



Appeal Decision

Site visit made on 13 November 2023

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th December 2023

Appeal Ref: APP/D1590/W/23/3314769

17 Broadlawn, Leigh-on-Sea, Southend-on-Sea SS9 4QZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr Oliver Laxton against the decision of Southend-on-Sea Borough Council.
 - The application Ref: 22/01714/AD, dated 30 August 2022, sought approval of details pursuant to Condition No 3 of a planning permission Ref: 21/01361/FULH granted on 17 May 2022.
 - The application for approval of details was refused by notice dated 4 November 2022.
 - The development granted planning permission is: Rear, side, front and first floor extensions, raising the existing roof level.
 - Condition 3 states: *Notwithstanding the details shown on the submitted plans and otherwise hereby approved, no development shall take place until details of the proposed materials have been submitted and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.*
 - The reason for the condition was in the interests of the visual amenities of the area.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Oliver Laxton against Southend-on-Sea Borough Council. This application will be the subject of a separate decision.

Procedural Matters

3. Application Ref: 22/01714/AD sought approval of details pursuant to Condition 3 (materials) and Condition 4 (tree protection measures). However, the appellant has clarified within their appeal statement that they are only appealing the Council's decision in respect of Condition 3. I have therefore determined the appeal on this basis.
4. With regards to the Council's decision notice for application Ref: 22/01714/AD, no development plan policies have been cited. However, the appeal documents direct me to Policy CP4 of the Southend-on-Sea Core Strategy, Development Plan Document One, adopted 2007 ('the CS') and Policy DM3 of the Southend-on-Sea Development Management Document, adopted 2015 ('the DMD') of which copies have been provided. I have also been directed to paragraphs 130 and 134 of the National Planning Policy Framework ('the Framework'). The appellant has had an opportunity to comment upon these local and national policies and therefore has not been prejudiced.

Background and Main Issue

5. Planning permission was allowed on appeal¹ for rear, side, front and first floor extensions and the raising of the existing roof level of the dwelling. The Inspector stated that in the interests of the visual amenities of the area, and notwithstanding the details shown on the submitted plans and otherwise approved by Condition 2, details of the proposed materials to be used in the development shall be agreed with the Council.
6. This appeal relates to the submission and agreement of conditions pursuant to the condition imposed. It is not for the appeal to reconsider the planning permission, the wording of the condition, or whether the condition is necessary.
7. The appellant proposes the use of white render, old look Siberian larch planks with a sawn or regularised finish, smooth concrete grey roof tiles, UPVC flush casement windows, powder coated aluminium sliding/folding doors and a timber front door. From the information before me, the Council does not raise concern in respect of the use of render or the proposed materials for the windows and doors but consider the use of Siberian larch and grey roof tiles to be unacceptable.
8. Consequently, I consider the main issue to be the effect of the old look Siberian larch planks and smooth concrete grey roof tiles on the character and appearance of the surrounding area.

Reasons

9. The approved drawings indicate that the old look Siberian larch planks would be attached vertically to the exterior walls of the attached garage, the two-storey side extension, a single storey rear flat roof extension and a rear extension with an asymmetrical pitched roof. The pitched roofs would be covered in smooth concrete grey roof tiles.
10. Broadlawn comprises a cul-de-sac that is flanked by dwellings set behind a wide grass verge to either side of the road. The dwellings are mixed in their design but have a cohesive palette of materials consisting of brick and render to the exterior walls and roof tiles that are predominantly red/brown in colour. At the time of my site visit, there was no evidence of timber boarding/planks on the exterior walls of the dwellings on Broadlawn.
11. The use of vertical old look Siberian larch planks on the forward projecting attached garage and the two-storey side projection would occupy a large proportion of the front elevation of the dwelling. Despite the presence of some vegetation within the front garden, the wooden planks to the front elevations and the upper storey side elevation of the two-storey side extension would be highly visible from the public realm. Therefore, the use of old look Siberian larch planks on these elevations would be incongruous with the prevailing character and appearance of Broadlawn. While it may be a high-quality material, this would not overcome the harm I have identified.
12. Similarly, the use of smooth concrete grey tiles would appear incongruous with the prevailing red/brown roof tiles on the dwellings within the road. I have been directed to a dwelling on the opposite side of Broadlawn from the appeal site that has smooth grey concrete tiles. However, this is an exception to the

