

<b>Reference:</b>	18/00018/UNAU_B	
<b>Ward:</b>	Eastwood Park	
<b>Breaches of Control</b>	Without planning permission, the construction of two dormer windows to the front and north side elevations.	
<b>Address:</b>	137 Rayleigh Road, Eastwood, Essex, SS9 5XE	
<b>Case Opened:</b>	30 <sup>th</sup> January 2018	
<b>Case Officer:</b>	Hayley Thompson	
<b>Recommendation:</b>	<b>AUTHORISE ENFORCEMENT ACTION</b>	



## **1 Site and Surroundings**

- 1.1 137 Rayleigh Road is a detached bungalow on the western side of Rayleigh Road at the junction with Willow Close. The site is prominent in the streetscene in which there are clear views of the front and north side and open views of the roof to the rear and south sides. The area is residential and characterised by mostly hipped roof detached or semi-detached bungalows especially on the west side of the road. One or two bungalows have visible dormers but they are not commonplace in the streetscene. The east side is more varied in character and includes some houses.
- 1.2 There are no heritage or other designations in this area.

## **2 Lawful Planning Use**

- 2.1 The lawful planning use is as a dwelling house within Class C3 of the Town and Country Planning Use Classes Order 1987 (as amended).

## **3 Present Position**

- 3.1 On 30<sup>th</sup> August 2017 a planning application was received by the Local Planning Authority (LPA), reference 17/01534/FULH, proposing the erection of a single storey rear extension, a loft conversion with four dormers to the sides, front and rear and to alter elevations to form habitable accommodation.
- 3.2 That application was refused on 20<sup>th</sup> November 2017 as the combination of the proposed dormers would represent a discordant, incongruous and overly dominant feature which would be detrimental to the character and appearance of the host property and also the area more widely.
- 3.3 On 30<sup>th</sup> November 2017 a planning application was received by the LPA, reference 17/02128/FULH, with an amended proposal to erect a single storey rear extension, a loft conversion with three dormers to the sides and rear and to alter elevations to form habitable accommodation.
- 3.4 On 18<sup>th</sup> January 2018 during a site visit by a Planning Officer it was established that four dormers had been substantially built and works on the single storey extension had commenced.
- 3.5 On 18<sup>th</sup> January 2018, the agent was emailed and queried that the developments on site were well underway including a dormer to the front elevation which was not part of the proposal for application 17/02128/FULH. The agent was asked if the owner intended to amend the scheme to include the front dormer or whether it was proposed to remove it.
- 3.6 On 24<sup>th</sup> January 2018 the agent requested that the application be determined as submitted.
- 3.7 The application reference 17/02128/FULH was refused on 25<sup>th</sup> January 2018 as the combination of the proposed dormers would represent a discordant, incongruous and overly dominant feature which would be detrimental to the

- character and appearance of the host property and also the area more widely.
- 3.8 In January 2018 an enforcement case was raised following the refused applications, 17/01534/FULH and 17/02128/FULH, and on the basis that unauthorised works were being carried out on site. A copy of the officer reports for these applications are attached as Appendices 1 and 2.
  - 3.9 In February 2018 Planning Enforcement Staff visited the site noting its substantial redevelopment and spoke to the builder who expressed interested in a resolution.
  - 3.10 On 2<sup>nd</sup> March 2018 two separate Lawful Development Certificates (proposed) were received by the LPA. Application 18/00394/CLP proposed a single storey rear extension and to alter elevations. Application 18/00396/CLP proposed three dormers to the sides and rear to form habitable accommodation in the roof, a single storey rear extension and to alter elevations.
  - 3.11 Meanwhile an appeal was received against the refusal of application 17/01534/FULH. That appeal was decided on 5<sup>th</sup> April 2018. A copy is attached as Appendix 3. The Inspector concluded that the combined effect of the dormers materially alters the simple original roof form, by together adding considerable bulk and mass to it and unbalancing the proportions of the host dwelling, giving it a 'top heavy' appearance. Moreover, the different designs to the sides, front and rear draws further attention to these features and gives them an incongruous, uneven appearance that harmfully undermines the simple design of the host dwelling in its original form. It was therefore concluded that the proposal has an unacceptably harmful effect on the character and appearance of the host dwelling and surrounding area. The appeal was dismissed.
  - 3.12 On 15<sup>th</sup> May 2018 the two applications, 18/00394/CLP and 18/00396/CLP, were refused as the development constitutes development requiring planning permission.
  - 3.13 During July 2018 Planning Enforcement Staff visited the site and corresponded with the home owners and their builder.
  - 3.14 On 27<sup>th</sup> July 2018 Planning Staff emailed the builder explaining that a letter was to be sent advising that permission should be sought for a lesser scheme which would address the appeal decision findings. It advised that if no response was received the following 14 days authorisation would be sought for the issuance of an Enforcement Notice at the next available Development Control Committee.
  - 3.15 On 16<sup>th</sup> August 2018 an email was received from the home owner confirming their intention to submit a new planning application for modified works.
  - 3.16 On 24<sup>th</sup> August 2018 a planning application was received 18/01607/FULH, proposing to erect dormers to the rear and south side elevation, erect a single storey rear extension only and to erect a porch and install rooflights to front and north side elevation (part-retrospective). The unauthorised dormers to the front and north side elevation existing on site are not part of the above application.
  - 3.17 Application reference 18/01607/FULH is due to be determined by 25<sup>th</sup> October 2018.

