



## Appeal Decision

Site visit made on 2 January 2019

**by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI**

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

**Decision date: 11 January 2019**

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### **Appeal Ref: APP/D1590/D/18/3217734 115 Tattersall Gardens, Leigh on Sea SS9 2QZ**

- 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 J Moore against the decision of Southend on Sea Borough Council.
  - The application Ref 18/01234/FULH, dated 26 June 2018, was refused by notice dated 17 September 2018.
  - The development proposed is described as 'Two storey front extension with accommodation within new raised roof.'
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### **Decision**

1. The appeal is allowed and planning permission is granted to raise the roof height and erect roof extension, erect two storey front extension, rear extension at first floor level, install balconies to rear at first and second floor, convert part of existing garage into habitable accommodation and alter elevations at 115 Tattersall Gardens, Leigh on Sea SS9 2QZ in accordance with the terms of the application, ref 18/01234/FULH, dated 26 June 2018, subject to the following conditions:
    - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
    - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
    - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 1200/010 Rev B and 1200/012 Rev E
    - 4) The extensions hereby permitted shall not be occupied until the new second floor north-facing window has been fitted with obscured glazing, and no part of that window which is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
    - 5) The development hereby permitted shall not commence until details of the glazed screens around the new second floor balcony have been submitted to and approved in writing by the local planning authority. The glazed screens shall be installed in accordance with the approved details prior to the occupation of the extensions hereby permitted and retained in place thereafter.
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## **Preliminary Matter**

2. The description of development used in the application form was changed in the Council's decision notice and adopted in the appeal form. Since the revised description more fully describes the proposal, I have used it in paragraph 1 above.

## **Main Issue**

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

## **Reasons**

4. The appeal property is a substantial detached two storey dwelling. Its general form is, therefore, typical of the area, although there are also semi-detached pairs and some variation in the scale and appearance of the properties locally. Tattershall Gardens slopes down towards Marine Parade and the heights of the buildings generally fall with the road.
5. The appeal property has a gabled front projection, behind which the short ridgeline of the main roof runs parallel with the road frontage. The proposal would raise the height of the main roof by some 1.9m, bring its front slope further forward, push its rear slope further back, and turn its ridgeline through 90°. An existing first floor dormer would be removed and a new second floor level dormer created in the front slope of the main roof. A new gabled projection would take up most of the rear slope of the main roof.
6. The proposal would, therefore, add considerably to the height and bulk of the roof. The front and side of the main roof would be visible in public views from Tattersall Gardens. Nevertheless, the building would retain a reasonable degree of articulation which would help to break up its bulk. The gabled front projection would also remain the most prominent element in views from the road. As such, I consider that the proposed roof form would not dominate the building. The scale and orientation of the extended main roof would also be broadly comparable with that of No 113. Moreover, given that No 113 is at a higher level and has a larger roof and that there is significant gap to Nos 164 and 165 Marine Parade, I consider that that the height of the proposed roof would not look out of place in the street scene.
7. The rear projection would have a glazed gable wall with doors giving access to a balcony surrounded by 1.7m high glazed screens. Although these elements are not characteristic of the original design of properties in the area, the appellant has drawn my attention to a number of examples of more recent similar features, including a rear gable projection to 85 Tattersall Gardens and the large front gable features on three properties in Marine Parade. Notwithstanding the size of the proposed rear gable projection, its ridgeline and roof slopes would be set down from the main roof. This would give it a degree of subservience to the main roof.
8. Moreover, with the exception a glimpsed view between Nos 164 and 165 Marine Parade, the rear of the property is not visible in short or medium range public views. The proposal would have a negligible effect on long range public views from areas to the west of the farmland which borders the rear of the property. There is nothing to suggest that the farmland itself is publicly accessible. Nor would the alterations to rear of the property be unduly prominent in private views from the rear of the small number of neighbouring properties.

9. Overall therefore, I find that the proposal would not have a harmful effect on the character and appearance of the existing dwelling or the surrounding area. As such, it would not conflict with Policies KP2 or CP4 of the Council's Core Strategy 2007 or Policies DM1 or DM3 of its Development Management Document 2015. Amongst other things, these policies require development to achieve a high quality of design which maintains the character of residential areas and have a good relationship with existing development in its architectural approach, height, size, scale and form. Policy DM3 also requires alterations and additions to buildings to respect and be subservient to the scale of the original building and surrounding area. Nor would the proposal conflict with the design advice in the National Planning Policy Framework. It would also comply with the advice on balconies, rear and roof extensions in the Council's Design and Townscape Guide 2009 Supplementary Planning Document.

