



Appeal Decision

Site visit made on 27 February 2024

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4TH March 2024

Appeal Ref: APP/B1550/D/24/3336830

49 Hawkwell Park Drive, Hawkwell, Essex SS5 4HA

- 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 Ms Amy Duncan against the decision of Rochford District Council.
 - The application Ref 23/00960/FUL dated 13 November 2023, was refused by notice dated 9 January 2024.
 - The development proposed is hip to gable roof extension to form rooms in roof with rooflights to side and rear and Juliet balcony to rear, single storey flat roof rear extension and install additional windows to side.
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Decision

1. The appeal is allowed, and planning permission is granted for hip to gable roof extension to form rooms in roof with rooflights to side and rear and Juliet balcony to rear, single storey flat roof rear extension and install additional windows to side at 49 Hawkwell Park Drive, Hawkwell, Essex SS5 4HA in accordance with the terms of the application ref: 23/00960/FUL dated 13 November 2023 subject to the following conditions:
 - 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission;
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan (2023-09 – drawing no. 01), proposed block plan (2023-09 – drawing no. 04) and proposed plans and elevations (2023-09 – drawing no. 02);
 - 3) The materials utilised within the development hereby permitted shall match those used in the existing building with the exception of the doors and windows which are proposed to be UPVC. The materials will be maintained for the lifetime of the development and any changes shall be submitted to, and approved in writing by, the Local Planning Authority;
 - 4) The first floor Velux window to the east side roof slope serving the proposed dressing room (as depicted on the plan titled 'proposed plans and elevations drawing no. 02' shall be obscured glazed and shall be of a design not capable of being opened below a height of 1.7 metres above floor level. Thereafter, the said window shall be retained and maintained in the approved form for the lifetime of the development.

Procedural Matters

2. I have utilised the Council's description of the development as per the decision notice as I feel it more concisely describes the development.

3. The application form confirms that the application was submitted on 13 November 2023, however, the decision notice appears to be dated 9 January 2023. For the avoidance of doubt I have assumed, therefore, that this is an error (not changing the year in the decision notice template). I have amended the decision date accordingly in the header above and this is now consistent with the dates that are stated in the Council's delegated report which confirm an expiry date of 9 January 2024 and a validation date of 14 November 2023.
4. There are several elements to this appeal. The Council's refusal reason, and delegated report, raises no issue with the additional windows to the side elevations and I understand, from the Council's documentation, that application reference 23/00844/DPDP1 confirmed that prior approval was not required for a single storey rear extension with a projection of 6 metres from the original rear wall. Based upon this, and what I saw at the time of my site visit, I find no issue with these elements. For the avoidance of doubt, this decision letter will therefore focus upon the proposed first floor rear extension in relation to the design and appearance of the host dwelling.

Main Issue

5. The main issue is the impact of the proposal upon the design and appearance of the host dwelling.

Reasons

6. The appeal site is a semi-detached bungalow, attached to its adjoining occupier via the west flank wall, within an area which is of residential use and character. At the time of my site visit I noted that the street scene of Hawkwell Park Drive is not uniform in character, and I found that there are notable variations in form, scale, and design with evidence of further alterations to dwelling houses surrounding the appeal site. The proposal would not be readily visible within the street scene.
7. To the rear of the host dwelling, the proposed roof conversion would include a part extension over the flat roof ground floor rear extension, which would project in the region of 1.8 metres beyond the original rear wall of the dwelling below over the flat roof rear extension. This would, for context, equate to a projection of less than a third when considering the overall depth of the ground floor extension. The sloping pitch sides to the first-floor rear extension would essentially shield the overall flat roof design when viewed from the side with the design allowing, in views from the rear, part of the original roof to be legible either side of the proposed first floor extension.
8. The proposal would undoubtedly result in notable change to the appearance of the host dwelling; however, I do not find that this is automatically a reason for refusal taking into account the immediate surroundings within which the appeal site stands. As is outlined within the Council's report the neighbouring property (51 Hawkwell Park Drive) received permission in 2022 (21/01123/FUL) for a similar roof development and I noted this, as constructed, at the time of my site visit. This permission was granted relatively recently and most notably it was considered, and approved, as appropriate against the Council's current Local Plan (Rochford District Council Development Management Plan 2014 (DMP)). I found that, from my site visit, the first-floor extension (taking into account the original eaves) is proposed to be of overall smaller scale than the similar development which exists

immediately next door. I also note that the neighbouring proposal would also have been considered, and allowed, in the context of the Supplementary Planning Document 2 (Housing Design) 2007 (SPD).