## **4 Appraisal and Policy Background**

- 4.1 Policies KP2 and CP4 of the Southend Core Strategy and Policies DM1 and DM3 of the Southend Development Management Document all include requirements relating to high quality design in new development and respect for the character and scale of existing development and the surrounding area. These policies are consistent with the National Policy Framework.
- 4.2 The Design and Townscape Guide provides detailed guidance in support of these development plan policies and states that additional roof accommodation within existing properties must respect style, scale and form of the existing roof design and the character of the wider townscape.
- 4.3 The appeal Inspector concluded that the combined effect of the four dormers materially alters the simple original roof form, by together adding considerable bulk and mass to it and unbalancing the proportions of the host dwelling, giving it a 'top heavy' appearance. Moreover, the different designs to the sides, front and rear draws further attention to these features and gives them an incongruous, uneven appearance that harmfully undermines the simple design of the host dwelling in its original form.
- 4.4 Particular to this report seeking enforcement authority, it is concluded that the unauthorised dormers to the front and north side elevation are the elements of the overall unauthorised developments that cause material harm contrary to policy requirements.
- 4.5 Planning application 18/01607/FULH, proposes to erect dormers to the rear and south side elevation only. This aims to address the harm identified within the previous planning refusals and dismissal of the planning appeal by proposing to retain only the dormers to the rear and south side elevation and not to seek permission for the front and north side elevation dormers suggesting that these would be voluntarily removed. A decision on that application will be made shortly. In the event that planning application 18/01607/FULH is approved it will enable a means for the owner to address the harm.
- 4.6 If that planning application is refused then the identified harm will remain. As it is at the owner's volition as to whether to implement any alternative approved scheme and in view of the conflict with policy requirements, it is considered expedient to pursue enforcement action to secure the removal of the dormer windows to the front and north side elevation. This will ensure that if the owner does not voluntarily remove the two unauthorised dormers, irrespective of the outcome of the latest planning application, then this Council has a robust mechanism in place to require their removal.
- 4.7 Taking enforcement action in this case may amount to an interference with the owner/occupier's human rights. However, it is necessary for the Council to balance the rights of the owner/occupiers against the legitimate aims of the Council to regulate and control land within its area. In this particular case it is considered reasonable, expedient and proportionate and in the public interest to pursue enforcement action to remove the unauthorised developments.

## **5 Relevant Planning History**

- 5.1 17/01534/FULH – Erect single storey rear extension, convert loft into habitable accommodation and erect dormers to sides, front and rear and alter elevations – Permission refused.
- 5.2 17/02128/FULH – Erect single storey rear extension, convert loft into habitable accommodation and erect dormers to sides, front and rear and alter elevations (amended proposal) – Permission refused.
- 5.3 18/00394/CLP - Single storey rear extension and alter elevations – Permission refused.
- 5.4 18/00396/CLP - Three dormers to sides and rear to form habitable accommodation in roof, single storey rear extension and alter elevations – Permission refused.
- 5.5 18/01607/FULH - Erect dormers to rear and south side elevation, erect single storey rear extension and porch and install rooflights to front and north side elevation (part-retrospective) – Pending consideration

## **6 Planning Policy Summary**

- 6.1 The National Planning Policy Framework (NPPF) (2018).
- 6.2 Core Strategy (2007) Policies KP1 and KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance).
- 6.3 Development Management Document (2015) Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land).
- 6.4 Design and Townscape Guide (2009).

