



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: 31st March 2022

Appeal Ref: APP/D1590/D/21/3285515

46 Leighfields Road, Eastwood, LEIGH-ON-SEA, SS9 5NS

- 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 & Mrs Shewring against the decision of Southend-on-Sea Borough Council.
 - The application Ref. 21/01213/FULH, dated 7 June 2021, was refused by notice dated 2 August 2021.
 - The development proposed is raised ridge, rear upper storey extension, loft conversion and internal alterations.
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Decision

1. The appeal is allowed and planning permission is granted to raise ridge height, hipped to gable roof extension to side and extend roof to rear over existing rear extension to form habitable accommodation in the loftspace at 46 Leighfields Road, Eastwood, LEIGH-ON-SEA, SS9 5NS, in accordance with the terms of the application, Ref. 21/01213/FULH, dated 7 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: 1:1250 scale site location plan and LR/NAK/01.
 - 3) The raised roof ridge hereby permitted shall not exceed the ridge of the attached property, 48 Leighfields Road, by more than 20 centimetres.
 - 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.

Procedural Matter

2. The description of development in the banner heading has been taken from the planning application form. However, it is clear from the plans and accompanying details 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, and for clarity I have included this description in the formal decision.

Main Issues

3. The main issues are (1) the effect of the proposal on the character and appearance of the appeal property, the street scene and the locality; and (2) the need for the proposed development.

Reasons

Character and Appearance

4. The appeal property is a semi-detached single-storey dwelling located in a cul-de-sac of dwellings of similar form and scale. The road level rises from its entrance towards the end of the road, and as a result there is a stepped increase in the roof ridges, with the southernmost dwelling of each semi-detached pair or terrace elevated above the attached property.
5. The Council's report refers to the stepped ridge heights as being consistent. However, whilst the step is a repeated detail, the gaps between ridges appear to vary depending on the position of the dwellings on the road slope, and at the southern end of the road there are dwellings with far more prominent roof forms than the prevailing pattern. Whilst the stepped ridge line is apparent in the street scene, I do not find that it creates a particular local distinctiveness, but is instead a technical response to the topography.
6. Planning permission¹ exists for a hip-to-gable roof extension and to increase the ridge height to match that of the attached property. If implemented, that permission would result in the loss of the stepped ridge line of the semi-detached pair, and would disrupt what the Council considers to be a characteristic feature within the street scene. In this context, although the proposal would project above the attached property, given the modest amount of 20cm above the approved scheme (0.4m above the existing ridge), I do not consider that this would be unduly dominant, incongruous, and harmful to the character and appearance of the property, the street scene and the wider area. It would result in some visual change, but would not constitute material harm.
7. Moreover, whilst the eaves height would not alter, the increase in ridge height would not result in a 'top heavy' roof form. The potential for an unbalanced appearance to the semi-detached pair would to a degree already result from the approved hip-to-gable extension and roof ridge height increase. I appreciate that there would be some conflict with Policy DM1 of the Council's Development Management Document² (DMD) in terms of height relative to the local context, but this conflict would be modest, particularly in the context of the existing planning permission. By creating improved head height within the extended roof, the proposal would provide an internal layout that takes account of all potential users, as required by that policy.
8. I am mindful that DMD Policy DM3 generally seeks to resist the conversion of single storey dwellings, but exceptions include where the proposal would not create an unacceptable juxtaposition within the streetscene that would harm the character and appearance of the area. The Council's Design and Townscape Guide³ (DTG) also supports extensions that raise the ridge height of a building

¹ 20/02193/FULH - Raise ridge height, hipped to gable roof extension to side and extend roof to rear over existing rear extension to form habitable accommodation in the loftspace.

² Southend on Sea Borough Council Development Management Document 2015

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

where they complement its original design, and do not break the continuity of the streetscene or appear overbearing, both of which I consider would be satisfied in this case. The principle of providing rooms in the roof space has already been accepted in the previous planning permission, and for the reasons outlined above the resultant juxtaposition would not be unacceptable.

9. I share the Council's assessment with regard to the hip-to-gable roof extension, that it would not appear visually dominant or significantly out of keeping as there are other gable roof designs in the street scene; that the rear extension would appear subservient to the property, and due to limited views from the street it would not result in a harmful impact to the character and appearance of the semi-detached pair or wider streetscene.
10. I therefore conclude that the proposal would be acceptable in its effect on the character and appearance of the dwelling, the street scene and the locality. It would accord with the overarching design aims set out in Core Strategy⁴ Policies KP2 and CP4, to create a high-quality urban environment; and with the design requirements of DMD Policies DM3 and DM1, which amongst other aims seeks to achieve high quality, sustainable design; and with the guidance of the DTG. The proposal would accord with the design objectives of the National Planning Policy Framework, which includes a requirement to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Need for Development

11. Appendix D of the appellants' appeal statement sets out why the proposal is required, given the needs and circumstances of their family, and this has not been contested by the local planning authority. The Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010 is engaged because a member of the family has protected characteristics which are relevant to the development.
12. As I have found the proposal to be acceptable on its own merits it is not necessary to consider this in greater detail, but the family's need for the addition and the PSED add weight to my decision to allow the appeal.

Conditions

13. In addition to the standard time limit, I have attached a condition specifying the approved drawings as this provides certainty. For the avoidance of doubt, I have added a condition specifying the approved height limit above the neighbouring attached roof ridge. It is also appropriate to control materials to match the existing dwelling, in order to safeguard the character and appearance of the development and the area.

Conclusion

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

H Lock

INSPECTOR

⁴ Southend on Sea Borough Council, Development Plan Document One, Core Strategy, 2007