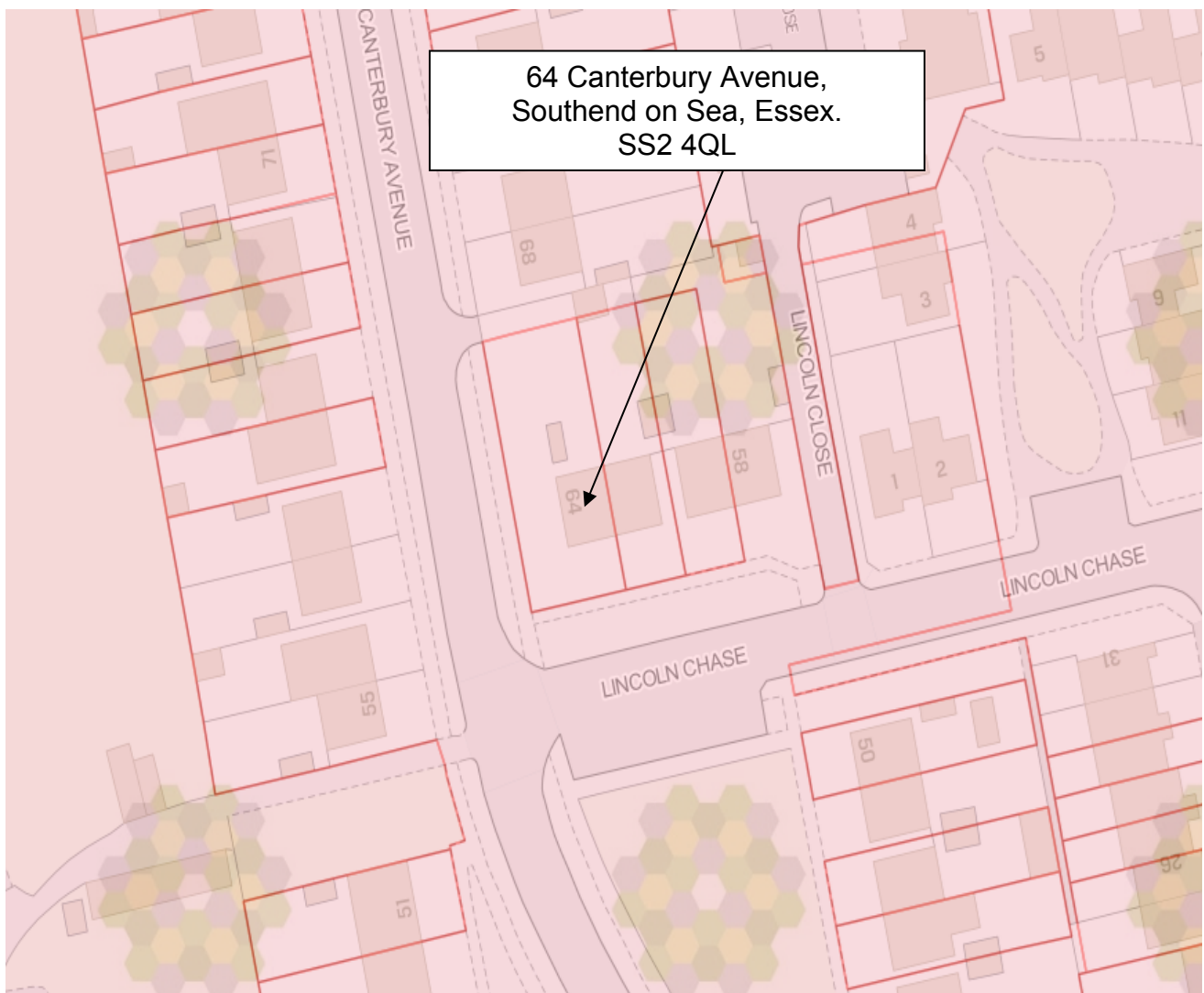


Reference:	17/00193/UNAU_B	
Ward:	Southchurch	
Breaches of Control	Without planning permission, the unauthorised development of a two storey side extension and rear dormer.	
Address:	64 Canterbury Avenue, Southend on Sea, Essex. SS2 4QL	
Case Opened:	19 th July 2017	
Case Officer:	Steve Jones	
Recommendation:	AUTHORISE ENFORCEMENT ACTION	



Site and Surroundings

- 1.1 This two storey semi-detached dwellinghouse is on the corner of the junction of Lincoln Chase to the south and Canterbury Avenue to the west. The property, similar to the dwellings in the surrounding area, has a gabled roof and a ground floor bay window with mono-pitched canopy along its frontage. It is prominent within the streetscene due to its corner position.
- 1.2 The property sits within a large residential estate with properties of similar style.
- 1.3 The site is not the subject of any site specific policy designations.

2 Lawful Planning Use

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

3 Present Position

- 3.1 The key facts are summarised below and set out in more detail in the officer reports for applications 17/01849/FULH and 18/01159/FULH and the respective Planning Inspectorate appeal decision letters attached as Appendices A, B,C and D.
- 3.2 In July 2017 a complaint was received that a two storey side extension was not being built in accordance with planning permission 16/01778/FULH for a two storey side extension.
- 3.3 In August 2017 Planning staff conducted a site visit and confirmed that the 2 storey side extension was not being built in accordance with the approved plans. The ridge height was matching existing and should be 0.5m lower, the front elevation was not set back from the original house by 0.5m, (and so lacked subservience), the elevations were not constructed in facing brick to match the original house and the windows were of an incongruous unduly modern form.
- 3.4 In August 2017 planning staff wrote to the property owner advising that a retrospective planning application to retain what had been built would likely be refused and that the current extension should be rebuilt to accord with the approval.
- 3.5 In October 2017 a retrospective planning application was received under reference 17/01849/FULH to 'Erect a two storey side extension, install dormer to rear, solar panels to front and alter elevations.'
- 3.6 On 15th December 2017 the above planning application was refused. (See Officers report at Appendix 'A').
- 3.7 The applicant appealed to the Planning Inspectorate against the Local Planning Authority's decision.
- 3.8 On 4th June 2018 the Planning Inspectorate dismissed that appeal. (See Planning Inspectorate Decision letter at Appendix 'B')