## **7 Recommendation**

- 7.1 **Members are recommended to AUTHORISE ENFORCEMENT ACTION** to secure the removal of the dormer windows to the front and north side elevation.
- 7.2 The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of said Notice.
- 7.3 When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case a compliance period of 3 months is deemed reasonable.

Appendix 1 – Officer Report in refused application reference  
17/01534/FULH.

<b>Reference:</b>	17/01534/FULH
<b>Ward:</b>	Eastwood
<b>Proposal:</b>	Erect single storey rear extension, convert loft into habitable accommodation and erect dormers to sides, front and rear and alter elevations
<b>Address:</b>	137 Rayleigh Road Eastwood Essex SS9 5XE
<b>Applicant:</b>	Mr Duce
<b>Agent:</b>	gclarkitecture
<b>Consultation Expiry:</b>	16.10.17
<b>Expiry Date:</b>	20.11.17
<b>Case Officer:</b>	Abbie Greenwood
<b>Plan No's:</b>	RR-DU-01, RR-DU-02, RR-DU-03, RR-DU-04, RR-DU-05, RR-DU-06, RR-DU-07
<b>Recommendation:</b>	<b>REFUSE PLANNING PERMISSION</b>

## **1 The Proposal**

- 1.1 The application seeks planning permission to erect a single storey rear extension, convert the roof to habitable accommodation, erect 4 dormers, one on each side and one each to the front and rear and alter the south and north elevations.
- 1.2 The rear extension is proposed as 3.6m deep, 8m wide, spanning the whole width of the property, with an eaves height of 2.6m and a maximum height of 4.2m. It is proposed to extend the main hipped roof of the bungalow at a lower pitch to cover the rear extension. The proposed materials are render and tile to match the existing property.
- 1.3 One dormer is proposed to each of the four roofslopes. To the front and rear the dormers are hipped measuring 2m wide, 2.5m tall with a projection of 2.1m. The dormers to the side are flat roofed box style dormers with a width of 3.6m, a height of 1.9m and a depth of 2.4m. The dormers are shown on the drawing as being tiled but this is unconfirmed.
- 1.4 It is also proposed to demolish the top half of the feature chimney on the north side and insert a new door and 3 small windows on the south side.

## **2 Site and Surroundings**

- 2.1 The site is a detached bungalow on the western side of Rayleigh Road at the junction with Willow Close. It is very exposed in the streetscene having clear views of the front and north side and open views of the roof to the rear and south sides.
- 2.2 The area is residential and characterised by mostly hipped roof detached or semi-detached bungalows especially on the west side of the road. One or two have visible dormers but they are not commonplace in the streetscene. The east side is more varied in character and includes some houses.
- 2.3 There are no heritage or other designations in this area.

## **3 Planning Considerations**

- 3.1 The main considerations of this application are the principle of the development, design and the impact on the street-scene and any impact on neighbouring properties. It is not considered that there are any highways implications arising from this proposal.

## **4 Appraisal**

### **Principle of Development**

**National Planning Policy Framework 2012, Core Strategy Policies KP2, CP2 and CP4, Development Management DPD Policies DM1, DM3, and DM15. and SPD1 (Design & Townscape Guide (2009))**

- 4.1 This proposal is considered in the context of the above policies. These policies and guidance support alterations and extensions to properties where they respect

the character of the locality and the amenities of neighbours. The principle of an extension in this location is therefore acceptable.

