



Appeal Decision

Site visit made on 12 December 2023

By Terrence Kemmann-Lane JP DipTP FRTPI MCMi

an Inspector appointed by the Secretary of State

Decision date: 29th December 2023

Appeal Ref: APP/D1590/D/23/3325611

86 Chalkwell Avenue Westcliff-on-Sea SS0 8NN

- 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 Craig Davies against the decision of Southend-on-Sea City Council.
 - The application Ref 23/00497/FULH, dated 21 March 2023, was refused by notice dated 22 May 2023.
 - The development proposed is roof extension to rear with dormers to sides to form habitable accommodation in the loft space, two storey front extension, single storey side and rear extension and first floor side/rear extension, erect porch canopy to front with balcony over and alter elevations.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Craig Davies against Southend-on-Sea City Council. This application is the subject of a separate Decision.

Preliminary matters

3. The application form described the proposed development as proposed single-storey rear extension, first-floor rear extension and second floor loft conversion for additional living, dining, kitchen, bedroom, and bathroom space. The council changed this to the description used in the heading above, as did the appeal form. I have adopted it as it more clearly identifies the development proposed.

Main Issue

4. The decision notice states "*... the proposed roof extensions and additions would be significantly out of keeping in this setting creating an enlarged dwelling the roof form of which would be incongruous, convoluted, bulky and excessively visually dominant. It is considered that this element of the proposed development would be unacceptable ...*". It is necessary to look at the officer's report to see that this objection is based on the dormer windows proposed on each side of the roof. In fact the other aspects of the proposed development already have the benefit of planning permission under reference 22/01859/FULH.
5. Therefore the main issue in this case is the effect of the proposed dormers on the character and appearance of the existing dwelling, and the streetscene.

Reasons

6. The appeal site is occupied by a detached house with hipped roof and front gable bay window projection. The property is set back from the highway and there is hardstanding to the frontage for parking. The dwelling is set within a row of dwellings of almost identical size, scale and hipped roof design. The adjoining house to the north, No.84 has dormers that appear to be nearly identical to the appeal proposal, granted planning permission under reference 20/01983/FULH, but this is the only example of dormers in this run of dwellings. The surrounding area is residential in character consisting of large, detached properties similar in scale, form and design, finished in white render and red clay tiles.
7. The statutory starting point is the development plan. Policy CP4 of the Core Strategy 2007 and Policies DM1 and DM3 of the Development Management Document 2015 (DMD) all require high quality development achieved by good design. Both of the DMD policies refer to and rely on the Design and Townscape Guide Supplementary Planning Document to give detailed advice as to how this objective should be achieved, with section 10 dealing with alterations and additions to existing residential buildings. Although the SPD pre-dates the DMD, that part of the advice drawn to my attention remains sound, and both accord with the policies in the National Planning Policy Framework.
8. In respect of dormer windows, the SPD at paragraph 366 states "Proposals for additional roof accommodation within existing properties must respect the style, scale and form of the existing roof design and the character of the wider townscape. Dormer windows, where appropriate, should appear incidental in the roof slope (i.e. set in from both side walls, set well below the ridge line and well above the eaves).
9. The design of the proposed dormers does not follow this advice in respect of being set well below the ridge and well above the eaves. Indeed, the dormers spring from just above the eaves, having their facades effectively in line with the side elevations of the house, and the ridge of their roofs being just below the ridge tiles of the dwelling's main roof.
10. The visual effect of these characteristics can be seen on the neighbouring house, No.84, as mentioned in paragraph 6 above. The neighbouring dormers have their fronts and cheeks finished in white render, matching the walls of the house, whereas the appeal proposals are for the cheeks and front to be tile hung to match the roof. The darker tile hanging may be less visually strident, but like its neighbour's dormers, the appeal dormers would appear over-size out of scale and bulky, and would dominate the side slopes of the roof. Thus I consider that they would be harmful to the character and appearance of the existing dwelling, and the streetscene.
11. Whilst the officer's report does detail the conflict with the SPD, there is no mention of the neighbouring dormers, which were permitted by the council, and therefore no justification is given for coming to a different judgement. Nevertheless, the officer's reasoning in respect of the acceptability of the proposed dormers does properly reflect the council's guidance.
12. I have given consideration to the appellant's Planning, Design and Access Statement to understand how the design of the dormers has been justified.

Beyond stating that "*The proposal has been based on identical schemes, both on the neighbouring dwelling and the majority of the street scene.*", and referring to the materials to be used, there is nothing indicating the design approach, or to relate the design of the dormers to the SPD guidance.

13. The appellant's appeal statement expresses opinions that relate to the generality of the overall proposal, but there is no analysis of the design. The main points are summarised as follows:
- The architectural form and appearance of the dwelling resulting from the proposed development would be inherently valid and acceptable.
 - The proposed development would cause no material harm to the character and appearance of the wider street-scene.
 - The proposed development would not cause actual harm to any interest of acknowledged importance.
- They do not address the particular points of the council's refusal.
14. It is also stated that "*the design approach for this application heavily references the design and appearance of the adjoining dwelling, which already benefits from additions and alterations*"; and "*the built form, presence and appearance of the adjoining dwelling is a material consideration for the determination of this application.*" That is certainly true, as is the contention that the interpretation of the policies should be consistent, irrespective of whether or not different officers have dealt with the application. However, when one existing development clearly demonstrates that its particular characteristics are undesirable, providing a reason for taking a different view of a subsequent proposal, to follow the earlier decision would not be appropriate.
15. The appellant also mentions that roof extensions, alterations and enlargements are possible through Permitted Development and that the proposed development has been designed with this in mind. This does not amount to an assertion that those provisions are relevant in this case. In any event, such a determination would need to be made through an application for a certificate of lawful development, the calculations for which would not be straightforward, it appears to me, because of the number of roof extensions involved in the overall proposal.

Conclusions

16. For the reasons that I have given in paragraphs 7 – 10 above I conclude that the proposed dormer windows in the side roof slopes would be harmful to the character and appearance of the existing dwelling, and the streetscene. Therefore the appeal will be dismissed.

Terrence Kemmann-Lane

INSPECTOR