- 3.9 On 18th June 2018 the property owner submitted an amended retrospective planning application under reference 18/01159/FULH.
- 3.10 On 13th August 2018 that planning application was refused. (See Officers report at Appendix 'C').
- 3.11 The applicant appealed to the Planning Inspectorate against the Local Planning Authority's decision.
- 3.12 On 24th December 2018 the Planning Inspectorate dismissed that appeal. (See Planning Inspectorate Decision letter at Appendix 'D').

4 Policy Background and Appraisal

- 4.1 The policy background is fully set out in the attached officer reports in respect of the refusal of planning applications 17/01849/FULH & 18/01159/FULH at Appendices 'A' & 'C'. Para 4.
- 4.2 The unauthorised works amount to operational development as defined by the Town and Country Planning Act 1990. These works require express planning permission, in respect of which two retrospective planning applications have been refused and two appeals to the Planning Inspectorate have been dismissed.
- 4.3 Enforcement action should be considered where there is a breach of planning control and it is expedient to take formal action to seek to remedy demonstrable harm.
- 4.4 At paragraph 10 of the latest appeal decision (Appendix D) the Inspector found that, while the proposed side extension would be of a similar height to the host dwelling, it would be set back from the existing frontage and would be of limited width compared to the size of the existing dwelling. As such, and due to the open setting next to the road junction, the Inspector found that it would not appear as an overly large addition to the host dwelling and so would not unbalance its proportions or those of the pair of semi-detached dwellings. That reasoning is now a material consideration and in other words means that, taken on its own; a two storey extension of that size and general form could be acceptable on its own merits.
- 4.5 At paragraphs 11 to 15 of that same appeal decision however the Inspector finds against the proposal due to the design and impact of the dormer, the altered roof shape, render and fenestration as a whole (notwithstanding that the render and fenestration on their own could be capable of suitable redesign). The Inspector found the total development to be poor design giving an incongruous and uncharacteristic appearance to the appeal property. That conclusion is consistent with the basis of the earlier dismissed appeal (Appendix B)
- 4.6 If the constituent elements of the unauthorised development were distinct and clearly independent of each other then, in other circumstances, it may be possible to isolate the two storey extension, in principle, as being acceptable subject to some minor changes to its exterior. Any enforcement action could then perhaps be framed accordingly such that it was proportionate to the identified harm.

Here however both the refused applications for planning permission and the two appeal decisions clearly state that it is the totality of the unauthorised development (in other words the interdependent combination of the dormer, the altered roof form, the render, the incongruous fenestration and the two storey extension's inclusion of the latter) that represent poor, unacceptable design which harms the character and appearance of the dwelling, the street scene and surrounding area and so conflicts with policy.

- 4.7 It is therefore concluded that those constituent elements cannot realistically be separated from each other such that any enforcement action (like the appeal decisions) needs to address the harm caused in the round. So it is considered to be necessary, expedient and proportionate in this case for enforcement action to require the removal of all of the unauthorised development including the two storey extension.
- 4.8 Were the Council to take such enforcement action the owner would still be entitled to submit a further planning application seeking an alternative design of development to seek to address the identified harm.
- 4.9 Taking enforcement action in this case may amount to an interference with the owner/occupiers' 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 require the removal of the two storey side extension and dormer window.

5 Planning History

- 5.1 In August 2007 a planning application was received under reference (07/01525/FUL) to 'Erect an attached dwelling house' The application was refused and the subsequent appeal was dismissed.
- 5.2 In August 2016 an application was received under the prior approval provisions of the Town and Country Planning General Permitted Development Order (2015) (as amended) to 'Erect a single storey rear extension projecting 6m beyond the existing rear wall.' The application was determined as not requiring prior approval.
- 5.3 In September 2016 a planning application was received under reference (16/01778/FULH) to 'Erect a two storey side extension'. The application was approved.
- 5.4 In October 2017 a part retrospective planning application was received under reference (17/01849/FULH) to 'Erect two storey side extension, install dormer to rear, solar panels to front and alter elevations.' The application was refused and the subsequent appeal was dismissed.
- 5.5 In June 2018 a part retrospective amended planning application was received under reference (18/01159/FULH) to 'Erect two storey side extension, install dormer to rear, solar panels to front and alter elevations.' The application was refused and the subsequent appeal was dismissed.

6 Planning Policy Summary

- 6.1 The following policies are set out fully within the officer report attached at Appendix 'A' & 'C':

National Planning Policy Framework (2012) & (2018)

Policies KP1, KP2, & CP4 of the Core Strategy (2007),

Policies DM1, DM3, & DM15 of the Development Management Document (2015) and guidance contained within the Design and Townscape Guide (2009).

7 Recommendation

- 7.1 **Members are recommended to AUTHORISE ENFORCEMENT ACTION** to (a) remove the 2 storey side extension and rear dormer. (b) removal of all rubble and other materials and equipment associated with complying with the notice.
- 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 6 months is deemed reasonable.