## Design

### **National Planning Policy Framework (2012), Core Strategy (2007) Policies KP2, CP2 and CP4, Development Management DPD (2015) Policies DM1, DM3 and DM15. and Southend Design & Townscape Guide (2009)**

- 4.2 It should be noted that good design is a fundamental requirement of new development to achieve high quality living environments. This is reflected in the NPPF, in Policy DM1 of the Development Management DPD and in the Policies KP2 and CP4 of the Core Strategy.
- 4.3 Policy KP2 of the Core Strategy advocates the need for all new development to *“respect the character and scale of the existing neighbourhood where appropriate and secure improvements to the urban environment through quality design”*.
- 4.4 Policy CP4 of the Core Strategy states *“development proposals will be expected to contribute to the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend.*
- 4.5 In relation to the design of new development and extensions, Policy DM1 of the Development Management DPD states that all development should *“add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features”*
- 4.6 In relation to dormer windows the Design and Townscape Guide para 366 states *‘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 position of the new opening should correspond with the rhythm and align with existing fenestration on lower floors. (Note: one central dormer may also be an appropriate alternative.) The size of any new dormer windows, particularly on the front and side elevations, should be smaller to those on lower floors and the materials should be sympathetic to the existing property. The space around the window must be kept to a minimum. Large box style dormers should be avoided, especially where they have public impact, as they appear bulky and unsightly. Smaller individual dormers are preferred.’*
- 4.7 There is no objection in principle to a single storey rear extension on this property and the proposed design and scale seems reasonable in this context. There is a concern, however, with the impact of the proposed dormers. Four dormers on a single bungalow in such an exposed location will be a dominant addition to the property and to the streetscene and the overall impact of this element of the proposal is not considered to be an incidental addition to the roofscape. In addition to the concern over the number of dormers proposed there is also a concern that because the dormers are of different designs, they will appear as an uncoordinated and incongruous addition to the property. Dormers are not a

common feature in this area and it would be more appropriate to reduce the number to 2 only of the same design.

- 4.8 There are no objections to the proposed door and windows at ground floor to the south side which is screened from the street, however, the proposal to remove only half of the feature chimney on the north side which faces Willow Close, would result in an unresolved elevation to this side and be rather awkward in the streetscene. It is recommended that the chimney remain as existing as this does not seem to interfere with the proposal and is a positive feature of the property.
- 4.9 Overall therefore, it is considered that whilst there is no objection to the rear extension, the number and design of the proposed dormers would dominate the existing property and would appear as an incongruous addition to the roof scape and the wider streetscene.

### **Impact on Neighbouring Properties**

#### **National Planning Policy Framework (2012), Core Strategy (2007) Policies KP2, CP2 and CP4, Development Management DPD (2015) Policies DM1, DM3 and DM15. and Southend Design & Townscape Guide (2009)**

- 4.10 Policy DM1 of the Development Management DPD also states that development should *“Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight.”*
- 4.11 The site is located on a corner with only one close neighbour to the south number 135 Rayleigh Road. This property is a semi-detached bungalow which has two windows on the north side facing the application property, one of which is obscured and one which is clear most likely serving a bedroom or other habitable room. There is a separation distance of around 2m between the properties.
- 4.12 The rear building line of 135 extends significantly past that of the application property and as such the proposed rear extension would remain behind that of the neighbour. The impact of this element of the proposal is therefore considered to be acceptable. A dormer is also proposed on the south roofslope facing number 135. This dormer has two windows, one serving a bathroom, which will be obscured, and one is a secondary window to the rear bedroom. This window is could be conditioned to be obscured as it is not the primary outlook for this room. It is therefore considered that the proposal would not have a detrimental impact on the amenities of the neighbour to the south.
- 4.13 To the north number 143 Rayleigh Road is across the junction of Willow Close and the separation distance between the proposed dormer on this side and number 147 is at least 12.5m. It is considered that this is sufficient not to result in unreasonable overlooking from this dormer.
- 4.14 To the west the nearest property in Willow Close is set over 15m from the proposed rear dormer so again this is considered to be sufficient not to give rise to overlooking of this property.
- 4.15 The impact on the surrounding neighbours is therefore considered to be

acceptable.

## **Highways and Transport Issues**

### **National Planning Policy Framework, Policy KP2, CP2 and CP4 of the Core Strategy, Development Management DPD Policies DM1, DM3, and DM15 and the Design and Townscape Guide**

- 4.16 The proposal will not result in any net loss of parking at the property.

## **Community Infrastructure Levy**

- 4.17 The proposed extensions equate to less than 100sqm of new floorspace so the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil) for further details about CIL.

