



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: 14 September 2023

Appeal Ref: APP/D1590/W/23/3322488

6 Irvington Close, Leigh-on-Sea, Essex, SS9 4NJ

- 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 Liam Hayes against the decision of Southend-on-Sea City Council.
 - The application Ref 23/00044/FULH, dated 12 January 2023, was refused by notice dated 7 March 2023.
 - The development proposed is erect hipped to gable roof extension with dormers to front and rear, rooflight to front to form habitable accommodation in loft space.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The application form described the proposed development as "Hipped to gable roof extension with dormers to front and rear to form habitable accommodation in the lofts pace. The council changed this to the description used in the heading above, which was also used on the appeal form. I have adopted it as it more fully identifies the development proposed.

Main Issue

3. The main issue in this case is the effect of the proposed development on the character and appearance of the host property, the streetscene and the area more widely.

Reasons

4. The appeal site is a semi-detached bungalow within a long established residential area where, in the immediate vicinity, semi-detached bungalows predominate. Irvington Close follows this pattern, with most of the dwellings being semi-detached bungalows with traditional hipped roofs, although there are 2-storey houses at the head and at the entrance of the cul-de-sac. Numbers 9, 10, 11 and 12 Irvington Close (the numbering being continuous on each side of the street) all have front dormers, and there are examples of rear dormers on neighbouring bungalows.

The front dormer

5. The officer's report explains the council's objection to the front dormer (comparing it to that in a previous application, which need not concern me) as

being harmful due to its size and position, would fail to relate vertically to the alignment of the existing windows on the ground floor, and the dormer being much larger than the window within it. Thus it was considered that it would fail to suitably integrate and be subservient to the dwelling, resulting in significant harm to the character and appearance of the dwelling, the streetscene and the wider area.

6. For the appellant it is recognised that the space around the window is larger than seen at Nos. 9 and 12. However, this is to ensure that the proposed window is not larger than that of the ground floor, as also required by Supplementary Planning Document 1 (SPD1) – Design and Townscape Guide (paragraph 366). The window could be enlarged and then meet the criteria that the space around the window should be kept to a minimum, but it would then fail in that the size of the window would not comply with SPD1. In this conundrum, it was concluded that the window as chosen would comply having the minimum space around the window that is achievable in the circumstances to meet SPD1.
7. The reason that there is a conundrum arising from the appeal proposal is that the appearance of the dormer with the expanse of façade around the window is visually unsatisfactory. This is further aggravated by the height and width of the dormer which does not achieve the degree of subservience that is desirable. At the same time, to enlarge the window so that it filled more of the dormer's façade, would produce a jarring relationship with the ground floor window below, and the subservience issue would also not be addressed.
8. I appreciate that there are dormers in the near vicinity that are not exemplars of good design: their appearance demonstrates the reason for the policy. Section 12 'Achieving well-design places' of the National Planning Policy Framework (the Framework) includes the statement: "*The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities*". Thus existing poor design in the vicinity cannot justify development that is not well designed.

The rear dormer

9. Turning to the proposed rear dormer, the appellant's argument is that both the hip-to-gable extension and the flat roof rear dormer can be undertaken without planning permission. It would be unreasonable and would not be financially cost-effective to require the Appellant to undertake these works under permitted development and submit a separate application for the front dormer. That may be the case, but it must first be established that a front dormer of a satisfactory design can be married in a single project incorporating the rear dormer.

Conclusions

10. For the reasons given in paragraphs 7 and 8 above, I consider that the proposed front dormer would have a harmful effect on the character and

appearance of the host property, the streetscene and the area more widely.
Therefore I will dismiss the appeal.

Terrence Kemmann-Lane

INSPECTOR