APPENDIX 'A'

Reference:	17/01849/FULH
Ward:	Southchurch
Proposal:	Erect two storey side extension, install dormer to rear, solar panels to front and alter elevations (Part Retrospective)
Address:	64 Canterbury Avenue, Southend on Sea, Essex. SS2 4QL
Applicant:	Mr Grant Dennison
Agent:	N/A
Consultation Expiry:	28 th November 2017
Expiry Date:	15 th December 2017
Case Officer:	Julie Ramsey
Plan Nos:	Location Plan, 10/2017/Rev 1 Sheets 1, 2, 3 and 4
Recommendation:	REFUSE PLANNING PERMISSION

1 The Proposal

- 1.1 Planning permission is sought to construct a two storey gabled roof side extension, construct a rear dormer and install solar panels to the front and alter the fenestration of the existing property.
- 1.2 Materials to be used would include clay tiles to match the existing property and external walls would be finished in render and triple glazed frameless windows are also proposed which are not present on the existing property.
- 1.3 The proposed side extension would measure 3m wide x 7.6m deep x 5.2m high to the eaves, with a maximum height of 8.3m. The rear dormer would measure 9.3m deep, 3m high and 3.9m deep and extend across the full width of the rear roof plane, including that of the side extension. Solar panels are also proposed to be installed on the front roof plane, again including that of the side extension.
- 1.4 The proposal would accommodate a play/games room at ground floor and an additional bedroom and a bathroom at first floor and second floor level.
- 1.5 This application is part retrospective following a grant of planning permission for a two storey side extension (16/01778/FULH). Following an enforcement visit, the development has not been constructed in accordance with the approved plans and a subsequent planning application has been submitted for amendments and additional works.

The development already carried out includes:

- Increasing the height of the side extension to the same height as the existing ridge, an increase of 0.3m and increasing the depth of the side extension by 0.15m, bring the extension closer to the front wall of the property.
- Formation of the rear dormer to the roof plane of the side extension only.
- Triple glazed frameless windows have been installed in the side extension and the rear elevation of the existing property and the layout and number of windows have been changed to the side and rear elevations and the roof light to the front has been installed.
- The side extension and rear of the house has been completed in render.

2 Site and Surroundings

- 2.1 The site relates to a two storey semi-detached dwellinghouse, which is located on the corner of the junction of Lincoln Chase to the south and Canterbury Avenue to the west. The property, similar to the dwellings in the surrounding area, has a gabled roof and a ground floor bay window with mono-pitched canopy along the front frontage. It has a relatively large

garden, as a corner plot, and its front curtilage is soft landscaped. The property has also recently completed a single storey rear extension. The property has parking to the rear accessed from Canterbury Avenue.

- 2.2 The site is located within a residential estate, with properties of similar style, being all brick built and the majority have bay windows and front canopies. A multi-storey block of flats is sited to the southeast of the application site, which also appears to be part of the estate. The application site located on the corner is prominently visible within the streetscene of both Lincoln Close and Canterbury Avenue.

3 Planning Considerations

- 3.1 The key considerations in relation to this application are the principle of the development, design and impact on the character of the area, any traffic and transport issues, impact on residential amenity and any CIL liability.

4 Appraisal

National Planning Policy Framework (2012), Core Strategy (2007) Policies KP2 and CP4; Development Management Document (2015) Policies DM1, DM3 and DM15 and the Design and Townscape Guide (2009).

Principle of Development

- 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 to 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 principal, subject to detailed considerations discussed below.

Design and Impact on the Character of the Area:

- 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, 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 (2015) 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 Policy DM3 (5) also advises that *‘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*
 - (iii) Where alternative materials and detailing to those of the prevailing character of the area are proposed, the Council will look favourably upon proposals that demonstrate high levels of innovative and sustainable design that positively enhances the character of the original building or surrounding area.’*
- 4.6 Paragraph 351 of The Design and Townscape Guide (2009) states that *“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 integrate with the existing property.”*
- 4.7 Paragraph 366 of the Design and Townscape Guide (2009) under the heading of ‘Roof Extensions and Dormer Windows’ states that *“dormer windows 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) and the materials should be sympathetic to the existing property.”*
- 4.8 Overall the design of the property and the development proposed has changed extensively from that which was previously approved. The modern design including the stark utilitarian approach towards the building’s additions and fenestration together with comprehensive white colour rendering of its elevations is materially out of character with and harmful to the setting of the property and its effect on the surrounding area.
- 4.9 The side extension is now sited some 350mm back from the front building line of the dwelling and the ridge is now level with the existing ridge height of the main dwelling. The side extension would therefore be a prominent and bulky addition to the property and although the extension is still set slightly in from the front of the main dwelling the extension would not appear subservient and would fail to integrate well with the host property.
- 4.10 This revised proposal includes the formation of a dormer to the rear of the property to extend along the full width of the existing roof plane and that of the side extension. This is of a modern design with high windows installed

at first floor cutting into the roof plane with two frameless windows to the eastern side. A skylight is to be installed within the dormer roof and the front roof plane along with two rooflights to the front.

- 4.11 It is considered that the dormer would constitute a bulky, overly dominant and starkly incongruous feature within the streetscene, which would have a poor relationship with the existing dwelling and would be out of scale and character with the original property and the surrounding area.
- 4.12 The materials proposed would alter the windows within the extension and the main property, to a modern frameless design and it is proposed to render the whole property in white render, this has been implemented in part as outlined above.
- 4.13 Although the use of alternative materials and detailing to those of the prevailing character of the area are not discouraged, in this case the combination of the scale of the proposed development, along with the use of white render and frameless windows and a large expanse of solar panels to the front constitutes an extremely prominent feature within the streetscene and is considered to be of an unduly stark, incongruous design and use of materials and would not positively enhance the character of the original dwelling or the wider area.
- 4.14 The width and depth of the extension is unchanged and therefore the separation distances to the east and west boundaries are considered to be acceptable and it is considered the proposal would not result in loss of openness of the corner.
- 4.15 In conclusion the overall architectural approach, fenestration detail, size, scale and proportions of the proposed extensions do not add to the character of the property or the overall character of the area and would appear harmfully incongruous within the streetscene, given the dwelling's prominent location on the corner of Lincoln Chase and Canterbury Avenue. This material harm is unacceptable and contrary to policy objectives.