## **5 Conclusion**

- 5.1 The proposed dormers, by reason of their design, scale, siting and form are considered to have an incongruous and overly dominant impact on the character of the existing property and the wider area. It would therefore be contrary to the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy (2007), policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within Design and Townscape Guide (2009).

## **6 Planning Policy Summary**

- 6.1 National Planning Policy Framework 2012.
- 6.2 Development Plan Document 1: Core Strategy 2007 Policies KP2 (Development Principles), CP2 (Town Centre and Retail Development) and CP4 (Environment & Urban Renaissance).
- 6.3 Development Plan Document 2: Development Management Document 2015 Policies DM1 (Design Quality) DM3 (Efficient and Effective Use of Land), and DM15 (Sustainable Transport Management)
- 6.4 Community Infrastructure Levy Charging Schedule.
- 6.5 Supplementary Planning Document 1: Design & Townscape Guide, 2009.

## **7 Representation Summary**

### **Public Consultation**

- 7.1 4 neighbouring properties were notified of the proposal. No representations were received.

## **8 Relevant Planning History**

- 8.1 06/01467/FUL- form vehicular access onto Rayleigh Road.

## **9 Recommendation**

### **9.1 REFUSE PLANNING PERMISSION for the following reasons:**

**01 The proposed dormer windows would, by reason of their number, design, size, scale and siting, represent a discordant, incongruous and overly dominant feature, which would be detrimental to the character and appearance of the host property and the area more widely. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework; Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007); Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015); and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).**

**The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development.**

#### **Informatives**

**01 You are advised that as the proposed development equates to less than 100 sqm of additional floorspace so the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil) for further details about CIL.**

Appendix 2 – Officer Report in refused application reference  
17/02128/FULH.

<b>Reference:</b>	17/02128/FULH
<b>Ward:</b>	Eastwood
<b>Proposal:</b>	Erect single storey rear extension, convert loft into habitable accommodation and erect dormers to sides and rear and alter elevations (Amended Proposal)
<b>Address:</b>	137 Rayleigh Road Eastwood Essex SS9 5XE
<b>Applicant:</b>	Mr Duce
<b>Agent:</b>	gclarkitecture
<b>Consultation Expiry:</b>	10 <sup>th</sup> January 2018
<b>Expiry Date:</b>	25 <sup>th</sup> January 2018
<b>Case Officer:</b>	Julie Ramsey
<b>Plan No's:</b>	RR-DU-01, RR-DU-02, RR-DU-03, RR-DU-06, RR-DU-08, RR-DU-09, RR-DU-10
<b>Recommendation:</b>	<b>REFUSE PLANNING PERMISSION</b>

## **1 The Proposal**

- 1.1 The application seeks planning permission to construct a single storey rear extension, convert the loft into habitable accommodation with three dormers, one on each side and one to the rear, roof lights to the front and alter the south and north elevations.
- 1.2 The rear extension measures 1.8m deep, 8m wide, spanning the whole width of the property, with an eaves height of 2.6m and a maximum height of 4.2m. It is proposed to extend the main hipped roof of the bungalow out over the rear extension. The proposed materials are render, tile and white uPVC doors and Grey powder coated aluminium windows.
- 1.3 Two dormers are proposed to each side and one to the rear. The dormer to the rear is hipped measuring 2m wide, 2.2m high and 2.1m deep. The dormers to the side are flat roofed box style dormers with a width of 3.6m, a height of 1.9m and a depth of 2.4m.
- 1.4 The existing feature chimney on the north side has been demolished. The proposal also includes a new door and three small windows on the south side.
- 1.5 This application follows a recent refusal, application No. 17/01534/FULH - Erect single storey rear extension, convert loft into habitable accommodation and erect dormers to sides, front and rear and alter elevations.
- 1.6 The reason for refusal is as follows:

*The proposed dormer windows would, by reason of their number, design, size, scale and siting, represent a discordant, incongruous and overly dominant feature, which would be detrimental to the character and appearance of the host property and the area more widely. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework; Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007); Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015); and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).*

- 1.7 The amended proposal has removed the front dormer. All other aspects of the proposal remain unaltered.
- 1.8 However, following the refusal of the previous application and a subsequent site visit, works appear to have continued at the site with all four previously proposed dormers partly constructed. The front dormer has been omitted from this amended proposal and the Agent has asked for the application to be determined as submitted.

