



Appeal Decision

Site visit made on 7 February 2023

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd May 2023

Appeal Ref: APP/D1590/D/22/3305530

63 Southborough Drive, Westcliff-On-Sea SS0 9XG

- 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 Liebenberg against the decision of Southend-on-Sea City Council.
 - The application Ref 22/00819/FULH, dated 1 April 2022, was refused by notice dated 27 May 2022.
 - The development proposed is alterations to existing roof/dormers and aesthetic elements with ground floor side extension.
-

Decision

1. The appeal is allowed and planning permission is granted to erect a single storey side extension, first floor rear extension and alter elevations at 63 Southborough Drive, Westcliff-On-Sea SS0 9XG, in accordance with the terms of the application, Ref 22/00819/FULH, dated 1 April 2022, and the plans submitted with it, subject to the conditions in the attached schedule.

Procedural Matter

2. The description of development in the grant of planning permission is taken from the appellants' appeal form and the Council's decision notice as it better reflects the scope of the proposed development.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host property and area.

Reasons

4. The appeal property is a detached two storey chalet style dwelling with front and rear facing dormers that is situated within a mixed street scene of single and two storey dwellings of varying architectural styles.
5. Although the rear walls and roof slopes of the appeal property and No 61 are very similar, the other properties that are visible in the garden scene consist mostly of two storey dwellings of varying architectural styles and displaying a varied arrangement of roof forms, including rear and side facing gabled roofs, hipped roofs and box like dormers. Furthermore, there is considerable variety to the external materials of these properties. As such, there is no strong sense of uniformity or architectural consistency to the properties that are visible in the garden scene. I therefore find that the prevailing character and appearance of the garden scene is defined by buildings of differing designs, sizes, roof forms and materials.

6. The proposed rear extension would be no higher than the ridgeline of the host property, and its depth and width would be in proportion to the depth and width of the host property. Consequently, the scale of the proposed extension would respect the scale of the host property and it would achieve a sufficient level of subservience, consistent with the guidance in paragraph 343 of the Southend on Sea Borough Council Supplementary Planning Document 1 Design and Townscape Guide 2009 (SPD).
7. The gabled form of the rear projecting extension would reflect the gabled form of the host property and the gabled roof forms of other properties that it would be seen with in the garden scene. The vertical emphasis of the proposed rear extension would not be out of keeping with the tall two storey houses that are visible with the appeal property in the garden scene. The triangular shaped window in the proposed rear extension would reflect the gabled form of the extension and would not be visually harmful in the context of the mixed architectural designs of the buildings in the area.
8. The proposed rear extension would not comply with the guidance in paragraph 366 of the SPD, particularly as one of its flank walls would not be inset from the side wall of the host property and its roof would not be set well below that of the host property. However, given that the proposed extension would comply with the broader aims of the SPD in terms of respecting the scale and appearance of the host property and responding to the opportunities of the site, I find that the conflict with the guidance in paragraph 366 of the SPD, would not provide a compelling reason to dismiss this appeal.
9. For these reasons, the scale and appearance of the appeal property in its proposed extended form would be absorbed into the garden scene of buildings of differing architectural designs, sizes, roof forms and materials.
10. The height and depth of the side facing elevation of the proposed rear extension would not be significant in relation to the flank wall of the host property. Its massing would be broken up by using different materials for its walls and roof, and the roof would slope away from the flank wall. Seen amongst the buildings of differing sizes and designs fronting the street, the proposed development would not appear as dominant or incongruous in the street scene.
11. I have had regard to a previous dismissed appeal decision¹ for front and rear extensions to the appeal property. However, the proposed development in the appeal before me is materially different to the previous appeal scheme, which is described as including a front extension. Consequently, the previous appeal decision is of limited relevance to my considerations in this appeal.
12. I conclude that the proposed development would not harm the character and appearance of the host property and area.
13. The proposed development is therefore consistent with Policies CP4 and KP2 of the Southend on Sea Borough Council Local Development Framework Core Strategy Development Plan Document One (2007), and Policies DM1 and DM3 of the Southend on Sea Borough Council Local Development Management Document (2015), which require development to respect the character of a site

¹ APP/D1590/D/21/3282146

and its surroundings, and for additions to buildings to be respectful and subservient to the original building, amongst other objectives.

14. Whilst there is a technical breach of the specific guidance in paragraph 366 of the SPD, the proposed development would comply with the broader aims of the SPD, which require extensions to be well designed, respectful of the scale of the host building, and responsive to the constraints and opportunities of the site.
15. I also find the appeal proposal to be consistent with paragraph 130 of the National Planning Policy Framework (2021) (the Framework), which states that planning decisions should ensure that developments are visually attractive and sympathetic to local character, including the surrounding built environment.

Other Matters

16. Given the distances of separation between the proposed extensions and neighbouring properties, and the orientation of windows at adjacent properties, the appeal proposal would not have a dominant or overbearing effect on the outlook of nearby occupiers, and it would not lead to an unacceptable loss of light or overshadowing of nearby properties. The positions of the proposed window openings would avoid overlooking of nearby properties and a harmful loss of privacy for the occupiers of those properties. As such, I share the Council's conclusion that the proposed development would not harm the living conditions of nearby occupiers.
17. Given the number of properties in the locality of the appeal site, along with the number and size of openings, the proposal would have a negligible effect on light pollution within this urban area. Therefore, the appeal proposal would not conflict with paragraph 185.c) of the Framework, which seeks for development to limit light pollution.
18. Concerns over landownership and site boundaries are civil matters between the relevant parties. They are not for me to consider as part of this appeal and they do not affect my findings on the main issue.

Conditions

19. For certainty, it is necessary for the development to be carried out in accordance with the approved drawings.
20. To be in-keeping with the appearance of the host property it is necessary for the proposed development to be constructed from materials matching the host property. The annotations on the approved drawings confirm this to be the case and therefore imposing the Council's recommended materials condition would not be necessary.

Conclusion

21. For the reasons given above I conclude that the appeal proposal is consistent with the development plan as a whole. The appeal should be allowed.

G Sylvester

INSPECTOR

Schedule of 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: 010 Revision B and 012 Revision D.

End of schedule