9. Whilst each case should be considered on its own merits the appeal site before me is immediately next door and consistency is key to maintaining public confidence within the planning system. There are no clear reasons, or evidence, for me to support the Council's decision that the neighbouring proposal was acceptable, taking into account both the DMP and SPD yet the appeal proposal is unacceptable. The current Local Plan documents, and SPD guidance relevant to the determination of the appeal proposal before me both remain exactly the same at the point the neighbouring proposal was considered acceptable.
10. I acknowledge the Council's comment relating to further updates to the National Planning Policy Framework 2023 (the Framework) in particular with regard to achieving high standards of design as set out within Section 12. The starting point for determination of all applications is still the Local Plan in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and whilst Councils may take decisions that depart from an up-to-date development plan, where material considerations indicate that the plan should not be followed, I have no evidence before me to suggest that there are material considerations which indicate the proposal should be dismissed.
11. The amendments to the Framework simply seek to create high quality, beautiful and sustainable buildings, and places and in this case, it cannot be evidenced that the proposals fail to reflect local design policies nor take into account any local design guidance and SPDs given the approved development adjacent to the appeal site having been determined against such documents. Whilst each case should, of course, be considered on its own merits, I find that it would, in this case, be unreasonable to consider the appeal proposal before me as to be contrary to the relevant DMP and SPD given the Council's assessment, and allowance, of a similar, larger proposal immediately next door.
12. The refusal reason before me is specific in its relationship to the host dwelling. No concern as to adverse impacts affecting the street scene, pattern, character, and form of the surrounding environment have been raised and the Council's assessment does not provide evidence of any reasoned assessment to suggest that the proposal is not of good design especially taking into account the similar roof development at the neighbouring property which I found visually noticeable, but not of poor design. I do not find that the proposal would be of alien form, unsympathetic to the host dwelling or excessive in terms of mass and bulk giving rise to a development which in scale, form and character would be out of character with the host dwelling.
13. Based upon the evidence before me I find that the proposal is appropriately designed and provides an opportunity to improve the character and quality of the area through renovation, and extension, of existing housing stock in a manner which is appropriate to the area within which the appeal site stands. It is evident, from the planning history and what I saw on site (that the host dwelling had been completely stripped back to brick) that it is the appellant's intention to extend and maximise the host dwelling. I find that the proposal which is before me integrates the roof space conversion with the single storey

rear extension in an appropriate manner which, when noting the similar proposal next door, is likely to be overall more sympathetic than other proposals to convert the roof which could potentially be pursued.

14. I note the guidance contained within the SPD, however, the points outlined by the Council are ultimately guidance which I find is largely directed towards dormers which, as noted in the Council's delegated report, this proposal is not. I find that the proposal does not result in a massive dormer which would look unsatisfactory but instead it reads as an appropriate first floor extension tying in the roof space and the single storey rear extension in an appropriate manner which I find would appear satisfactory on the host dwelling when, for example, taking into account the example which is directly next door to the appeal site.
15. The proposal would be consistent with DMP Policy DM1 which seeks to ensure that the design of new development should promote the character of the locality to ensure that development positively contributes to the surrounding built environment without discouraging originality, innovation, or initiative. The proposal would also be consistent with paragraph 135 of the Framework which seeks to ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate effective landscaping and create places with a high standard of amenity for existing and future users.
16. The proposal would also be consistent with paragraph 139 of the Framework which confirms that development should only be refused where it is not well designed and, in this case, the proposal is consistent with the overarching guidance contained within the SPD relating to extensions to existing housing. The SPD confirms that first floor rear extensions to single storey extensions, and all other first floor extensions, shall be decided on their merits having regards to the protection of the amenities of the adjacent properties. The proposal would not result in a massive dormer, in accordance with Section 8, and I find that the proposal maintains sufficient roof verges at the sides, albeit that the proposal is acknowledged not to be a dormer.

Conditions

17. The Council's questionnaire suggests four conditions in the event this appeal is allowed, and I have applied these. A time condition is attached to comply with Section 51 of the Planning and Compulsory Purchase Act 2004. A condition requiring the development to be in accordance with the approved plans is required to control and define the development which is granted consent. A materials condition is required to ensure an appropriate finish. A condition relating to the dressing room Velux window is required to control the approved fenestration in order to protect the privacy of adjoining properties.

Conclusion

18. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be allowed subject to conditions.

Eleni Randle

INSPECTOR