## **2 Site and Surroundings**

- 2.1 The site is a detached bungalow on the western side of Rayleigh Road at the junction with Willow Close. It is very visible in the streetscene, given the corner plot location and there are clear views of the front and north side and open views of the roof to the rear and south sides.

2.2 The area is residential in character and the surrounding area is mostly made up of hipped roof detached and semi-detached bungalows, particularly on the west side of the road. One or two properties have visible dormers but they are not commonplace within the streetscene. The east side of the street is more varied in character and includes some houses.

2.3 There are no heritage or other designations in this area.

### **3 Planning Considerations**

3.1 The main considerations of this application are the principle of the development, design and the impact on the character of the area, any impact on residential amenity and whether the revised proposal has overcome the reason for refusal.

### **4 Appraisal**

#### **Principle of Development**

**National Planning Policy Framework (2012), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and Design & Townscape Guide (2009)**

4.1 This proposal is considered in the context of the National Planning Policy Framework 2012 and Core Strategy Policies KP2 and CP4. Also of relevance is Policy DM1 which addresses design quality. These policies and guidance support extensions and alterations to residential properties in most cases but require that such alterations and extensions respect the existing character and appearance of the building. The dwelling is situated within a residential area and an extension or an alteration to the property is considered acceptable in principle, subject to detailed considerations discussed below.

#### **Design and Impact on the Character of the Area**

**National Planning Policy Framework (2012), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and Design & Townscape Guide (2009)**

4.2 The key element within all relevant policies is that good design should be a fundamental requirement of new development in order to achieve high quality living environments. Its importance is reflected in the NPPF, in the Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management Document (2015). The Design and Townscape Guide (2009) also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”*

4.3 According to Policy KP2 of the Core Strategy states that new development should *“respect the character and scale of the existing neighbourhood where appropriate”*. Policy CP4 of the Core Strategy requires that development proposals should *“maintain and enhance the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development”*.

- 4.4 Policy DM1 of the Development Management Document states that all development should *“add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features”*.
- 4.5 Paragraph 348 of The Design and Townscape guide (2009) stipulates that *‘Whether or not there are any public views, the design of rear extensions is still important and every effort should be made to integrate them with the character of the parent building, particularly in terms of scale, materials and the relationship with existing fenestration and roof form’*
- 4.6 Paragraph 366 of The Design and Townscape Guide goes on to state 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 position of the new opening should correspond with the rhythm and align with existing fenestration on lower floors. (Note: one central dormer may also be an appropriate alternative.) The size of any new dormer windows, particularly on the front and side elevations, should be smaller to those on lower floors and the materials should be sympathetic to the existing property. The space around the window must be kept to a minimum. Large box style dormers should be avoided, especially where they have public impact, as they appear bulky and unsightly. Smaller individual dormers are preferred.’*
- 4.7 The proposed rear extension is of an acceptable design and is of a scale proportionate to the existing bungalow. The extension is integrated into the main dwelling by extending the roof over the rear extension. Rooflights and bi-fold doors are proposed to the rear elevation.
- 4.8 The additional doors and windows to the south side are considered appropriate as the internal layout has been re-configured. The additional windows would serve an en-suite and W.C and the side door would allow access to the utility room.
- 4.9 Concerns were raised in the previously refused application regarding the retention of the feature chimney on the north side which faces Willow Close, however following a recent site visit the chimney has been demolished.
- 4.10 The revised proposal has removed the front dormer, with the side and rear dormers remaining. These are unchanged in both design and size.
- 4.11 The concern regarding the impact of the proposed dormers therefore remains. The three proposed dormers to the bungalow located within a highly visible and prominent corner plot would be a dominant addition to the property, the streetscene and the overall impact of the dormers would not appear to be an incidental addition to the existing roofscape.
- 4.12 This concern is exacerbated by the design differences of the proposed dormers. The combination of box dormers to the side and a hipped roof dormer to the rear would appear as uncoordinated and incongruous additions to the bungalow. Dormers are not a strong feature of the streetscene and therefore the proposed

dormers would be an awkward and incongruous addition to the existing property.

