



Appeal Decision

Site visit made on 4 March 2022

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24TH March 2022

Appeal Ref: APP/D1590/D/21/3285925

29 St. Augustines Avenue, Thorpe Bay, SOUTHEND-ON-SEA, SS1 3JH

- 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 G Steptoe against the decision of Southend-on-Sea Borough Council.
 - The application Ref. 21/01323/FULH, dated 25 June 2021, was refused by notice dated 7 October 2021.
 - The development proposed is described as 'roof conversion with ground & first floor rear extension with alterations of externals of existing house'.
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Decision

1. The appeal is allowed and planning permission is granted to erect part single/part two storey rear extension, raise part of ridge height, hip to gable roof extension to rear and form habitable accommodation in the roof space, rooflights to side elevations, alter elevations and form porch canopy to front, at 29 St. Augustines Avenue, Thorpe bay, SOUTHEND-ON-SEA, SS1 3JH, in accordance with the terms of the application, Ref. 21/01323/FULH, dated 25 June 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1947 - 03E; 1947 - 04E; 1947 - 05E; 1947 - 06E; and 1947 - 07E.
 - 3) Notwithstanding condition 2 above, the approved roof eaves height of the two-storey rear extension is as shown on the 'Proposed Rear Elevation' on drawing no. 1947 03E and on the 'Roof Plan' on drawing no. 1947 05E. The development shall not be constructed with the two-storey rear extension eaves heights shown to both 'Proposed Side Elevations' on drawing no. 1947 03E.
 - 4) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building, subject to the details at Question 6 of the planning application form, dated 25 June 2021.
 - 5) The roof of the single storey rear extension hereby approved shall not be used as a balcony, roof garden or similar amenity area or for any other similar purpose unless express planning permission has previously been obtained. The roof may be used for the purposes of maintenance or to escape in an emergency.

- 6) Prior to the first use or occupation of the development hereby approved, the upper floor flank (north and south elevations) windows and rooflights shall be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and permanently fixed shut to a minimum of 1.7 metres above the internal finished floor level of the rooms they serve. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4. The windows and rooflights shall be retained with glazing to the approved standard thereafter.

Procedural Matters

2. The description of development in the banner heading has been taken from the planning application form. However, it is clear from the plans that the development included other features, as described by the appellant on the appeal form and by the Council on the decision notice. The Council dealt with the proposal on this basis and so shall I. For clarity, I have included this description in the formal decision.
3. An appeal against refusal of an alternative scheme¹ was dismissed on 10 December 2021, after the determination of the current appeal scheme by the Council. The appeal decision has been taken into account in my assessment of this proposal. The main parties were invited to comment on that decision prior to the determination of this appeal.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the appeal property and the wider street scene.

Reasons

5. The appeal property is a detached house located in a residential street with a diverse mix of dwelling designs and detailing. This includes the steeply pitched and hipped roof form of the appeal property, with the staggered ridge line and front two-storey wing. There are nearby examples of two-storey houses with extensions to create rooms in the roof space.
6. Despite the proposed raising of part of the roof line to match the main ridge, the mass of the roof would be broken by the subservient front wing that would remain. The proposed part single-/part two-storey rear extension would be as deep as proposed in the previously dismissed scheme. However, a material difference is the reduction in the height of the proposed rear wing, which would be set down from the main roof ridge and eaves. In dismissing the previous appeal, the Inspector considered that the rear extension would result in an extensive new roof form with a lower eaves and a ridgeline at the same level as the main house, and lacking any sense of subservience.
7. In this context, I consider that the combination of the insets from the side walls of the dwelling and the lowered ridge and eaves heights would be sufficient to achieve the necessary degree of subservience to meet the requirements of Policy DM3 of the Southend Development Management Document 2015 (DMD).

¹ APP/D1590/D/21/3281906 – roof conversion with ground & first floor rear extension and alterations of externals of existing house.

Combined with the proposed porch and elevational changes, the extensions would appear respectful of the scale of the building and integrated with the design of the host house, as sought in the supporting advice set out in the Design and Townscape Guide 2009 (DTG).

8. In the previous scheme, the cumulative impact of the height, mass and bulk at second floor level was considered to be dominant and anomalous when viewed from adjacent garden areas. In this case, the proposal involves a lowered rear ridge height, but also the omission of a front roof extension, thereby contributing to the reduction in perceived mass of the building.
9. The proposed extensions would be visible from the gardens of neighbouring properties. However, they would not appear unduly dominant, but would instead contribute to the variety of building forms and designs visible in the rear garden environment. The visual impact on the street scene would be more limited given the siting of the extensions and the gaps between neighbouring buildings. In view of the size of the remaining rear garden and the position of the rear extensions away from the shared boundaries, I do not find that the proposal would constitute overdevelopment of the site.
10. I therefore conclude that the proposal would be acceptable in its effect on the character and appearance of the appeal property and the wider street scene, in accordance with the aims of Southend Core Strategy 2007 Policies KP2 and CP4, to create a high quality urban environment; and with the design aims of DMD Policies DM3 and DM1, which amongst other criteria requires development that adds to the overall quality of the area and respects the character of the site, its local context and surroundings in matters including architectural approach, height, size, scale, form and massing; and with guidance in the DTG.

Other Matters

11. I note the representations made about the effect of the proposal on the amenities enjoyed by other properties. Whilst I have had regard to the relationship between buildings and window positions as seen on the ground, I share the Council's conclusion that the proposal would not result in any significant harm and would be policy-compliant in terms of its amenity impacts. Any legal 'right of light' referred to in representations would be a separate civil matter between the parties.

Conditions

12. In addition to the standard time limit, I have attached a condition specifying the approved drawings as this provides certainty. However, I have attached a separate condition to clarify a discrepancy between the eaves height shown on the rear elevation and roof plan and the proposed side elevations. It is also appropriate to control materials, in order to safeguard the character and appearance of the development and the area. In the interests of protecting the privacy of neighbouring residents I have attached the Council's suggested conditions to secure obscure glazing and to restrict the use of the flat roof.

Conclusion

13. For the above reasons, I conclude that the appeal should be allowed.

H Lock INSPECTOR