



Appeal Decision

Site visit made on 17 May 2022

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 June 2022

Appeal Ref: APP/D1590/D/21/3285976

17 Broadlawn, Leigh-on-Sea SS9 4QZ

- 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 Oliver Laxton against the decision of Southend-on-Sea Borough Council.
 - The application Ref 21/01361/FULH, dated 1 July 2021, was refused by notice dated 6 September 2021.
 - The development proposed is described as a “rear, side, front and first floor extensions, raising the existing roof level”.
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Decision

1. The appeal is allowed and planning permission is granted for a rear, side, front and first floor extensions, raising the existing roof level at 17 Broadlawn, Leigh-On-Sea SS9 4QZ in accordance with the terms of the application, Ref 21/01361/FULH, dated 1 July 2021, subject to the conditions on the attached schedule.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

3. Broadlawn is a pleasant, suburban cul-de-sac that sits within a residential area, containing a variety of style and size of property. The appeal site itself contains a detached bungalow style dwelling, which is located towards the end of the road, where other single storey and chalet bungalow style dwellings are located. However, the road does also contain large, two storey detached properties.
4. The proposals seeks to extend and alter the building to create a two storey dwelling. The Council state that there is a transition of two storey properties towards the junction of Linksway to single storey properties, including the appeal site, to be found at the end of Broadlawn. Moreover, there is a degree of uniformity created by the more modest scale of properties in the vicinity of the appeal site.
5. The existing dwelling on the site is rather inconspicuous from the street scene as a result of its single storey construction and siting further back from the pavement than the adjoining properties. Although the site sits between other bungalows, I am not persuaded that, in this particular instance, this is a reason to stymie the development proposed.
6. Whilst there is a small group of bungalows towards the end of Broadlawn, the appeal site sits firmly within an established residential area which contains a number of large, detached properties that are clearly visible from the appeal site. Moreover, the enclave of bungalows around the appeal site vary in size and style, which, along with the presence of two storey properties, demonstrates a variance

along the road, and I am not persuaded that either form of property creates a prevailing character that is uniform or requires strict adherence to.

7. Although the gabled design would contrast with neighbouring properties, the street scene contains a range of roof styles, some of which include dormer windows. Moreover, although I accept that as a result of the height and massing of the proposed development, it would have a greater prominence on the street scene, this would be tempered through the addition of half dormer windows that cut through the eaves, thereby reducing the overall height of the building. Furthermore, coupled with its positioning set back into the site, this would also reduce its visual impact.
8. The completed development would also largely be contained to its existing footprint, with the bulk of the additions to the rear. Therefore, when viewed from the street, I am not persuaded that the resultant building would appear unduly conspicuous, or as an incongruous form of development when considering the range of buildings in the area and the site specific circumstances of the development before me. Therefore, it would respect the character of the site, its local context and surroundings and would not result in harm to the character and appearance of the area.
9. Thus, the development would not have a harmful effect on the character and appearance of the area. It would not be in conflict with Policies DM1 and DM3 of the Southend-on-Sea Borough Council Development Management Document 2015, Policies KP2 and CP4 of the Southend-on-Sea Borough Council Core Strategy 2007, and paragraph 130 of the National Planning Policy Framework (the Framework). In reaching this decision, I have also had regard to the Southend-on-Sea Borough Council Supplementary Planning Document Design and Townscape Guide 2009.

Conditions

10. The Council has suggested a number of conditions that I have considered in accordance with the Framework and the national Planning Practice Guidance. The appellant has agreed to the use of pre-commencement conditions in accordance with the regulations¹ where necessary.
11. Along with the standard time condition (1), the approved plans (2) should also be specified to provide certainty. In the interest of the visual amenities of the area, samples of the materials (3) to be used at the development shall be agreed with the Council. Prior to any development starting at the site, tree protection measures (4) shall also be agreed with the Council.
12. In the interest of neighbouring amenity, the windows in the upper floor side elevations shall be obscurely glazed (5) and any flat roofed areas shall not be used as a terrace or balcony (6). To ensure an appropriate standard of accommodation for future residents, the development will also require compliance with Building Regulation M4(2) (7).

Conclusion

13. For the reasons as set out above, and having regard to the Development Plan when read as a whole, the appeal is allowed.

Graham Wyatt

INSPECTOR

¹ The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018

Schedule of Conditions

1. The development hereby permitted shall begin no later than three years from the date of the decision.
2. The development shall only be undertaken in accordance with the following approved plans: 2021/8/001, 2021/8/002B, 2021/8/003, 2021/8/004, 2021/8/005C, 2021/8/006C, 2021/8/007C, 2021/8/008B, 2021/8/010, 2021/8/011A, 2021/8/012A and 2021/8/013.
3. Notwithstanding the details shown on the submitted plans and otherwise hereby approved, no development shall take place until details of the proposed materials have been submitted and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.
4. No development shall take place until a scheme for the protection of the trees at the site in accordance with British Standard BS5837 "Trees in Relation to Construction – Recommendations" has been submitted to and agreed in writing by the local planning authority. The approved protection measures shall be fully installed before the commencement of works and maintained during construction. The development shall be implemented in full accordance with the approved statement, measures and methods.
5. The proposed windows in the upper side elevation of the development hereby approved shall only 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 fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal finished floor level. 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 on the Pilkington scale.
6. The roof of the extension hereby approved shall not be used as a balcony, roof garden or terrace or for any other purpose at any time. The roof can however be used for the purposes of maintenance or to escape in the event of an emergency.
7. Prior to occupation of the extension, details shall have been submitted to and approved in writing by the local planning authority to show how measures in accordance with M4(2) of the building regulations shall be incorporated into the development.

End.