- 4.13 Therefore, it is considered that whilst there is no objection to the rear extension, the number and design of the proposed dormers would be an unacceptable addition to the roofscape and would be out of character with the wider streetscene.

### **Impact on Residential Amenity**

#### **National Planning Policy Framework (2012), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and Design & Townscape Guide (2009)**

- 4.14 The Design and Townscape Guide (2009) Paragraph 343; under the heading of Alterations and Additions to Existing Residential Buildings) states that amongst other criteria, that *'extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties'*. In addition to this Policy DM1 of the Development Management Document (2015) also states that development should *"Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight."*
- 4.15 The application site is located within a corner plot. The adjoining neighbour to the south No. 135 Rayleigh Road is a semi-detached bungalow which has two windows on the north side facing the application property, one of which is obscure glazed and one which is clear glazed, which most likely serves a bedroom or other habitable room. There is a separation distance of around 2m between the properties.
- 4.16 The rear building line of No. 135 extends significantly past the rear of the application property and as such the proposed rear extension would remain behind the rear wall of the neighbour. The impact of this element of the proposal is therefore considered to be acceptable. A side dormer is also proposed on the south roofslope facing No. 135. This dormer has two windows, one serving a bathroom, which would be obscure glazed and one is a secondary window to the rear bedroom. These windows could be conditioned to be obscure glazed. It is therefore considered that the proposal would not have a detrimental impact on the amenities of the neighbour to the south.
- 4.17 To the north No. 143 Rayleigh Road is located across the highway of Willow Close and the separation distance between the proposed dormer on this side and No. 147 is approximately 12.5m. It is considered that this is sufficient distance to mitigate any overlooking from this dormer.
- 4.18 To the west the nearest property in Willow Close is set over 15m from the proposed rear dormer so again this is considered to be of a sufficient distance as to not to give rise to undue overlooking of this property.
- 4.19 The impact on the surrounding neighbours is therefore considered to be acceptable.

## **Community Infrastructure Levy**

- 4.20 The proposed extensions equate to less than 100sqm of new floorspace so the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil) for further details about CIL.

## **5 Conclusion**

- 5.1 The proposed dormers, by reason of their design, scale, siting and form are considered to have an incongruous and overly dominant impact on the character of the existing property and the wider area. It would therefore be contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within Design and Townscape Guide (2009).

## **6 Planning Policy Summary**

- 6.1 National Planning Policy Framework 2012.
- 6.2 Development Plan Document 1: Core Strategy 2007 Policies KP2 (Development Principles) and CP4 (Environment & Urban Renaissance).
- 6.3 Development Management Document (2015) Policies DM1 (Design Quality) and DM3 (Efficient and Effective Use of Land)
- 6.4 Community Infrastructure Levy Charging Schedule 2015
- 6.5 Design & Townscape Guide, 2009.

## **7 Representation Summary**

### **Public Consultation**

- 7.1 4 neighbouring properties were notified of the proposal. No representations were received.

## **8 Relevant Planning History**

- 8.1 **17/01534/FULH** - Erect single storey rear extension, convert loft into habitable accommodation and erect dormers to sides, front and rear and alter elevations – Planning permission refused.

**06/01467/FUL**- form vehicular access onto Rayleigh Road – Planning permission granted

## **9 Recommendation**

- 9.1 **REFUSE PLANNING PERMISSION for the following reason:**

**01 The proposed dormer windows would, by reason of their number, design, size, scale and siting, represent a discordant, incongruous and overly**

**dominant feature, which would be detrimental to the character and appearance of the host property and the area more widely. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework; Policies KP2 and CP4 of the Core Strategy (2007); Policies DM1 and DM3 of the Development Management Document (2015); and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).**

**The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development.**

### **Informatives**

**01 You are advised that as the proposed development equates to less than 100 sqm of additional floorspace so the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil) for further details about CIL.**



## Appeal Decision

Site visit made on 20 March 2018

**by J Bell-Williamson MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5 April 2018

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**Appeal Ref: APP/D1590/D/17/3191624**  
**137 Rayleigh Road, Eastwood SS9 5XE**

- 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 Duce against the decision of Southend-on-Sea Borough Council.
  - The application Ref 17/01534/FULH, dated 30 August 2017, was refused by notice dated 20 November 2017.
  - The development proposed is single storey rear extension and loft conversion including dormer windows.
- 

### Preliminary Matter

1. The extension and dormer windows the subject of this appeal had largely been constructed at the time of the inspection. Accordingly, I have dealt with the appeal on the basis that it involves an application for retrospective permission.

