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## Appeal Decision

Site visit made on 11 June 2024

**By Terrence Kemmann-Lane JP DipTP FRTPI MCMI**

**an Inspector appointed by the Secretary of State**

**Decision date: 26<sup>th</sup> June 2024**

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**Appeal Ref: APP/D1590/D/24/3340299**

**51 Glenwood Avenue, Leigh-on-Sea, SS9 5EA**

- 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 Lee Douglas against the decision of Southend-on-Sea City Council.
  - The application Ref 23/01688/FULH, dated 26 October 2023, was refused by notice dated 20 December 2023.
  - The development proposed is a hip to gable roof extension with dormers to front and rear to form habitable accommodation in the loft space.
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### Decision

1. The appeal is allowed and planning permission is granted for a hip to gable roof extension with dormers to front and rear to form habitable accommodation in the loft space at 51 Glenwood Avenue, Leigh-on-Sea, SS9 5EA in accordance with the terms of the application, Ref 23/01688/FULH, dated 26 October 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 to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

### Preliminary matters

2. The application form described the proposed development as "Proposed hip to gable loft conversion with rear box dormer & a front pitched dormer to create habitable 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

3. The main issue in this case is the effect of the proposal on the character and appearance of the site, the streetscene and the area more widely

### Reasons

4. The appeal site is occupied by a semi-detached bungalow. The surrounding development on Glenwood Avenue consists of residential dwellings, mainly of semi-detached and detached bungalows and chalets. Many of the bungalows

- have had roof enlargements with the roof converted into habitable accommodation and with varying styles of dormer to the front elevation.
5. The officer's report sets out the relevant development plan policies, and content in the Design and Townscape Guide. Reference is also made to the importance of good design as stressed in the National Planning Policy Framework. The details will be familiar to both parties. In addition I have noted the other decisions that have been referred to, both that made by the council and that on appeal.
  6. One of the cases referred to is the council's decision in respect of No.63 Glenwood Avenue (20/0119/FULH). This was a permission given for a hip to gable loft conversion with dormer to front and rear (and other proposals that are not relevant). The permission was justified by the fact that the street has a variety of building forms, roof extensions and roof additions. This led to the balanced conclusion that it would not result in significant harm to the character and appearance of the site or the streetscene.
  7. The appeal decision referred to in the officer's report was on a proposal for this appeal dwelling, and was dismissed. However, that development proposed not only a hip to gable conversion, but also a front extension onto the existing side extension with the proposed gabled roof being carried across to within about 1m of the curtilage boundary, and with 2 front dormers in the extended roof. It is therefore clear that the Inspector in that case was dealing with a considerably larger development that would have a greater impact on the existing dwelling and the streetscene.
  8. Whilst I have noted paragraph 7 of the Inspector's decision quoted by the council, as far as the current appeal is concerned, it is the judgement at paragraph 10 that is more pertinent. Here the potential to create a hip-to-gable roof extension as Permitted Development (PD) is referred to, and whilst not knowing whether such PD rights can be exercised, s/he notes that this type of roof alteration is found elsewhere in the vicinity, and whilst it would alter the symmetry of the semi-detached pair, it would not be an uncommon feature in the street scene. However, it was the cumulative effect of the scale of development facilitated by the proposed hip-to-gable extension to within 1m of and the boundary, and the 2 front dormers, which underlaid the decision in that case, not the hip to gable itself.
  9. Coming to my own conclusion on the appeal before me, I am in sympathy with the previous Inspector's view and that in the council's decision on application reference 20/0119/FULH referred to in paragraph 6 above, noting in addition that there is a hip to gable conversion on No.53, the neighbouring, but separated, semi-detached bungalow to the appeal dwelling.
  10. My inspection revealed that Glenwood Avenue has a wide variety of dwelling forms, and dormer windows and other roof additions have become part of the character of the street. The proposed hip to gable extension would unbalance the pair of which it is part, and the dormer would not relate well to the door and window below. In other settings these features would be likely to sway the decision towards a refusal. But in this case the open gap between Nos.51 and 53 at roof level would be maintained, and the presence of the gable on No.53, and others in the street, means that it would not produce the incongruous and jarring appearance that would make it unacceptable.

11. There are also the cases that I have referred to in paragraphs 6 to 8 above which are relevant to my decision. There is a normal expectation that there will be reasonable consistency in decision making when dealing with similar development proposals. This reinforces my decision. For the reasons given I will allow the appeal.

**Conditions**

12. The statutory condition that provides a time limit on the start of development must be imposed. In addition, the council has suggested 2 conditions in the event that the appeal is upheld. I consider that a condition requiring the materials to match those on the existing building should be imposed to ensure that the appearance of the development permitted integrates with the existing in a visually satisfactory manner. The second suggested condition is that the development must be carried out in accordance with the plans. This is necessary for certainty and avoidance of doubt as to the development permitted, but can be integrated into the terms of the permission itself.

*Terrence Kemmann-Lane*

INSPECTOR