
Appeal Decisions

Site visit made on 19 March 2025

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 March 2025

Appeal A Ref: APP/D1590/C/23/3322036 and

Appeal B Ref: APP/D1590/C/23/3322037

8 Somerville Gardens, Leigh-on-Sea SS9 1DD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeals are made by Mr Charles Edwin Stewart (Appeal A) and Ms Pollyanna Nellice Keane (Appeal B) against an enforcement notice issued by Southend-on-Sea Borough Council.
 - The enforcement notice was issued on 19 April 2023.
 - The breach of planning control as alleged in the notice is the erection of a dormer to the rear.
 - The requirements of the notice are:
 - (a) Remove from the site the rear dormer in its entirety, OR
 - (b) Modify the dormer so that its position, form, size and external finishes fully complies with all relevant provisions and conditions of permitted development set out within Part 1 Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015AND
 - (c) Remove from site all materials resulting from compliance with a) OR b) above.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Appeal C Ref: APP/D1590/W/23/3322034

8 Somerville Gardens, Leigh-on-Sea SS9 1DD

- 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 Charles Stewart against the decision of Southend-on-Sea Borough Council.
 - The application Ref: 23/00106/FULH, dated 20 January 2023, was refused by notice dated 14 March 2023.
 - The development proposed is "Erect dormer to rear with Juliet balcony, rooflights to front and convert loft into habitable accommodation (retrospective)."
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Decisions

1. **Appeals A and B:** The appeals are allowed, the enforcement notice is quashed, and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a dormer to the rear at 8 Somerville Gardens, Leigh-on-Sea SS9 1DD, referred to in the notice.

2. **Appeal C:** The appeal is allowed for the erection of a dormer to rear with Juliet balcony, rooflights to front and conversion loft into habitable accommodation at 8 Somerville Gardens, Leigh-on-Sea, Southend-on-Sea SS9 1DD in accordance with the terms of the application ref: 23/00106/FULH.

Procedural Matters

3. For Appeal C and the banner heading above, I have taken the description of development from the Council's decision notice, which more accurately describes the development carried out and applied for.

Ground (a) appeal and the Deemed Planning Application, and Appeal C

4. Ground (a) (Appeal A) is that planning permission should be granted for the matters stated in the notice. Since the planning appeal (Appeal C) is against refusal of permission for the identical development, the considerations in that appeal are the same, and I have treated both cases together to avoid duplication, except where otherwise indicated.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the host building and area.

Reasons

6. The appeal site relates to a semi-detached two storey property within a residential area, characterised by a mix of detached and semi-detached houses with brick, render, weatherboarding cladding, roof tiles and slates external finish. The appeal property includes a two-storey bay window, with a front gable, and a first-floor balcony fronting the street.
7. The Southend-on-Sea Supplementary Planning Document 1 Design and Townscape Guide, 2009 (Design SPD) states that "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 ridgeline and well above the eaves)." The L-shaped dormer as built, is not set down below the ridgeline and is not set in from both side walls and therefore is not strictly in accordance with the above guidance.
8. However, during my site visit I observed that a number of the properties in the area have been altered and extended at roof level with various front and rear dormers in addition to roof balconies and terraces located at roof level. As such, the existing roof line is quite varied in the immediate vicinity of the appeal site. Indeed, the adjoining semi-detached property at No 10 Somerville Gardens has created a similar L-shaped dormer, and the evidence indicates that this is lawful, since it has existed for more than 4 years.
9. The rear dormer is finished in light green weather boarding. Whilst this is not similar in appearance to the original roof tiles, the adjoining semi-detached property has also constructed their L-shaped dormer with a similar weather boarding material. In addition, the light green finish compliments the existing white render finish of the external finish at ground and first floor levels, and the

size and scale of the appeal development is similar to the L-shaped dormer of the adjoining property. As such, the appeal development has an integrated appearance with the main dwelling and the adjoining semi-detached property at No 10.

10. I therefore conclude that the development preserves the character and appearance of the host building and area, in accordance with Policies KP2 and CP4 of the Southend on Sea Core Strategy, 2007, and Policy DM1 and DM3 of the Southend on Sea Borough Council Development Management Document, 2015 (DMD). Amongst other things, these require that all new development respect the character and scale of the existing neighbourhood where appropriate and secure improvements to the urban environment through quality design, and that alterations and additions make a positive contribution to the character of the building and surrounding area.

Other Matters

11. The Council have also referred to Policy DM5 of the DMD. However, this relates to the Southend-on-Sea's Historic Environment which does not appear to be relevant to this appeal. I therefore find no conflict against this policy.
12. No conditions have been suggested by the Council and as the development appears to be completed, there is no need for any.

Conclusions

13. For the reasons given above I conclude that the appeals succeed on ground (a) and for Appeal C. I shall grant planning permission for the erection of a dormer to the rear. The enforcement notice will be quashed, and the appeals on ground (g) do not therefore fall to be considered.

R Satheesan

INSPECTOR