



Appeal Decision

Site visit made on 17 August 2023

by Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 11th August 2023

Appeal Ref: APP/D1590/D/23/3321029
15 Leslie Close, Leigh-on-Sea, SS9 5NP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Tony Wilkins against the decision of Southend-on-Sea City Council.
 - The application Ref 22/02471/AMDT, dated 23 December 2022, was refused by notice dated 3 March 2023.
 - The application sought planning permission for loft conversion, 2 front cottage dormers and rear dormer, re-pitch of roof and single storey rear extension, without complying with conditions attached to planning permission Ref 21/02453/FULH, dated 17 June 2021.
 - The conditions in dispute are Nos 2 and 3 which state that: 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.
 - The reasons given for the conditions are: to ensure proper implementation of the proposal and in the interests of the character and appearance of the area.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The description of the development given in the heading above is taken from the appeal decision that granted planning permission with the subject conditions. This current appeal application and the officer's report dealing with it described the development as "*Raise ridge height and form hipped to gable roof extension, install dormers to front and rear to form habitable accommodation in the loftspace, erect single storey rear extension (amended proposal)*". This description accurately describes the development, but it is the original permission that carries the conditions that the appellant seeks to vary.

Main Issue

3. There is a single issue in this case: the effect of the black vertical cladding on the character and appearance of the dwelling, the streetscene, the rear garden scene and the wider surrounding area.

Reasons

4. Following refusal of a planning application, reference 21/02453/FULH, by the Council in February 2022, planning permission was granted on 17th June 2022 at appeal (appeal reference APP/D/22/3292700) for the development described in the banner heading above. The materials to be used in the development, as required by condition 3, now sought to be varied, were to match those used in the existing building, which were render to walls.
5. The 'Proposed Materials' are shown on the plan of the development now built, which this appeal seeks to regularise. Under that heading, are hanging tiles to front dormer and black vertical cladding to apex of gables and rear dormer. The tile hanging to the front dormers, in place of render, is considered acceptable to the council, since they are similar to the main roof tiles of the existing dwelling. Therefore the issue in the case relates solely to black vertical cladding.
6. The predominant form of development in Leslie Close is that of semi-detached bungalows of similar traditional design, with gabled roofs and original front roof slopes. There is a traditional palette of materials and colours comprising brown roof tiles and brickwork with light coloured rendered infill. The choice of black vertical cladding is in sharp contrast to the finishes on the bungalows in Leslie Close. At my visit I was struck by the difference of the black cladding and its prominence. The cladding on the gables can be clearly seen from the road. Because the appeal property is situated on a bend, from the south-east the gable is somewhat obscured by the roof of the neighbouring bungalow at No.14; nevertheless it stands out as one's eye identifies an unusual feature.
7. From the other direction, the gable cladding and that on the northern cheek of the rear dormers can clearly be seen as a strong feature in the streetscene. Whilst not part of the public domain, both gables will feature in views from rear gardens, and again the cladding on the rear dormer is a dominant feature. The private views of neighbours from their gardens deserves consideration, since jarring features in their private amenity areas are naturally unwelcome.
8. The appellant disagrees with the council's decision that the material is out of keeping with the property or street scene, as there are various differing materials in use upon properties within the area. It is understandable that the appellant wishes to retain the existing cladding, since that was the choice when the development was underway. But that personal preference does not outweigh the public harm to the appearance of the dwelling and the wider area.
9. There is mention in the documentation of French doors which have been installed in the rear elevation of the rear dormer. These are not shown on the plans and are not part of the appeal proposal. Therefore I have not given any consideration to them, nor do I comment on them.
10. For the reasons that I have set out above, the effect of the black vertical cladding at first-floor level, rising up to the apex of the gables, and to the rear

dormer, is harmful to the character and appearance of the dwelling, the streetscene, the rear garden scene and the wider surrounding area. Therefore I will dismiss the appeal.

Terrence Kemmann-Lane

INSPECTOR