
Appeal Decision

Site visit made on 9 March 2022

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th March 2022

Appeal Ref: APP/D1590/D/21/3286293
46 Madeira Avenue, LEIGH-ON-SEA, SS9 3EB

- 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 Gerry Malanga against the decision of Southend-on-Sea Borough Council.
 - The application Ref. 21/01420/FULH, dated 9 July 2021, was refused by notice dated 10 September 2021.
 - The development proposed is to erect single storey side and rear extension, form roof extension with dormer to front and rear and alter elevations.
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Decision

1. The appeal is dismissed.

Procedural Matter and Background

2. There appear to be some discrepancies shown on drawing No. R02 in respect of the front eaves position relative to the ground floor openings of the dwelling. However, this has not prevented a full assessment of the proposal.
3. Planning permission exists to 'erect single storey side and rear extension, form roof extension with dormer to front and rear and alter elevations' under application ref. 20/02064/FULH. The Council's report confirms that the approved scheme involved the lowering of the existing ridge height, whereas the current proposal would appear to extend the roof around the height of the existing building. However, the principle of altering the roof shape and adding dormer windows has already been accepted in the previous grant of planning permission, as has side and rear extensions and the removal of chimneys.

Main Issues

4. The main issues are the effect of the proposal on (1) the character and appearance of the appeal property and the street scene; and (2) the living conditions of occupants of 48 Madeira Avenue, with particular reference to outlook and the potential for overshadowing.

Reasons

Character and Appearance

5. The appeal property is located in a residential area that is very mixed in terms of the size and design of properties. In this context, the appeal property is a detached, individually designed dwelling with a steeply pitched roof and ornate

detailing. Although from the front it appears single-storey, there is a room in the roof space. The property sits between two-storey houses.

6. Policy DM3 of the Council's Development Management Document¹ (DMD) expects building additions to make a positive contribution to the character of the original building and to adopt a scale that is respectful and subservient to it, and to the surrounding area. However, the proposed increase to the side roof pitches and the wider ridge would create a 'top heavy' roof that would significantly add to the bulk of the building when viewed from Madeira Avenue. The new roof would appear disproportionate to the ground floor bays and openings below. The effect would be exacerbated by the contrived, overly tall pitched roof to the existing front wing. The increased bulk and awkward design of the proposal would not be offset by the balanced scale and siting of the proposed dormer windows within the new roof slopes, nor by the removal of the existing tall rear gable.
7. I am mindful that the existing dwelling has a steeply pitched roof, and that although the side roof slopes would increase in pitch, the front would reduce. However, as the footprint of the building would also materially increase, I do not consider that the changes in pitch would counteract each other. I am not persuaded that the mix of roof pitches in the extant planning permission would harm the appearance of the development, or that there would be any visual benefit arising from the more intrusive but consistent 55° pitch roof to the building. I appreciate that the property sits between two-storey dwellings, but the proposed design would be at odds with DMD Policy DM1, which requires development to respect the character of the site, its local context and surroundings in terms including architectural approach, height, size, scale, form, massing, proportions and detailed design.
8. The appellant has drawn attention to other properties in Madeira Avenue and surrounding streets, although roof pitches as steep as 55° are not prevalent. Nevertheless, it is clear that there are a range of roof forms and pitches in the area, although none appear to be directly comparable to the appeal property in design and form. Although they demonstrate diversity in the street scene, they offer limited support for the design approach at the appeal site.
9. I appreciate that the proposal would make more efficient use of land to provide a 4-bedroom family home, but this would appear to have been achieved in the previous grant of planning permission.
10. I therefore conclude that, as a result of the increased bulk, scale and contrived design of the proposal, it would detract from the character and appearance of the dwelling and the street scene. It would conflict with the overarching design aims set out in Core Strategy² (CS) Policies KP2 and CP4, DMD Policies DM1 and DM3, and advice in the Council's Design and Townscape Guide³, which requires proposals for additional roof accommodation to respect the style, scale and form of the existing roof design.

¹ Southend-on-Sea Borough Council Local Planning Framework Development Management Document 2015

² Southend-on-Sea Borough Council Local development Framework Core Strategy Development Plan Document One, 2007

³ Southend-on-Sea Borough Council Supplementary Planning Document 1, Design and Townscape Guide 2009

Living Conditions

11. Although the appeal property sits between two-storey houses, the siting of buildings is not uniform, and the dwelling already projects beyond the rear of No.48 to the north. Although the closest element of No.48 to the shared boundary is a garage, the proposal would extend the building deeply beyond the neighbouring property close to the boundary. I accept that the enjoyment of habitable rooms to the neighbouring property would not be affected to an unacceptable degree, but as a result of the proposed height, depth, proximity to the boundary, and the orientation, the proposal would result in an oppressive sense of enclosure to the private rear garden area of No.48.
12. The extended dwelling would appear overly dominant to the outlook and would create the potential for overshadowing of the garden area directly behind the house. I note that the reorientation of the roof ridge would remove the existing tall rear gable end, but this would be replaced with a deeper building with steeply pitched side roof slopes and a rear dormer window. Although no technical comparison has been supplied, I am not convinced that the proposal would allow more light towards No. 48 and reduce any existing overbearing impacts from the dwelling, as suggested by the appellant. Moreover, the effect of the proposal would be materially greater than the previously approved scheme given the proposed depth and height of the extended dwelling.
13. I am mindful that no adjacent residents objected to the proposal. However, the views of individual residents are only one aspect of the decision-making process, and it is also appropriate to consider the wider impact on the living conditions of residents in the short and longer term.
14. I therefore conclude that the proposal would diminish the outlook from and result in overshadowing of the rear garden of No.48, to a degree that the living conditions of residents would be harmed. This would conflict with the aim in the National Planning Policy Framework to create places which promote health and well-being, with a high standard of amenity for existing and future users, and with DMD Policy DM1, for development to protect the amenity of immediate neighbours, having regard to matters including outlook, visual enclosure, daylight and sunlight; and contrary to CS Policy CP4, which expects proposals to maintain and enhance the amenities, appeal and character of residential areas, securing good relationships with existing development.
15. On this matter I find no conflict with the requirements of DMD Policy DM3 or the more strategic aims of CS Policy KP2, but that does not alter my conclusion.

Conclusion

16. For the above reasons, I conclude that this appeal should be dismissed.

H Lock

INSPECTOR