

Appeal Decision

Site visit made on 24 May 2022

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th June 2022

Appeal Ref: APP/D1590/D/22/3292700

15 Leslie Close, Eastwood SS9 5NP

- 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 Tony Wilkins against the decision of Southend-on-Sea Borough Council.
 - The application Ref 21/02453/FULH, dated 13 December 2021, was refused by notice dated 11 February 2022.
 - The development proposed is loft conversion, 2 front cottage dormers and rear dormer, re-pitch of roof and single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for loft conversion, 2 front cottage dormers and rear dormer, re-pitch of roof and single storey rear extension at 15 Leslie Close, Eastwood SS9 5NP (part retrospective). The permission is granted in accordance with the terms of the application Ref 21/02453/FULH, dated 13 December 2021, subject to the conditions included in the schedule at Annexe A.

Preliminary Matters

2. At the time of the inspection construction of the single storey rear extension had started. I have, therefore, treated the appeal proposal as an application for part retrospective planning permission.

Main Issue

3. The main issue is the effect of the proposed front and rear dormers on the character and appearance of the host dwelling and surrounding area.

Reasons

4. The appeal property is a detached bungalow in a residential cul-de-sac of predominantly semi-detached bungalows.
 5. Policy CP4 of the Southend-on-Sea Core Strategy (2007) and Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) all include requirements relating to high quality design in new development and respect for the character and scale of existing development and the surrounding area.
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6. The *Supplementary Planning Document 1, Design and Townscape Guide* (2009) (the SPD) provides more detailed guidance in support of these development plan policies. In particular, Policy DM1 requires that all developments should draw reference from the design principles set out in the SPD, where applicable. With regard to additional roof accommodation the SPD says that this must respect the style, scale and form of the existing roof design and the character of the wider townscape. Dormer windows should appear incidental in the roof slope and the position of the new openings should correspond with the rhythm and align with existing fenestration on lower floors. It also says that large box style dormers should be avoided and that smaller individual dormers are preferred¹.
7. Reference is made to a previous unsuccessful application for a similar form of development at the appeal property and that the current proposal is intended to respond to the reason for refusal in the earlier case². While I have noted this, the current appeal involves a separate proposal which I have considered on its own merits.
8. The existing bungalow is modest in scale, particularly compared to the larger built forms of the paired semi-detached dwellings in the street scene. The single storey extension would be proportionate to the bungalow in terms of depth and height, representing a typical domestic extension of this type. Similarly, the extended roof would reflect the predominant roof form in the street with most properties having gables rather than the original hipped roof of the appeal property. The greater height resulting from the extended roof would not alter the character or appearance of the host dwelling to the extent that this would result in material harm.
9. Both the front and rear dormers would be set in from the sides of the extended roof, up from the eaves and down from the roof ridge. As such, they would appear incidental in the front and rear roof slopes, as required by the SPD. Moreover, the window openings would align with those below and be of a proportionate size. There are examples of similar front dormers within the street scene, notably at Nos 5, 7 and 11; consequently, the dormers would not be uncharacteristic in views from the public realm. While there are no visible examples of dormers on other properties to the rear, the modest scale and limited height of the dormer would not result in it being a prominent or incongruous feature seen from neighbouring gardens.
10. Accordingly, taking these findings as a whole and for the above reasons, I conclude that the proposed front and rear dormers would not have a harmful effect on the character and appearance of the host dwelling and surrounding area. Consequently, there is no conflict with Policy CP4 of the Southend-on-Sea Core Strategy, with Policies DM1 and DM3 of the Southend-on-Sea Development Management Document, or with the SPD, as described above. There is also no conflict with the National Planning Policy Framework (the Framework) or the National Design Guide.

¹ Paragraph 366.

² Ref 21/01733/FULH.

Other Matters

11. I have had regard to other matters raised by interested parties. The submitted plans provide sufficient detail to assess the proposal and I have no evidence to suggest that the remaining rear garden would be inadequate for future occupiers. There is a good degree of separation between the appeal property and neighbouring dwellings, Nos 14 and 16. Moreover, the appeal property is set further back on its plot than No 14 and on a similar rear building line to No 16. Due to the three properties' relative positions and orientation, there is no evidence to suggest that the rear extensions would lead to a harmful loss of light to either neighbouring dwelling.
12. Views from the rear extensions would be towards the appeal property's rear garden and, therefore, there would be no loss of privacy to neighbouring occupiers. There are no upper floor windows proposed to either flank elevation so there would be no overlooking in this regard. The dwelling would retain parking spaces for two vehicles and, as such, there is no basis to find that the extended dwelling would result in undue pressure for on-street parking. Therefore, while I have had full regard to these matters they do not lead me to reach a different overall conclusion.

Conclusion and Conditions

13. I have found in the appellant's favour with regard to the main issue and there are no other matters that would result in material harm. Therefore, for the reasons given, the appeal should succeed.
14. Of the Council's suggested conditions I have imposed the standard time condition and, to ensure the proper implementation of the proposal, one requiring development to be carried out in accordance with the approved plans. I agree that a condition requiring external materials to match those of the existing dwelling is necessary in the interests of the character and appearance of the area.
15. The flat-roofed single storey extension to the rear could be used for amenity purposes and, therefore, I agree that a condition prohibiting this is necessary to protect neighbouring occupiers' privacy. The Council suggests one further condition to require the extended dwelling to meet accessibility standards included in Building Regulations Part M4(2). The Framework says in this respect that planning policies for housing should make use of the Government's optional technical standards for accessible and adaptable housing, where this would address an identified need for such properties³.
16. The Council states that the reason for the suggested condition is to ensure the development provides a high quality and flexible internal layout to meet the changing needs of residents in accordance with Policy KP2 of the Core Strategy and Policy DM2 of the Development Management Document. However, in my reading of them neither of these policies refers to accessible and adaptable housing, including setting out the identified need as the Framework indicates. As such, it is not clear in this case that the condition is necessary or would be reasonable and, therefore, I have not imposed it.

³ Footnote 49.

J Bell-Williamson

INSPECTOR

Annexe A

Schedule – 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: CAD/PP/21499/001 (location plan) and CAD/PP/21499/002 Revision C (proposed plans and elevations).
- 3) The materials to be used in the construction of the external surfaces of the extensions and alterations hereby permitted shall match those used in the existing building.
- 4) The flat 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 purpose unless express planning permission has previously been obtained. The roof can however be used for the purposes of maintenance or to escape in an emergency.

[End of Schedule]