



Appeal Decision

Site visit made on 21 May 2024

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 05.06.2024

Appeal Ref: APP/D1590/D/24/3337039

88 Maplin Way, Southend-on-Sea, SS1 3NA

- 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 Mrs Yvonne Rogers against the decision of Southend-on-Sea City Council.
 - The application Ref 23/00954/FULH, dated 17 May 2023, was refused by notice dated 13 November 2023.
 - The development proposed is erect single storey front/side extension and first floor side extension, convert existing garage into store and alter elevations.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey front/side extension and first floor side extension, convert existing garage into store and alter elevations at 88 Maplin Way, Southend-on-Sea, SS1 3NA, in accordance with the terms of the application, Ref 23/00954/FULH, dated 17 May 2023, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The materials used on the external surfaces of the development hereby approved shall be those shown on the plans and specified on the application form.
 - 3) The flat roof of the development hereby approved shall not be used as a balcony, roof garden or terrace or for any other purpose at any time without express planning permission being granted. The roof can however be used for the purposes of maintenance or to escape in the event of an emergency.

Preliminary matters

2. The application form described the proposed development as "Part single storey side extension and first floor side extension". 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

3. The main issue in this case is the effect of the proposed extensions on the character and appearance of the appeal dwelling, the streetscene and wider surroundings.

Reasons

4. The appeal site is a 2-story detached house within a residential area. In the immediate area, there is a distinction between the east and west side of Maplin Way. On the eastern side there are 2-storey houses, either detached or semi-detached. Most of the dwellings on the western side of the road are single storey or chalet style dwellings. The appeal dwelling is on the eastern side, having a gable to the front, with a single storey garage to the side connected to the house by a flat roof, a wall and side gate, just beyond the front door, which is at the side of the dwelling.
5. The appeal dwelling is in a row of 5 dwellings, having the same basic form, which is a relatively narrow gabled front elevation with the longer elevation running back to substantial rear gardens. They appear to have been constructed at the same time. The gabled front is divided into 3 unequal parts, with the main windows being placed between brick faced outer parts. The window section is treated with tile hanging or boarding to separate the wide windows. Except for the first and fifth house in this row, the windows are of markedly different styles. All 5 houses have 2 smaller windows at ground and first floor levels in the wider brickwork element. They all have a flat roofed garage linked to the house by the roof which also provides access to the rear.
6. There is nothing intrinsically attractive about the front elevations of this group, with the multiplicity of individual features and the subdivision of main elements that appear quite arbitrary, albeit that there is a brief rhythm established within the row by the repetition of the gabled elements with linked garages. These 5 houses, and the surrounding development, are not within a conservation area and have no site-specific policy designations.
7. The appeal proposal consists of a ground floor side extension that would project beyond the front elevation by 1m, in the form of a porch and first floor extension above. The ground floor element would extend to the property boundary, as does the present garage, whilst the first floor would be set in from the boundary by 1m and back from the front elevation of the house by 1m. The first floor would sit under a pair of gabled roofs, the ridges of which would be at right-angles to the main roof.
8. I consider that the most pertinent policy in relation to this appeal, in terms of providing specific expectations, is policy DM3(5) of the Development Management Document of 2015. Policy DM3 (5) states: *"Alterations and additions to a building will be expected to make a positive contribution to the character of the original building and the surrounding area through:*
(i) The use of materials and detailing that draws reference from, and where appropriate enhances, the original building, and ensures successful integration with it; and
(ii) Adopting a scale that is respectful and subservient to that of the original building and surrounding area; and" (item (iii) is not really apposite to the case).
9. This is given further explanation and detail in Section 10 of the 'Southend Design and Townscape Guide – alterations and additions to existing residential buildings' (the Guide), at paragraph 10.2.2 'Side Extensions' it states that: *"side extensions can easily become overbearing and dominate the original property. In order to avoid this, side extensions should be designed to appear subservient to the parent building. This can generally be achieved by ensuring*

the extension is set back behind the existing building frontage line and that its design, in particular the roof, is fully integrated with the existing property”.

10. The flat roofed element at ground floor would reflect the present form of the garage and its link to the house, although it would project forward of the main elevation. Whilst it would project forward, it would be seen as an addition to the original building, and would have external cladding to match. The first-floor element is set back by 1m, with a significant space between it and the adjacent house. The finishes proposed reflect the existing materials in the row, and the 2 gabled roofs would use tiles to match.
11. There is no measurement in this guidance that indicates what may be a suitable set back, but in my experience, ‘at least a metre’ is often quoted as a guide. I consider that the porch element of the extension would appear subservient, as would the first-floor element. They both would be finished with external materials that would relate appropriately to the existing house and its immediate neighbours. In addition, the officer’s report is clear that there would be no harmful effect on the living conditions of neighbours.
12. Paragraph 360 of the Guide deals with front extensions, which are “generally discouraged”. However, there is certainly no prohibition, and I regard the porch as being appropriate in size and scale: and it certainly does not obstruct light to habitable rooms, which is a point of concern mentioned in this paragraph.
13. I note that the existing garage is not large enough to count as a car parking space, and that there is sufficient room on the frontage for 2 cars to be accommodated. The projecting porch would not affect this provision.

Conclusion

14. I have taken account of all other matters raised, including the permission that was given at No.70 Maplin Way, and the considerations in that case that went into the conclusion that the development there proposed would be subservient to the original dwelling. I see that there are similarities in that case with this one. I conclude that the run of similar houses, that includes the appeal property, does not amount to a composition that should be regarded as unalterable: the ‘rhythmic spacing’ does not elevate them to the point where side extensions into the space should be regarded as unacceptable, without a clear reason.
15. I do not regard the opinion that the proposal would be ‘prominent and incongruous, causing significant harm to the setting and appearance of this row of two storey houses and thereby the streetscene’ as being a sufficient reason. Moreover, I consider that the appeal proposal would be sufficiently in accord with the policies and the Guide. There would be no harmful effect of the proposed extensions on the character and appearance of the appeal dwelling, the streetscene and wider surroundings. I will therefore allow the appeal.

Conditions

16. The statutory condition that provides a time limit on the start of development must be imposed. In addition, the council has suggested conditions in the event that the appeal is upheld. The first is materials to match the existing, and the second is compliance with the plans. I consider that, since there is some variation in the proposals with materials that are not found on the present dwelling, the correct condition is to require that the materials be those

shown on the plans and specified on the application form. This is to ensure that the appearance of the development permitted integrates with the existing in a visually satisfactory way. Compliance with the plans is required for certainty and avoidance of doubt as to the development permitted, but this can be included in the text of the permission itself. The third suggested condition is to prevent the flat roof from being used as a balcony. This is necessary to ensure no loss of privacy to the neighbouring property.

Terrence Kemmann-Lane

INSPECTOR