3228132

7 Westrow Road, Southampton SO15 2NA

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - Appeal A is made by Mr P Lewis and Appeal B by Mrs P Lewis against an enforcement notice issued by Southampton City Council.
 - The enforcement notice was issued on 9 April 2019.
 - The breach of planning control as alleged in the notice is without planning permission, alterations to roof including hip to gable extension, ridge height, front and rear rooflights to facilitate loft conversion.
 - The requirements of the notice are:
 - (i) Remove the unauthorised alterations from the roof including the hip to gable extension, the increase in ridge height and front and rear rooflights facilitating loft conversion
 - (ii) Reinstate the roof as set out in the approved plans (18/01110/FUL)
 - (iii) Remove all resultant materials from the land.
 - The period for compliance with the requirements is 2 months.
 - The appeals are proceeding on the grounds set out in section 174(2)[a], [e], [f] and [g] of the Town and Country Planning Act 1990 as amended.
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Appeal C Ref: APP/D1780/W/19/3225750

7 Westrow Road, Southampton SO15 2NA

- 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 and Mrs P Lewis against the decision of Southampton City Council.
 - The application Ref 19/00050/FUL, dated 14 January 2019, was refused by notice dated 11 March 2019.
 - The development proposed is described as 'retrospective – erection of first floor rear extension and alterations to roof space including a hip to gable extension, front and rear velux windows to facilitate loft conversion 11/01110/ful'.
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Summary Decision

1. Appeal A and Appeal B are allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the Formal Decision.
2. Appeal C is allowed.

Procedural matter

3. The description of proposed works which was set out on the planning application form in respect of Appeal C included an incorrect reference number for the previous application on the site. This was corrected on the Council's decision notice to read 18/01110/FUL. I have determined Appeal C on the basis of the reference number as corrected.

Appeals A and B on ground (e)

4. An appeal under ground (e) is on the basis that copies of the enforcement notice were not served as required by section 172. There is no dispute between the parties that the notice has been served on the owners/occupiers of the land to which it relates and on any other person having an interest in the land. The appellants argue that the enforcement notice was incorrect because an explanatory note in the format required by Section 5 of the Town and Country Planning (Enforcement Notices and Appeals) (England) Regulations 2002 (as amended) was not attached to it.
5. The Council considers that its covering letter which accompanied the notice includes reference to the requirements of Section 5 (a), (b) and (c). A copy of this letter has been provided to me and it includes all of the necessary information. There is no requirement for this information to be embedded in the notice itself and the covering letter meets the requirements of the regulations in full.
6. Contrary to the view of the appellants, the notice specifies the paragraph under section 171A(1) within which the breach falls as required by Section 173.
7. The appellants also refer to the information note which was attached to the notice, which provides details regarding how an appeal can be made. They consider that this note was out of date. The Council's explanation that the note was updated in the same month as the notice was issued is robust and in any event the appeals have been submitted which demonstrates that the correct procedure was followed, notwithstanding any changes to the note.
8. I conclude that on this basis the appeals on ground (e) both fail.

Appeals A and B on ground (a), the deemed planning application and Appeal C

9. Ground (a) is that planning permission should be granted for the matters stated in the notice. Since the planning appeal is against refusal of planning permission for the identical development, the considerations in Appeal C are the same as for Appeals A and B (ground (a)) and I have considered the appeals together.

Main Issue

10. The main issue is the effect of the development on the appeal site and the surrounding area.

Reasons

11. Westrow Road serves an established residential area which is characterised by a mix of building designs and styles. Whilst many of the houses are detached two-storey dwellings facing the road, there are three storey terraced forms and

some infill development served by cul-de-sacs and driveways. The diversity in the appearance of the buildings is reflected in the roofscape which includes pyramid roofs, gables and hips. This heterogeneity is exaggerated by the varied angles of roof slopes which are of a shallow angle on the terraced houses and steeper on the detached houses.