Traffic and Transport Issues

- 4.16 Policy DM15 of the Development Management Document requires all development to meet the minimum off-street parking standards. The proposal would not result in net loss of existing off-street parking spaces as the proposal retains the existing parking to the rear. No objection is raised therefore regarding off-street parking provision.

Impact on Residential Amenity:

- 4.17 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 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.”

- 4.18 The proposed side extension would be sited on the western flank wall of the dwelling and would not project beyond the front or rear elevations of the existing property. The dormer is to the rear roof plane and due to the bulk and scale of the proposed dormer, it is considered that the dormer would be unduly overbearing to the neighbouring property causing harm to the rear garden scene. As such, the dormer extension would have a detrimental impact on the residential amenity of the neighbours to the east.
- 4.19 An approximate 17.7m separation distance would be maintained between the extension and the northern boundary, which is considered sufficient to prevent from any unacceptable overlooking or overshadowing.
- 4.20 The site abuts the highway to the south and west and thus, a reasonable separation distance would be maintained to all other properties near the application site. Therefore, the proposal would not result in any greater impact on the amenities of the nearby neighbours, in terms of overlooking or dominance.

Community Infrastructure Levy

CIL Charging Schedule 2015

- 4.21 The proposal for the existing property equates to less than 100sqm of new floor space, the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

Other Matters – Street tree

- 4.22 It was noted in the previous application, that a large street tree is sited in close proximity to the application site and the proposed extension to the west. The tree is sited approximately 5m away from the proposed extension and is a mature tree. A condition was added to the previous approval as follows:

1) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with Clause 7 of British Standard BS5837 - Trees in Relation to Construction - Recommendations has been agreed in writing by the local planning authority.

These measures shall be carried out as described and approved.

2) All tree work shall be carried out in accordance with British Standard BS3998 - Recommendations for Tree Work.

3) No retained street tree shall be cut down, uprooted, destroyed, pruned,

cut or damaged without the prior written approval of the local planning authority.

4) If any retained tree is cut down, uprooted or destroyed or dies another tree shall be planted at the same place and that tree shall be of such size and species and planted at such time as may be specified in writing by the local planning authority.

5) No fires shall be lit within 5 metres of the nearest point of the canopy of any retained tree.

6) No equipment, machinery or structure shall be attached to or supported by a retained tree.

7) No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area.

8) No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the local planning authority and it appears that it overhangs the site. It is therefore considered reasonable a condition in relation to the protection of the tree during the construction to be imposed.

Although the extension has been built, to date no tree protection plan has been submitted, therefore the health of the tree may be at risk and should be monitored.

5 Conclusion

5.1 Having taken all material planning considerations into account, it is considered that the proposed development due to the bulk, scale and starkly incongruous design and use of materials, would be unacceptable in terms of design and impact on the character of the dwelling and the wider area and the neighbouring property at No. 62. The proposal therefore conflicts with the development plan policies and guidance set out above and is recommended for refusal.

6 Planning Policy Summary

6.1 The National Planning Policy Framework (2012) : Section 7 (Requiring Good design)

6.2 Core Strategy (2007) Policies KP2 (Development Principles) and CP4 (Environment & Urban Renaissance)

6.3 Development Management Document (2015): DM1 (Design Quality), DM3 (The Efficient and Effective Use of Land) and DM15 (Sustainable Transport Management)

6.4 Design & Townscape Guide (2009)

6.5 CIL Charging Schedule 2015

7 Representation Summary

Design and Regeneration

7.1 No comments received.

Public Consultation

7.2 Nine neighbours were consulted and no representations have been received.

8 Relevant Planning History

8.1 **07/01525/FUL** - Erect attached dwellinghouse - Planning permission refused.

8.2 **16/01603/GPDE** - Erect single storey rear extension, projecting 6m beyond the existing rear wall of the dwelling, 2.95m high to eaves and with a maximum height of 2.95m - Prior approval granted.

8.3 **16/01778/FULH** - Erect two storey side extension – Planning permission granted

9 Recommendation

REFUSE PLANNING PERMISSION for the following reasons:

01 The proposal would, by reason of the starkly incongruous design, bulk and visual impact of the side extension and rear dormer, along with the proposed materials, fail to integrate satisfactorily with the scale and proportions of the existing and neighbouring dwellings in its vicinity. As a result the proposal would appear as an unduly prominent, incongruous and obtrusive feature harmful to the character and appearance of the main house and to the character and appearance of the prevailing area. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2012), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice contained with the Design and Townscape Guide (2009).

02 The proposed rear dormer would, by reason of its size, siting and design result in an unduly overbearing impact in the rear garden scene of the neighbouring property at No.62. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (NPPF), Southend Core Strategy (2007) policies KP2 and CP4, Southend Development Management Document (2015) policies DM1 and DM3 and the advice contained with the Southend 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 officer.

Informative

- 1 You are advised that as the proposed extension(s) to your property equates to less than 100sqm of new floorspace 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 for further details about CIL.**

Appeal Decision

Site visit made on 24 May 2018

**by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL
an Inspector appointed by the Secretary of State
Decision date: 4 June 2018**

**Appeal Reference: APP/D1590/D/18/3197020
64 Canterbury Avenue, Southend-on-Sea SS2 4QL**

- 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 G Dennison against the decision of Southend-on-Sea Borough Council.
- The application (reference 17/01849/FULH, dated 20 October 2017) was refused by notice dated 15 December 2017.
- The development proposed is “erect two storey side extension, install dormer to rear, solar panels to front and alter elevations (Part Retrospective)”.

