



Appeal Decision

Site visit made on 26 February 2024

by Sian Griffiths BSc(Hons) DipTP MScRealEst MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 21ST March 2024

Appeal Ref: APP/D1590/D/23/3335054

117 Marine Parade, Leigh-on-Sea SS9 2RH

- 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 Richard Pattinson against the decision of Southend-on-Sea City Council.
 - The application Ref 23/01012/FULH, dated 15 June 2023, was refused by notice dated 23 October 2023.
 - The development proposed is part single/part two storey side and rear extensions, raise ridge height, increase height of existing bay windows and form balconies to front, alter front elevation to remove bay window and form entrance porch, alter side elevation (Amended Scheme).
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Decision

1. The appeal is dismissed.

Reasons

2. The main issues are:

- The effect of the proposals on the character and appearance of the host dwelling and wider area.
- The effect on the living conditions of the neighbouring occupiers at No 116A.

Character and Appearance

3. Marine Parade is a residential street close to the Thames Estuary and overlooking a large area of open space to the south. The street is characterised by substantial, individually designed, detached and semi-detached houses, set within generous plots. Most of the dwellings are two storey.
4. The area is designated in the Southend-on-Sea Development Management Document (2015) (DMD) as falling into Seafront Character Zone 1, where it is described as follows: *'Marine Parade forms a long, linear residential street that runs east-west at the top the cliffs. Its character is resolutely residential to the north, with public gardens to the south. Although there is some variety between plots, properties form a cohesive frontage with a generally consistent domestic scale and palette of materials.'*
5. Policy DM6 (The Seafront) describes the various Character Areas and development principles for them. Character Area 1 (Two Tree Island, Leigh

Marshes and Belton Hills) is articulated in Policy Table 1 which states the aim at '(iv) *To retain character and building height and type along Marine Parade.*'

6. In addition, Policy DM1 (Design Quality) of the DMD requires development to add to the quality of an area through its design approach including scale, massing, height, form, materials and proportions. At para 2.49 of Policy DM3 (The Efficient and Effective Use of Land) of the DMD it states that '*a poorly designed addition can easily destroy the original character*' of a building and in so doing can harm the character of the wider area.
7. The Southend-on-Sea Design and Townscape Guide (2009) (SPD) provides further guidance on extensions and alterations to dwellings. The SPD highlights at para. 90 that '*proposals for the development of larger, or different, or unbalancing scale would be detrimental to local character will be resisted in principle*' in areas of large detached and semi-detached housing.
8. The appeal property (No 117) is a large and imposing, double fronted, two storey detached house. It is of a traditional design with double bay windows and ornately decorated with hung clay tiles and mock-Tudor timbering above the glazed front porch. There is a flat roofed dormer in the centre of the roof to the principal elevation. It is in keeping with the established character of the area.
9. The dwelling is flanked by semi-detached houses at No's 118 and 116A, which have a different design.
10. The appeal proposals would result in considerable additional development to the rear, to the (western) side and to the front. To the front, the appellant proposes to develop a loft conversion with floor to ceiling windows and balconies at second floor and a large roof light in the centre of the roof, replacing the existing dormer. The proposals would also increase the ridge height.
11. At the site visit, I noticed that very few dwellings along Marine Parade had been subject to significant alterations and extensions to their principal elevations, with some having been subject to the enclosure of balconies at first floor level and evidence of a limited number of loft conversions. I noticed that one pair of semi-detached dwellings had been subject to a more significant loft conversion and additions of balconies at second floor level, but I could see that this was unusual.
12. I note that the neighbouring property at No 116A has accommodation within the pitched roof space, this is located some distance behind the principal elevation which, at street level, appears as a flat roof with a balcony. Plan TPA-2-950 (Existing and Proposed Streetscene) shows that the overall increase in ridge height would be slightly lower than the ridge height of the pitched roof of No 116A, but as that roofline is set so far back from the principal elevation, the increase in the height of the appeal property would not be seen in this context. The resulting extended house would, in my view, dominate both of its neighbours when viewed from the street.
13. The additional development would also dominate the host dwelling, harming its traditional character. Whilst it would not always unacceptable to add more modern features to a house such as this, the volume and scale of the additions would result in a pattern of fenestration that would unbalance the host

dwelling, with much larger windows in the loft relative to the ground and second floors.

14. Having regard to the harm to the character of the host dwelling and wider area I have identified, I consider the additions proposed would be contrary to policy DM6 of the DMD as well as policies DM1 and DM3. I also consider the proposals would not be aligned to the relevant parts of the Framework and SPD.

Living Conditions

15. The council have set out concerns regarding the proximity of the proposed development to the eastern boundary and specifically the potential effects on the living conditions of occupiers of No 116A Marine Parade.
16. No 116A is part of a pair of semi-detached houses with an unusual design (for this part of the sea front), reminiscent of the Art Deco period where together they make an 'H' shape within their plots. This means that No 116A extends some considerable way back into its plot, where it has a mixture of clear glazed and opaque glazed fenestration along the flank wall, as well as a dormer window directly adjacent to the boundary it shares with the appeal property.
17. The council state that the occupiers are likely to have windows serving habitable rooms along this part of the house and this is reinforced by objections from the neighbouring occupiers at No 116A expressing concern that they will lose light and outlook because of the development.
18. The appellant submitted a daylight and sunlight assessment with the previous application. At para 2.10 of the officer's report, they state that: *'The submitted daylight and sunlight report relates to the initially submitted proposal and not that being assessed under the scope of this application'*. I note that the council did not refuse planning permission on the grounds of harm from reduced daylight or sunlight to the occupiers of No 116A.
19. I have some sympathy with the appellant due to the unusual and challenging constraint of the neighbouring dwelling being developed so far back into its plot. However, to me, the appeal proposals are of a scale that would result in some harm to the occupiers of No 116A. This would be through the overbearing mass of the rear extension, ultimately reducing the outlook of windows serving habitable rooms, even if they would not unduly suffer from reduced light.
20. Policy DM1 (Design Quality) of the Southend-on-Sea Development Management Document (2015) (DMD) specifically sets out that (amongst other things) development should protect the amenity of neighbouring occupiers (para 2.6) applying to the extensions of existing development as well as new development. The Southend-on-Sea Design and Townscape Guide (2009) (SPD) provides additional guidance on how, through appropriate design, such impacts can be avoided or minimised.
21. The Framework, at para 135, also sets out that *'Planning policies and decisions should ensure that developments... (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users'*.
22. Based on the scale and proximity of the rear extensions proposed to the appeal property, I consider the proposed development would result in harm to the living conditions of the occupiers of No 116A through the increased sense of

enclosure and overbearing nature of the extension which is compounded by the number of existing clear glazed windows in the flank wall of No 116A. This would be contrary to policy DM1 of the DMD and the relevant parts of the SPD and Framework.

Other Matters

23. In the submitted questionnaire, the council suggested a planning condition to require obscure glazing to certain windows in the proposed extension. I have considered the potential for this to offset some concerns regarding the living conditions of neighbouring occupiers, but such a condition would not outweigh the harm I have already identified and it would not change my conclusions.

Conclusions

24. For the reasons given, and having regard to all other matters raised, the appeal is dismissed.

Sian Griffiths

INSPECTOR