12. 7 Westrow Road (No. 7) is of an individual design and finished in white render under a red tile roof which are common materials in the area. It is set back from the road but not as far as the houses at 3 and 5 Westrow Road (Numbers 3 and 5). There is a gap between No. 7 and the neighbouring house No. 9 which accommodates access to a dwelling to the rear of No. 9. No. 9 is unusual in that it is orientated to face the side elevation of No. 7. Overall in terms of its position relative to its neighbours, No. 7 sits comfortably within the street.
13. The works which have been carried out to No. 7 include raising the ridge height and changing the shape of the roof from hipped to gable. A first-floor rear extension has also been constructed; there are no objections from the Council to this element.
14. The changes to the roof of No. 7 have a fundamental effect on its appearance and the steep angle of the roof in particular results in it being a more prominent feature in the street scene. Its staggered position relative to Numbers 3 and 5 results in part of the tall gable end of the side elevation being visible in the view uphill along Westrow Road. However, No. 9 which sits even further forward in the street and has a different orientation to its neighbours provides a backdrop against which the gable end is viewed which lessens its impact from both sides of the street.
15. The Council has approved the construction of a hipped to gable roof extension to No. 7 under its reference 18/01110/FUL (the approved scheme). This is a significant material consideration and forms the basis for the resolution of the enforcement action which is being pursued by the Council. The key difference between the approved scheme and the as built development is the increase in ridge height, which causes the roof slope to be at a much steeper angle than was previously approved because the original eaves level has been maintained.
16. The approved scheme also allows for a change from a hipped to gable form on both sides of the building. Furthermore, a comparison between the photographs provided by residents and between the plans showing the original built form and the built scheme for approval show that a projecting eaves feature would also be lost, and barge boards introduced. Taken together these changes would also have significantly altered the appearance of the original house.
17. Whilst the alterations to the roof of No. 7 which have been completed have fundamentally changed its appearance and the contribution which the house makes to the street, the same could be said of the approved scheme. Given the site context of dwellings of varied character and appearance, the streetscape is robust enough to absorb significant changes to the individual buildings as would be the case with either the approved scheme or the appeal scheme.
18. I conclude that the development would not have a harmful impact on the character and appearance of the site and the surrounding area. Therefore, the development complies with Policies SDP1, SDP7 and SDP9 of the City of Southampton Local Plan Review – Adopted Version 2nd Revision (2015) and

Policy CS13 of the Core Strategy Development Plan Document – Amended Version incorporating Core Strategy Partial Review March 2015. These policies require development to respond positively and integrate with its surroundings and respect the scale and proportion of existing buildings. For similar reasons the development is in accordance with the Residential Design Guide (2006) which resists the reconfiguring of roofs if the changes adversely impact on the character of the area.

Conditions

19. The Council has requested a condition to require that the development be carried out in accordance with the approved plans. This condition is necessary to provide certainty and I have included it in my decision

Conclusions

20. For the reasons given above, I conclude that Appeals A and B succeed on ground (a). I shall grant planning permission for the development as described in the notice, subject to a planning condition. The appeals on grounds (f) and (g) do not therefore fall to be considered.
21. Furthermore, and for the same reasons I will allow Appeal C and grant planning permission for the erection of first floor rear extension and alterations to roof space including a hip to gable extension, front and rear velux windows to facilitate loft conversion.

FORMAL DECISION

22. Appeal A and Appeal B are allowed, the enforcement notice is quashed and planning permission is granted on the applications deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the alterations to roof including hip to gable extension, ridge height, front and rear rooflights to facilitate loft conversion at 7 Westrow Road, Southampton SO15 2NA subject to the following condition:

Condition 1 - The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. PL05.

23. Appeal C is allowed and planning permission is granted for erection of first floor rear extension and alterations to roof space including a hip to gable extension, front and rear velux windows to facilitate loft conversion at 7 Westrow Road, Southampton SO15 2NA in accordance with the terms of the application, Ref. 19/00050/FUL, and the plans submitted with it, subject to the following condition:

Condition 1 - The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. PL05.

Sarah Dyer

Inspector