Decision

1. The appeal is dismissed.

Preliminary Point

2. The description of the proposed development that is given in the planning application form is very extensive and it includes some explanatory material. The description given above is, therefore, taken from the appeal form and from the decision notice that was issued by the local planning authority.

Main issue

3. There are two main issues to be determined in this appeal. The first main issue is the effect of the proposed development on the character of the host building and its surroundings. The second is whether the rear dormer would have an unduly overbearing effect on the neighbouring property.

Reasons

4. The appeal site is located in an established suburb of Southend-on-Sea, which, in the vicinity of the appeal site, is characterised by semi-detached houses in a conventional form, with mature gardens of a reasonable size.
5. Number 64 Canterbury Avenue is located at a corner of the road and opposite an open area of land, near the beginning of Lincoln Close. The house is set at

right angles to the road (with its principal elevation on the corner) and its front and rear elevations are both prominent in views along Canterbury Avenue.

6. Significant construction works are currently being undertaken at the appeal site, as a result of which the character of the building will be somewhat changed, with rendering to external walls and modernistic windows. A side extension and a large ground floor extension (extending into the rear garden) have been built with a new dormer under construction on the rear slope of the main roof.
7. Planning permission had previously been granted for a side extension at the appeal site but the works have not been carried out, thus far, in accordance with the approved plans and planning permission for the revised scheme is now sought.
8. Among other things, the 'National Planning Policy Framework' emphasises the aim of "requiring good design" in the broadest sense (notably at Section 7) and it points out the importance of creating an attractive streetscape and maintaining the overall quality of the area, as well as providing good standards of accommodation and protecting residential amenities.
9. Local Policies in the Development Plan reinforce this basic aim, notably Policies KP2 and CP4 of the 'southend on sea core strategy' and Policies DM1 and DM3 of the 'Development Management Document July 2015'. The Council's 'supplementary planning document 1 – design and townscape Guide 2009', is also relevant, though it does not have the same force as Policies in the Development Plan.
10. The new design for number 64 Canterbury Avenue has a greater bulk than the approved scheme. The main part of the extension matches the overall height and depth of the original, while the new dormer adds to the overall bulk. The side extension would not be "subservient" to the original building in the way that is usually desirable. As the Council's design guidance points out, "extensions that appear subservient to the parent building tend to fit more comfortably and integrate better with the existing building". At the same time, of course, that is not to be regarded as a strict rule and, in this case, the main part of the extension, in continuing the original overall dimensions, could result in a finished scheme that would be in harmony with the semi-detached pair to which it is attached and with the surroundings more generally.
11. The same is not true of the new dormer window. Its crude form and excessive scale cause it to stand out in the streetscene as an awkward and ungainly addition to the original building. It diminishes the quality of the surroundings and it therefore conflicts with both national and local policies that are intended to promote good design.
12. Certain details of the project, particularly the materials used and the fenestration, have a somewhat jarring visual effect but both local and national policies are supportive of innovative design in the right circumstances and, though the design as a whole is unsatisfactory, such details would not, in themselves be inadmissible.

13. Nevertheless, the scheme that is the subject of this appeal is to be considered as a whole. The modified extension is awkwardly designed, overall, and it is bound to fail on design grounds. In reaching this conclusion I have considered whether the appeal could be allowed but subject to conditions that might overcome the visual concerns. In view of all the uncertainties involved, however, I have formed the opinion that it would not be possible to frame precise conditions to deal with the objections and that therefore the appeal must be dismissed.
14. A different issue arises in respect of the impact of the rear dormer on the neighbouring property. Notwithstanding the broader design considerations that apply to this feature, it would not (when finished) have such an overbearing impact on the neighbours' garden that it would materially undermine their quality of life or detract from their living conditions. This issue does not support the reasons for refusing planning permission, therefore.
15. Evidently, the appeal site lies within an established urban area, which is "sustainable" in planning terms, and the proposed development would make a useful addition to the existing house. Nevertheless, I am convinced that the harm that would be done to the character and appearance of the existing house and to its surroundings outweighs the benefits of the project. Hence, I have concluded that the scheme before me would conflict with both national and local planning policies (including the Development Plan) and that it ought not to be allowed. Although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.

Roger C Shrimplin

INSPECTOR

APPENDIX 'C'

Reference:	18/01159/FULH
Ward:	Southchurch
Proposal:	Erect two storey side extension, install dormer to rear, solar panels to front and alter elevations (Part Retrospective) (Amended Proposal)
Address:	64 Canterbury Avenue, Southend-On-Sea, Essex, SS2 4QL
Applicant:	Mr Grant Dennison
Agent:	N/A
Consultation Expiry:	20th July 2018
Expiry Date:	13th August 2018
Case Officer:	Julie Ramsey
Plan Nos:	Location Plan, 06/18 Rev 1 Sheets 1, 2, 3 and 4
Recommendation:	REFUSE PLANNING PERMISSION

1 The Proposal

- 1.1 Planning permission is sought to construct a two storey gabled roof side extension, construct a rear dormer and install solar panels to the front and alter the fenestration of the existing property.
- 1.2 Materials to be used would include concrete roof tiles to match the existing property and the external walls of both the extension and the main property are to be finished in painted render to be a similar colour to brick and triple glazed frameless windows are also proposed which are not present on the existing property. The dormer is to be finished in hanging tiles to match the existing roof.
- 1.3 The proposed side extension would measure 3m wide x 7.6m deep x 5.2m high to the eaves, with a maximum height of 8.3m. The rear dormer would measure 6.23m deep, 2.87m high and 2.73m deep and extend across the rear roof plane of the main dwelling. Solar panels are also proposed to be installed on the front roof plane, including that of the side extension.
- 1.4 The proposal would accommodate a play/games room at ground floor and an additional bedroom and a bathroom at first floor and second floor level.
- 1.5 This application is a revised, part retrospective application following a recent refusal and appeal, which was dismissed – 17/01849/FULH - Erect two storey side extension, install dormer to rear, solar panels to front and alter elevations (Part Retrospective)

The recent applications have been submitted following a grant of planning permission for a two storey side extension (16/01778/FULH). Following an enforcement visit, the development has not been constructed in accordance with the approved plans and a subsequent amended planning application has been submitted to seek planning permission for the unauthorised works.

