



Appeal Decision

Site visit made on 22 September 2022

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 October 2022.

Appeal Ref: APP/D1590/D/22/3303082

76 Leigh Cliff Road, Southend-on-Sea, Leigh-on-Sea, SS9 1DN

- 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 and Mrs J Nice against the decision of Southend-on-Sea Borough Council.
 - The application Ref 22/00915/FULH, dated 20 April 2022, was refused by notice dated 14 June 2022.
 - The development proposed is the erection of a first-floor rear extension to form enclosed balcony with dormer to front.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a first-floor rear extension to form enclosed balcony with dormer to front at 76 Leigh Cliff Road, Southend-on-Sea, Leigh-on-Sea, SS9 1DN in accordance with the terms of the application, Ref 22/00915/FULH, dated 20 April 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drg Nos 2022/03/76LCR Sheet 01 of 06, Sheet 02 of 06, Sheet 03 of 06, Sheet 04 of 06, Sheet 05 of 06 and Sheet 06 of 06.
 - 3) 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.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the host property and the wider area, and upon the living conditions at 78 Leigh Cliff Road, with particular regard to visual impact.

Reasons

3. The appeal property is a detached, two-storey dwelling along Leigh Cliff Road, which comprises an eclectic mix of property types, ages and designs in a tight urban grain. The road slopes steeply down towards the coastline with neighbouring properties on noticeably staggered levels compared with each other. No 76 has a traditionally pitched roof with a side gable and forward

projecting two-storey bay window with a gabled roof over. To the rear it has a full height rear gabled projection at roof level and which extends to the rear wall of the main part of the dwelling. This has an asymmetrical pitched roof with eaves to each side at slightly different levels and which are well above the eaves height of the main dwelling. Beyond the rear wall of the main part of the dwelling, this projection steps down to a lower level and extends further as a more conventional, two-storey gabled projection. The proposal includes a dormer roof extension to the front elevation, and alterations to the rear arrangement by projecting the form of the taller gabled feature rearwards and over the existing two-storey gabled element.

Character and Appearance

4. The dormer to the front would be set up from the eaves and in from both sides. Whilst not commonplace, front dormer windows are not alien to Leigh Cliff Road. Due to the significant number of individual property designs, there is no one consistent roof form that is dominant. The gabled form of the dormer that is proposed, whilst different to some others, would not be singled out as a prominent or intrusive addition. Whilst its central position would not align with the window openings below, the Council's *Design and Townscape Guide 2009 Supplementary Planning Document 1* (SPD) acknowledges that one central dormer may be an appropriate alternative. Although its ridge would be equivalent to the height of the dwelling's main ridge line, contrary to the Council's assessment, I find overall that it would appear as an appropriately incidental feature that would adequately complement the character and appearance of the dwelling.
5. The existing roof arrangement to the rear may not be a typical architectural approach, but it is an established part of the building's character. Furthermore, large and dominant gabled projections are common features to many properties in the area, including within the rear garden environments, some of which were openly visible from the rear of the appeal property. The proposal would merely project the existing form of the building further to the rear. The asymmetry of the roof would simply repeat the existing where the imbalance between the eaves heights is only slight and would be barely detectable on the extension. I share the appellants' view that the architectural composition of the building to the rear, albeit unconventional, would be largely unaltered as a result of the proposal.
6. The covered space at second floor level created by the roof extension would be used as a recessed balcony. I find nothing about this, nor the use of matching render and roof tiles, that would be inherently harmful to the appearance of the dwelling or the rear garden scene.
7. Overall, I am satisfied that the proposal would have no unacceptable effect on the character or appearance of No 76 or the surrounding area. As such there would be no conflict with Policies KP2 or CP4 of the Southend-on-Sea Core Strategy 2007 (CS) or Policies DM1 or DM3 of the Southend-on-Sea Development Management Document 2015 (DMD) insofar as, between them, they require developments to respect the character and scale of the site and existing neighbourhood and to maintain and enhance the character of residential areas. Neither have I been able to identify any conflict with the aims of the SPD or with the National Planning Policy Framework's (the

Framework) objectives for achieving well-designed places that are visually attractive and sympathetic to the local area.

Living Conditions at 78 Leigh Cliff Road

8. The roof extension to the rear would be around 3.4m away from the side common boundary with No 78, which is set on a lower level. No 78 is approximately 2m from the same boundary and has a two-storey gabled projection to the rear elevation nearest to the appeal site, with a further single-storey lean-to projection beyond.
9. No 76 already extends beyond the rearmost part of No 78 by around 2.25m and it is more dominant in terms of height. The proposed roof extension to the rear would not alter either of these factors. There is already a disparity between the heights of these neighbouring properties, which is evident when viewed from the rear. Whilst there would be increased height to the deepest part of the flank wall to No 76 facing No 78, there is no substantive evidence to show that this would be in any way discernible in the outlook from No 78. Neither am I persuaded that the increased height would significantly alter the existing degree of minimal enclosure to the rear of the neighbouring dwelling that is created by the modestly deeper rear building line of No 76. The position of No 78 south of the appeal site has no bearing on the potential impact of the appeal proposal on the neighbours' living conditions.
10. Overall, I am satisfied that there would be no harm to the living conditions at 78 Leigh Cliff Road. As such, there would be no conflict with CS Policies KP2 or CP4 or DMD Policies DM1 or DM3 insofar as they require developments to safeguard the amenity of neighbouring residents. Neither can I identify any conflict with the aims of the SPD in this regard or with the Framework's objectives for achieving well-designed places that create a high standard of amenity for existing and future users.

Conditions

11. A condition specifying the relevant plans is necessary as this provides certainty. In the interests of maintaining the character and appearance of the area a condition is required to ensure that the proposal is finished with materials to match the existing.
12. The Council has suggested a condition to require a rooflight that is proposed on the south, side facing rear roof extension to be obscurely glazed and fixed shut above a specified level. However, given the elevation and orientation of this rooflight, any outlook would be likely to be skyward. In addition, No 76 already has a number of flank windows to habitable rooms at lower levels facing No 78. As such, I am not persuaded that the rooflight would lead to any increased levels of overlooking that would affect the neighbours' living conditions. A condition is therefore unnecessary.

Conclusions

13. For the reasons given, in the absence of any other conflict with the development plan, and having regard to all other matters raised, the appeal is allowed.

John D Allan INSPECTOR