



Appeal Decision

Site visit made on 9 May 2023

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 2 June 2023

Appeal Ref: APP/B1550/D/23/3318299

26 White Hart Lane, Hockley, SS5 4DN

- 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 Birch against the decision of Rochford District Council.
 - The application Ref 22/00919/FUL, dated 21 September 2022, was refused by notice dated 19 December 2022.
 - The development proposed is removal of existing front dormers and provision of new first floor over. Proposed change in fenestration to front windows. Proposed second floor over with flat roof rear dormers & inset balcony. Removal of existing crown roof to rear & proposed new parapet wall. Proposed new roof over with solar panel system.
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Decision

1. The appeal is allowed and planning permission is granted for the removal of existing front dormers and provision of new first floor over. Proposed change in fenestration to front windows. Proposed second floor over with flat roof rear dormers & inset balcony. Removal of existing crown roof to rear & proposed new parapet wall. Proposed new roof over with solar panel system at 26 White Hart Lane, Hockley, SS5 4DN in accordance with the terms of the application, Ref 22/00919/FUL, dated 21 September 2022, and the plans submitted with it, 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 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 Issue

2. The main issue in this case is the effect of the proposal on the scale, form, design and character of the existing dwelling.

Reasons

3. As the officer's report explains, White Hart Lane is an area predominately residential in character with an eclectic mix of properties on the street, comprising mainly two-storey houses, but with the occasional bungalow and several extended chalets. There is a mix of detached and semi-detached dwellings, with a wide palette of facing materials, including brick, render and

various roof tiles. The roofscape is not homogeneous in this locality and comprises gables and hips, some dwellings feature rather slack pitched roofs whilst others feature more traditional and substantial roof volumes; there is one example of a gambrel roof. Several properties feature gabled front projections.

4. Beginning with the development plan policy, Rochford District Council Core Strategy (2011) promotes high quality design, which has regard to the character of the local area (policy CP1). Policy DM1 of the Development Management Plan (2014) states that 'The design of new developments should promote the character of the locality to ensure that the development positively contributes to the surrounding natural and built environment and residential amenity, without discouraging originality innovation or initiative'. In addition, there is detailed advice and guidance in Supplementary Planning Document 2 (SPD2)
5. These policies are in line with the approach in the National Planning Policy Framework (the Framework). Paragraph 130 of the Framework has a list of aims that planning decisions should deliver. These include, as most relevant here, ensuring that developments would add to the overall quality of the area, be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
6. As stated in paragraph 3 above, there is a single issue in this case. The refusal reason reads, leaving out the references to policy to which I have made reference: *"The extensions as proposed would, given their scale, form and design appear out of scale, form and character with the existing dwelling, overly dominant and incongruous to the detriment of visual amenity..."*
7. The appeal property is a large detached chalet-style dwelling approaching 20m in width. To the front, the property has a single-storey projecting porch entrance, with a hipped roof, a projecting garage, a sloping roof, and four hipped roof dormers within the roof slope. To the rear is a full two-storey extension with a crown roof. The existing front presents as being long, rather low for its length, with the symmetry of 4 pitched roof dormers around a single-storey hipped-roofed entrance, the symmetry being somewhat undermined by the main roof extending further from the western dormer with, below, a wide garage under a projecting mono-pitched roof.
8. The surroundings are, by and large, uninspiring, with the 'architecture', with mainly recent exceptions, displaying features that have led to the desire to improve design standards, as reflected in the development plan policies and the Framework. In this context I consider the appeal proposal is an improvement. Rather than being out of scale with the form and character of the existing building, I consider that the changes to the front would transform the appearance to something more interesting.
9. It is true that its character would be more 'modern' in character and appearance, standing out from the majority of its neighbours, but I see this as a degree of innovation. It is only necessary to view the dwellings in this street, as in many others, to see that incremental change is occurring as time passes. Recent examples of such change are the modern elements that can be seen on the 2 dwellings opposite the site, particularly at No.29; another example being

- No.30. I see no reason for seeking to resist a more modern style within a well-established area that otherwise exhibits a good deal of mediocrity.
10. The officer's report also criticises the proposed rear second-floor flat-roofed extension. I agree that this is less successful than the changes at the front, but the existing appearance of the rear is not a well-integrated whole, and the shortcomings of the proposal, especially as this is a rear elevation away from the public realm, do not justify the refusal of planning permission.
11. I conclude that the effect of the proposal on the scale, form, design and character of the proposal would bring an improvement to the character and appearance of the existing dwelling. At the same time, it would be beneficial to the established character and appearance of the streetscene. Therefore, I will allow the appeal.

Conditions

12. The statutory condition that provides a time limit on the start of development must be imposed. In addition, the council has suggested 2 conditions in the event that the appeal is upheld. I have considered these in the light of Planning Practice Guidance (PPG). One requires that the development be carried out in accordance with the approved plans. This can be incorporated into the description of the development: it is necessary for certainty and avoidance of doubt as to the development permitted. The other is to require the materials to match those of the existing house. This is necessary to ensure that the appearance of the development permitted integrates with the existing in a visually satisfactory manner

Terrence Kemmann-Lane

INSPECTOR