The development already carried out includes:

- Increasing the height of the side extension to the same height as the existing ridge, an increase of 0.3m and increasing the depth of the side extension by 0.15m, bring the extension closer to the front wall of the property.
- Formation of the rear dormer to the roof plane of the side extension only.
- Triple glazed frameless windows have been installed in the side extension and the rear elevation of the existing property and the layout and number of windows have been changed to the side and rear elevations and the roof light to the front has been installed.
- The side extension and rear of the house has been completed in render.

The submitted amended proposal that forms the basis of this application seeks to:

- Reduce the width of the dormer to within the roof plane of the existing dwelling
- Alter the roof pitch to a 'mansard' design to reduce the depth of the rear dormer
- Alter the colour of the proposed render to one similar to brick (no other details have been provided)

Apart from the alterations to the built scheme as outlined above the proposal remains the same as that submitted in the previously refused application.

[Officer Note: Following a site visit a chimney flue has been installed within the rear roof plane. This is not included in the plans and is therefore not considered as part of this application.]

Appeal decision summary – Appeal dismissed

Overall the inspector's decision to dismiss the appeal was based on the '*overall harm that would be done to the character and appearance of the existing house and its surroundings*'. The inspector concluded that the proposal would not have a detrimental impact on the residential amenities of the neighbouring property and that the '*main part of the extension, in continuing the original overall dimensions, could result in a finished scheme that would be in harmony with the semi-detached pair to which it is attached and with the surroundings more generally.*'

The inspector went on to note that the '*materials used and the fenestration, have a somewhat jarring visual effect but both local and national policies are supportive of innovative design in the right circumstances and, though the design as a whole is unsatisfactory, such details would not, in themselves be inadmissible.*' However the overall conclusion stated '*Nevertheless, the scheme that is the subject of this appeal is to be considered as a whole. The modified extension is awkwardly designed, overall, and it is bound to fail on design grounds.*'

2 Site and Surroundings

- 2.1 The site relates to a two storey semi-detached dwellinghouse, which is located on the corner of the junction of Lincoln Chase to the south and Canterbury Avenue to the west. The property, similar to the dwellings in the surrounding area, has a gabled roof and a ground floor bay window with mono-pitched canopy along the front frontage. It has a relatively large garden, as a corner plot, and its front curtilage is soft landscaped. The property has also recently completed a single storey rear extension. The property has parking to the rear accessed from Canterbury Avenue.
- 2.2 The site is located within a residential estate, with properties of similar style, being all brick built and the majority have bay windows and front canopies. A multi-storey block of flats is sited to the southeast of the application site, which also appears to be part of the estate. The application site located on the corner is prominently visible within the streetscene of both Lincoln Close and Canterbury Avenue.

3 Planning Considerations

- 3.1 The key considerations in relation to this application are the principle of the development, design and impact on the character of the area, any traffic and transport issues, impact on residential amenity, any CIL liability and whether the amended scheme has overcome the previous reasons for refusal.

4 Appraisal

National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2 and CP4; Development Management Document (2015) Policies DM1, DM3 and DM15 and the Design and Townscape Guide (2009).

Principle of Development

- 4.1 This proposal is considered in the context of the National Planning Policy Framework 2018 and Core Strategy Policies KP2 and CP4. Also of relevance is Policy DM1 which addresses design quality. These policies and guidance support extensions to 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 principal, subject to detailed considerations discussed below.

Design and Impact on the Character of the Area:

National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2 and CP4; Development Management Document (2015) Policies DM1, DM3 and DM15 and the Design and 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, 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 (2015) 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 Policy DM3 (5) also advises that *‘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*
 - (iii) Where alternative materials and detailing to those of the prevailing character of the area are proposed, the Council will look favourably upon proposals that*

demonstrate high levels of innovative and sustainable design that positively enhances the character of the original building or surrounding area.'

- 4.6 Paragraph 351 of The Design and Townscape Guide (2009) states that *“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 integrate with the existing property.”*
- 4.7 Paragraph 366 of the Design and Townscape Guide (2009) under the heading of ‘Roof Extensions and Dormer Windows’ states that *“dormer windows 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) and the materials should be sympathetic to the existing property.”*
- 4.8 The alterations proposed would not overcome the overall design concerns raised within the previously refused application and subsequent appeal decision. The design of the property and the development proposed remains substantially different from that which was previously approved. The contrived roof design of a part pitched to the front and part ‘mansard’ to the rear would only exacerbate the contrived and incongruous design of the side extension and the dwelling would appear out of keeping with its neighbours. The alteration to the roof would facilitate the reduction in height of the rear dormer but given the visibility of the dwelling and extension in this corner location, the design of the roof would appear awkward and materially out of character with the main dwelling and the wider streetscene. This impact is exacerbated by the fenestration detailing.
- 4.9 The modern design remains, with the use of render and frameless windows, the proposed render is to be painted in a similar colour as brick, however no details have been submitted with the application. Policy DM3 does not discourage the use of innovative and modern materials. However in this instance, given the lack of details submitted with the application, it would be reasonable to add a condition to any grant of planning permission for the submission and prior agreement of the Local Planning Authority to the proposed materials.
- 4.10 The side extension is sited some 350mm back from the front building line of the dwelling which the inspector considered to be acceptable, however the alteration to the ridge height and contrived roof design, together with the proposed dormer would form a prominent, awkward and contrived addition to the property and although the extension is set slightly in from the front of the main dwelling the extension would fail to integrate well with the host property.
- 4.11 This revised proposal includes the formation of a dormer to the rear of the property which has been reduced in width to extend within the existing roof plane only. The dormer retains its modern design with high windows installed at first floor cutting into the roof plane with two frameless windows to the rear. A skylight is to be installed within the dormer roof and the front roof plane along with two rooflights to the front and solar panels to extend the width of the front roof plane including that of the extension.
- 4.12 It is considered that the dormer, by virtue of its bulk, design and contrived appearance within the rear roof plane would form an overly dominant, incongruous