### Decision

2. The appeal is dismissed.

### Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the host dwelling and surrounding area.

### Reasons

4. The appeal property is a detached bungalow located next to the junction of Rayleigh Road with Willow Close. The surrounding area is predominantly residential with a mix of bungalows and two storey detached and semi-detached dwellings.
  5. Policies KP2 and CP4 of the Southend Core Strategy and Policies DM1 and DM3 of the Southend Development Management Document all include requirements relating to high quality design in new development and respect for the character and scale of existing development and the surrounding area. These policies are consistent with the National Planning Policy Framework, particularly section seven concerning good design.
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6. The *Supplementary Planning Document 1 Design and Townscape Guide* (the SPD) provides more detailed guidance in support of these development plan policies. It says that 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.
7. The submitted plans show the original dwelling as a relatively modestly-sized bungalow with a simple unaltered roof form, similar to most of those alongside it on Rayleigh Road and behind it on Willow Close. The rear extension would be a limited change to its built form as it would not add substantive depth and would respect the original roofscape. As such, this element of the proposal would not result in any harm to the host dwelling or surrounding area. I accept also the appellant's contention that the partial removal of the chimney is not harmful.
8. The proposal involves adding a dormer to each of the four pitched roof slopes. Those to the front and rear match and have a hipped and pitched design positioned almost level with the main roof ridge; those to either side are also matching but are larger flat-roofed box style dormers. While individually each of these windows is proportionate to the scale of the roof plane on which it is positioned, the windows are seen in combination from surrounding views.
9. The combined effect of the dormers materially alters the simple original roof form, by together adding considerable bulk and mass to it and unbalancing the proportions of the host dwelling, giving it a 'top heavy' appearance. Moreover, the different designs to the sides, front and rear draws further attention to these features and gives them an incongruous, uneven appearance that harmfully undermines the simple design of the host dwelling in its original form.
10. There are a limited number of dormer windows visible within the street scene and area surrounding No 137. These are largely in the form of single dormers to the front roof slope of properties, including the adjacent bungalow, No 143, some of the bungalows along Willow Close, and on some two storey dwellings along the main road to the north. The four dormers on the appeal property compared to the single window that is more generally the case on surrounding properties, appears incongruous and uncharacteristic within the street scene. Moreover, the prominence of the extended dwelling is heightened by the use of large grey roof tiles, which contrast unfavourably with the general use of reddish brown tiles on the majority of surrounding properties.
11. The appearance and prominence of the extended dwelling is in part due to its position on rising ground as Rayleigh Road inclines gently uphill. This means that in its extended form No 137 is framed by views of the smaller properties along Willow Close to the rear and the smaller bungalows to either side. As such, due to the bulk of its roof with four dormers and the different materials used for the extended roof, it represents a particularly incongruous and uncharacteristic built form within the street scene, both in its own right and by contrast to the general character and appearance of the surrounding area.
12. I have had regard to the appellant's contention that the Council's reasons for refusal and policy basis for its decision are unclear. However, the Council gave a specific reason for its refusal of permission in its decision notice and the officer report provides details under the 'Design' heading of the particular parts

of the relevant development plan policies and guidance that informed the decision. As such, I find nothing unusual in the manner in which the Council made its assessment which informed its decision or the basis for that decision. There is nothing in the appeal submissions to suggest that inappropriate weight was given to the SPD compared to development plan policies. Therefore, while I have had regard to this matter raised by the appellant it does lead me to reach a different conclusion on the appeal.

13. Therefore, for all the above reasons, I conclude that the proposal has an unacceptably harmful effect on the character and appearance of the host dwelling and surrounding area. As such, it is contrary to the development plan policies and the SPD referred to above and, as a result, the appeal should not succeed.

*J Bell-Williamson*

INSPECTOR

Appendix 4 – Photographs of 137 Rayleigh Road taken October 2018.