#### *Other Matters*

10. Concern has been expressed locally that the proposal would have a harmful effect on the living conditions of the occupiers of neighbouring dwellings to the north and south of the appeal site. Reference has been made to two dismissed enforcement appeals for a rear extension and balcony at the appeal property<sup>1</sup> and a subsequent enforcement notice. Neighbouring occupiers feel distrustful of the appellant as a result of these matters and the behaviour of builders undertaking work at the property. However, my decision is based on the planning merits of the current proposal.
11. The balcony in the enforcement appeal case was in essentially the same position as the first floor Juliet balcony in the current appeal proposal. However, unlike the current appeal scheme, that balcony gave external access to a flat roof area. That area is close to the common boundary with the rear gardens of the adjoining Marine Parade properties. Notwithstanding the then proposed 1.55m high obscured glazed screens, the external area allowed direct views into the neighbouring gardens. Whilst the proposed doors would be larger than the window they would replace, they would not allow external access to the flat roof. The view from the room they serve would be more confined and directed rearwards in much the same way as the existing window, rather than in the direction of the Marine Parade gardens to the side of the appeal property. Consequently, I consider that the proposed Juliet balcony would not materially reduce the privacy of neighbouring occupiers compared with the existing window in that position.
12. The proposed second floor balcony would be enclosed by 1.7m high obscured glazed screens. These would be sufficiently high to prevent direct views to neighbouring properties. A condition could be used to secure further details of the screens. This would ensure that they would not have gaps which users of the balcony could look through and that their appearance would be appropriate. Whilst the balcony would be reasonably large, it would be accessed from a second floor bedroom and, therefore, is unlikely to be used by a large number of people. Consequently, it would be unlikely to lead to undue noise and disturbance to neighbouring occupiers.
13. The proposal would increase the length of the southern flank wall of the appeal property at first floor level and would increase the overall height and bulk of the roof. However, the detached garage located adjacent to the southern boundary of

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<sup>1</sup> Appeal references APP/D1590/C/12/2173815 and APP/D1590/C/12/2173816

the appeal site would provide occupiers to the south with a reasonable degree of separation from the visual effect of increasing the length of the flank wall. The increase in the bulk and height of the roof would slope away from the neighbouring dwellings to the south and north. Consequently, I consider that the proposal would not have an oppressive effect on the outlook from those properties.

14. It has also been argued that the increase in the height of the roof would reduce the sunlight reaching the solar panels installed on the roof of No 113. However, I have already noted the slope of Tattersall Gardens. No 113 is at a higher level than the appeal property. As such, the proposed increase in the roof height of the appeal property would not be sufficient to significantly reduce the amount of light reaching the solar panels. The increase in the height of the roof would adjoin the flank wall of No 113 and, therefore, would not materially affect the amount of light reaching the rear garden of that property.
15. It has also been suggested that the proposal would give rise to more windows which could affect the privacy of the occupiers of No 113. However, the only additional window on the north side of the appeal property would be at second floor level and serve a landing. A condition could be used to require obscured glazing to prevent any overlooking of No 113.
16. Taking all these matters into consideration, I conclude that the proposal would not have a detrimental effect of the living conditions of neighbouring occupiers.
17. Concern has also been expressed that the appellant works from home and uses the property for Air B and B lettings and that these activities put pressure on on-street parking. However, the appeal proposal is to extend a single dwellinghouse and there is no substantive evidence to indicate that it would lead to insufficient parking for that purpose. Any material change of use of the property occurring as a result of the appellant's activities would need to be considered as a separate matter.

#### *Conditions*

18. The Council has suggested a list of three conditions. In addition to the time limit for commencement of development, a condition requiring the external materials used in the development to match the existing building is necessary to safeguard the character and appearance of the area. A condition specifying the approved plans is necessary in the interests of certainty.
19. In addition, I consider that conditions to control the details of the glazed screens around the second floor balcony and to ensure that the north-facing dormer window is obscured glazed are necessary to protect the privacy of neighbouring occupiers. Control of the screens around the second floor balcony is also necessary to safeguard the character and appearance of the existing building. The appellant and the Council were given the opportunity to comment on these conditions.

#### **Conclusion**

20. For the reasons set out above, the appeal should be allowed.

*Simon Warder*

INSPECTOR