feature detrimental to the appearance of the main dwelling. The dormer would have a poor relationship with the existing dwelling and would be out of scale and character with the original property and out of character within the surrounding streetscene.

- 4.13 The materials proposed would alter the windows within the extension and the main property, to a modern frameless design and it is proposed to render the whole property.
- 4.14 The width and depth of the extension is unchanged and therefore the separation distances to the east and west boundaries are considered to be acceptable.
- 4.15 In conclusion the overall architectural approach, fenestration detail, size, scale and proportions of the proposed extensions are detrimental to the character of the property and the overall character of the area and would appear harmfully incongruous within the streetscene, given the dwelling's prominent location on the corner of Lincoln Chase and Canterbury Avenue. This material harm is unacceptable and contrary to policy objectives.

Traffic and Transport Issues:

NPPF (2018), Development Management Document Policy DM15

- 4.16 Policy DM15 of the Development Management Document requires all development to meet the minimum off-street parking standards. The proposal would not result in net loss of existing off-street parking spaces as the proposal retains the existing parking to the rear. No objection is raised therefore regarding off-street parking provision.

Impact on Residential Amenity:

National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2 and CP4; Development Management Document (2015) Policies DM1, DM3 and DM15 and the Design and Townscape Guide (2009).

- 4.17 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 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."*
- 4.18 It is noted that the Inspector when considering the previous appeal found the impact on neighbouring properties to be acceptable. The proposed side extension would be sited on the western flank wall of the dwelling and would not project beyond the front or rear elevations of the existing property. The dormer is to the rear roof plane and has been reduced in both width and height. Therefore, it is considered that the dormer would not be unduly overbearing to the neighbouring property and would not cause material harm to the rear garden scene.

- 4.19 An approximate 17.7m separation distance would be maintained between the extension and the northern boundary, to the rear which is considered sufficient to prevent from any unacceptable overlooking or overshadowing.
- 4.20 The site abuts the highway to the south and west and thus, a reasonable separation distance would be maintained to all other properties near the application site. Therefore, the proposal would not result in any greater impact on the amenities of the nearby neighbours, in terms of overlooking or dominance.
- 4.21 Therefore the proposal is acceptable and policy compliant in these regards.

Community Infrastructure Levy

CIL Charging Schedule 2015

- 4.22 The proposal for the existing property equates to less than 100sqm of new floor space, the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

Other Matters – Street tree

- 4.23 It was noted in the previous application, that a large street tree is sited in close proximity to the application site and the proposed extension to the west. The tree is sited approximately 5m away from the proposed extension and is a mature tree. A condition was added to the previous approval as follows:

1) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with Clause 7 of British Standard BS5837 - Trees in Relation to Construction - Recommendations has been agreed in writing by the local planning authority.

These measures shall be carried out as described and approved.

2) All tree work shall be carried out in accordance with British Standard BS3998 - Recommendations for Tree Work.

3) No retained street tree shall be cut down, uprooted, destroyed, pruned, cut or damaged without the prior written approval of the local planning authority.

4) If any retained tree is cut down, uprooted or destroyed or dies another tree shall be planted at the same place and that tree shall be of such size and species and planted at such time as may be specified in writing by the local planning authority.

5) No fires shall be lit within 5 metres of the nearest point of the canopy of any retained tree.

6) No equipment, machinery or structure shall be attached to or supported by a retained tree.

7) No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area.

8) No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the local planning authority. and it appears that it overhangs the site. It is therefore considered reasonable a condition in relation to the protection of the tree during the construction to be imposed.

Although the extension has been built, to date no tree protection plan has been submitted, therefore the health of the tree may be at risk and should be monitored.

5 Conclusion

5.1 Having taken all material planning considerations into account, it is considered that the proposed development due to the combined bulk, scale and incongruous roof design would be unacceptable in terms of design and material impact on the character of the dwelling and the wider area. The proposal therefore conflicts with the development plan policies and guidance set out above and is recommended for refusal.

6 Planning Policy Summary

6.1 The National Planning Policy Framework (2018) : Section 7 (Requiring Good design)

6.2 Core Strategy (2007) Policies KP2 (Development Principles) and CP4 (Environment & Urban Renaissance)

6.3 Development Management Document (2015): DM1 (Design Quality), DM3 (The Efficient and Effective Use of Land) and DM15 (Sustainable Transport Management)

6.4 Design & Townscape Guide (2009)

6.5 CIL Charging Schedule 2015

7 Representation Summary

Public Consultation

7.1 Seven neighbours were consulted and no representations have been received.

8 Relevant Planning History

8.1 07/01525/FUL - Erect attached dwellinghouse - Planning permission refused.

8.2 16/01603/GPDE - Erect single storey rear extension, projecting 6m beyond the existing rear wall of the dwelling, 2.95m high to eaves and with a maximum height of 2.95m - Prior approval granted.