¹ Appeal Ref APP/D1590/D/21/3285976

predominant character and appears stark and discordant. Therefore, I am not persuaded that this example should justify other grey roof tiles within the road. The appellant asserts that the existing roof tiles on other dwellings on Broadlawn have weathered to a grey/brown colour. However, this was not overly apparent from my site visit. Furthermore, while a photograph of the original bungalow appeared to show grey concrete interlocking roof tiles, this is not a reason to justify the use of similar materials, particularly when I have found that they would harm the character and appearance of the road.

13. 14 Linkway is located on the corner of Broadlawn and Linkway. It comprises a detached bungalow that has been extended and altered. During my site visit I noticed that the entrance porch to this bungalow is partially clad with horizontal timber. However, the expanse of timber cladding is minimal, with the dwelling's predominant material comprising render. Furthermore, the dwelling fronts Linkway, whereby examples of horizontal timber boarding are present, particularly on the front gables of some of the bungalows. Therefore, horizontal timber cladding is a feature of this road. Consequently, the use of timber cladding to No 14 is not directly comparable to the appeal proposal.
14. No 14 also incorporates split-stone cladding that is not a feature of the surrounding area and can be seen from the entrance to Broadlawn. However, it is limited in its area and is restricted to a single storey section of the building. I have been directed to photographs of dwellings within Southend-on-Sea that utilise exterior timber cladding. However, these buildings are contemporary in their appearance which contrasts with the traditional design of the appeal proposal's front elevation. Furthermore, none of these examples are located within Broadlawn and therefore they are not directly comparable to the appeal proposal. In any event, I must determine each proposal on its own merits.
15. In reference to the main issue, the use of old look Siberian larch planks and smooth concrete grey roof tiles would harm the character and appearance of the area. They would conflict with CS Policy CP4 and DMD Policy DM3 that, amongst other things, expect alterations and additions to a building to make a positive contribution to the character of the surrounding area through the use of materials and detailing that ensures successful integration with it, and seek to maintain and enhance the character of residential areas.
16. The proposal would also conflict with paragraph 130 of the Framework which seeks to ensure that developments are sympathetic to local character including the surrounding built environment. It would also adhere to paragraph 134 of the Framework that requires developments that are not well designed to be refused.

Other Considerations

17. The Inspector, in determining the previous appeal, considered the design of the proposal to be acceptable but their reasoning was silent regarding the materials annotated on the submitted drawings and whether they were acceptable or otherwise. While Condition 2 of the appeal decision listed the approved plans, Condition 3 in respect of materials stated, "Notwithstanding the details shown on the submitted plans and otherwise hereby approved...". As such, the Council was not bound by the annotations on the approved drawings detailing the type of materials or their location on the building when determining whether the submitted materials would be acceptable.

18. The Council's pre-application response² is accepting of the proposed design, however, it is silent on the proposed materials. The pre-application drawing³ depicts blank elevations and elevations with horizontal stripes, however, information regarding the proposed materials is omitted. Furthermore, pre-application advice is given without prejudice to the consideration by the Council of a formal planning application.
19. The Council may not have imposed a condition that sought details to be submitted and approved for the materials of the development at 14 Linkway. However, this does not indicate inconsistency with the appeal proposal as Condition 3 was imposed by the Inspector rather than the Council. Policy DM2 of the DMD promotes low carbon development and the efficient use of resources, of which timber boarding could comply. However, the policy does not specifically advocate the use of timber and therefore the requirements of this policy could be met by other means. While the appellant may consider the Council's refusal of some of the materials to be an unreasonable attempt to stymie the development, this has not been substantiated with evidence.

Conclusion

20. For the reasons given above and having regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be dismissed.

A Berry

INSPECTOR

² Ref: 21/00183/PREAPF

³ Drawing Ref: 2021/8/SK7 – Proposed Elevations