- 8.3 16/01778/FULH - Erect two storey side extension – Planning permission granted
- 8.4 17/01849/FULH - Erect two storey side extension, install dormer to rear, solar panels to front and alter elevations (Part Retrospective) – Planning permission refused and subsequent appeal dismissed.

9 Recommendation

REFUSE PLANNING PERMISSION for the following reason:

01 The proposal would, by reason of the incongruous roof design, bulk and visual impact of the side extension and rear dormer as a whole, fail to integrate satisfactorily with the scale and proportions of the existing and neighbouring dwellings in its vicinity. As a result the proposal would appear as an unduly prominent, incongruous and obtrusive feature harmful to the character and appearance of the main house and to the character and appearance of the prevailing area. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice contained with the 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 officer.

Informative

- 1 You are advised that as the proposed extension(s) to your property equates to less than 100sqm of new floorspace 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 for further details about CIL.**

Appeal Decision

Site visit made on 11 December 2018

by J Bell-Williamson MA MRTPI
an Inspector appointed by the Secretary of State
Decision date: 24 December 2013

Appeal Ref: APP/D1590/D/18/3212163
64 Canterbury Avenue, Southend—on—Sea SS2 4QL

- 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 Grant Dennison against the decision of Southend—on—Sea Borough Council.
- The application Ref 18/01159/FULH, dated 15 June 2018, was refused by notice dated 13 August 2018.
- The development proposed is described as 'a two storey side extension set back from the original house. The roof will be same angle and height as the original house to front as to accommodate the solar panels (other houses in area have side extensions level with the original house). The rear roof will have higher pitch like mansard roof. The original house will have 100mm insulation and a render finish, painted in similar colour as bricks, to both original house and extension (other houses have render finish in area). Dormer extension will extend only the original house. The dormer walls will be finished in tiles to match the original house. Guttering and downpipes will be integrated and roof trim painted in similar colour as roof tiles as not to stand out. I don't think the dormer extension will stand out as it's a lot smaller as proposed before and a better design'

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The side extension and a rear-facing dormer window had largely been constructed at the time of the inspection. As such, I have dealt with this appeal as involving an application for retrospective planning permission.
3. The Council indicates that a previous application for a similar form of development was refused and subsequently dismissed on appeal (ref 17/01849/FULH); and that, separately, permission was granted for a two storey side extension (ref 16/01778/FULH), although the Council contends that the extension has not been constructed in accordance with the approved details.
4. I am unaware of the details of these previous applications and appeal decision, which have not been provided as part of the appeal submissions. I note also that the position of the dormer that has been constructed does not appear to be in accordance with the submitted plans in this case. Nonetheless, despite this I have considered the proposed development on its merits in accordance with the

submitted plans and other application details.

Main Issue

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

Reasons

6. The appeal property is a two storey semi-detached dwelling in a residential area of similar property types.
7. 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.
8. 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 side extensions should be designed to appear subservient to the parent building; and that dormer windows, where appropriate, should appear incidental in the roof slope.
9. Prior to the works that have been undertaken, the original dwelling was a relatively modestly-sized building that reflected the scale and character of properties in the surrounding area. Its position on a corner plot of the junction of Canterbury Avenue with Lincoln Chase gives it particular prominence from surrounding views in the public realm.
10. While the proposed side extension would be of a similar height to the host dwelling, it would be set back from the existing frontage and would be of limited width compared to the size of the existing dwelling. As such, and due to the open setting next to the road junction, it would not appear as an overly large addition to the host dwelling and so would not unbalance its proportions or those of the pair of semi-detached dwellings.
11. The proposed dormer would cover the majority of the rear roof slope of the existing dwelling and, therefore, it would not appear incidental in the roof slope as required by the SPD. The change of the simple gable end to an asymmetrical roof form with different pitches would give the roof an incongruous appearance in an otherwise largely uniform area of similar dwellings. Moreover, the visibility of the dormer and altered gable end from the surrounding public realm means that these features would be highly prominent and uncharacteristic in an area where no similar forms of development are visible. Use of tiles rather than render on the dormer would not overcome these findings.
12. There are no visible examples of rendered buildings in the surrounding area; all appear to be brick-built. However, while the proposed rendering of the building would be uncharacteristic, the proposed use of a similar colour to the brick finish of the surrounding dwellings would mean that this element of the proposal on its own would not result in material harm. The same cannot be

said of the proposed frameless windows, which would contrast unfavourably with the more traditional framed windows in surrounding properties, despite the varied colours of some of these frames. This feature would also serve to heighten the overall combined extent of the differences between the extended and altered appeal property and the otherwise uniform character and appearance of surrounding dwellings. The altered roof shape, dormer, render and fenestration would as a whole represent poor design and give an incongruous and uncharacteristic appearance to the appeal property.

13. I acknowledge the appellant's contention that some of these features are intended to provide better environmental performance of the property or are proposed because of its current condition, which requires improvement. However, these are not sufficient reasons to overcome the resultant harmful changes to the property's character and appearance. While reference is made to similar forms of development, from the site inspection none of these are readily apparent and they do not, therefore, form part of the street scene and surrounding views related to the appeal property. The appeal decision referred to by the appellant has not been provided to me and, in any case, it is unclear from the appeal submission what bearing it has on the current proposal.
14. While there were no objections to the proposal, given the permanent nature of the changes proposed, the effects need to be considered in the long term, with regard to both current and future occupiers of the neighbouring properties and visitors to the area. As I am required to consider the proposal as submitted, material amendments to it as part of the appeal process would not be appropriate.
15. Therefore, for all the above reasons, I conclude that the proposal would have 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.
16. Accordingly, for the reasons given above and having regard to all other matters raised, it is concluded that the appeal should not succeed.

J Bell-Williamson

INSPECTOR