

Southend-on-Sea Borough Council

Agenda
Item

Report of the Corporate Director for Place
To
Development Control Committee
On
5th August 2015

Report(s) on Planning Applications

A Part 1 Agenda Item

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Reference:	15/00930/BC4
Ward:	Kursaal
Proposal:	Layout external raised decked area with Aluminium framed, glazed enclosure and part retractable roof.
Address:	Bourgee Restaurant, 1 Eastern Esplanade, Southend-On-Sea, Essex, SS1 2ER
Applicant:	Mr James Welling (Bourgee Ltd)
Agent:	Mr Andrew Smith (RDD)
Consultation Expiry:	14/07/15
Expiry Date:	14/08/15
Case Officer:	Ian Harrison
Plan No's:	1.1.05 D, 02.02.02 B, 02.02.03 B, 0.02 A, 1.106 B, 0.04, 0.05 and 01.01.09 B
Recommendation:	GRANT PLANNING PERMISSION



1 The Proposal

- 1.1 The application proposes the creation of a decked seating area to the West elevation of the restaurant that has occupied 1 Eastern Esplanade. The proposed decking would cover an area of 44 square metres that would project from the side elevation of the building by 4 metres and be 11 metres wide. The structure would be set 4.6 metres from the North edge of the building. The finished floor level of the decking would be set approximately 0.3 metres above ground level and would be enclosed by glazed screening to a height of 2.9 metres. A glazed roof would be provided above the structure, the first half of which would be retractable.
- 1.2 This application follows planning application 15/00440/BC4 which proposed the laying out of an external decked seating area to the west elevation with fixed benches and heaters, enclosed with glass panels and a decking board wall. That application was refused for the following reason:

The proposed outdoor seating area and its associated means of enclosure would be detrimental to the character, setting and appearance of the heritage assets at and adjacent to the application site and the setting of the Conservation Area. The proposal is therefore contrary to the National Planning Policy Framework, policies KP2 and CP4 of the Southend-on-Sea Core Strategy, policies C4 and C11 of the Southend-on-Sea Borough Local Plan, policy DM1 of the Council's emerging Development Management DPD and the Council's Design and Townscape Guidance (SPD1)

- 1.3 The main differences between this application and the previous application are the reduction in the width of the decked area, to match the width of the two storey part of the building and the Decking to be enclosed with a glazed structure with a retractable roof rather than a part timber, part glass enclosure with no roof.
- 1.4 Correspondence with the applicant has highlighted that an application to the Department for Transport for the stopping-up of the highway is being held in abeyance, to be approved if planning permission is granted. A license has been granted and terms of a lease have been agreed with Southend Borough Council.

2 Site and Surroundings

- 2.1 The application site is located to the North of Eastern Esplanade and to the East of Southchurch Avenue with frontages onto both highways. The buildings were formerly used as a public house but are now in use as a restaurant at ground floor.
- 2.2 The site is located within the Central Seafront Area and is a locally listed building. To the North of the application site is The Kursaal which is a Grade II listed building. The site is within The Kursaal Conservation Area.
- 2.3 The site is located within Flood Zones 2 and 3.

3 Planning Considerations

- 3.1 The key considerations of this application are the principle of the development, design and impact on the character of the area and its heritage assets, the impact on highway safety, the impact on residential amenity and flood risk.

4 Appraisal

Principle of Development

NPPF; DPD 1 (Core Strategy) Policies KP2 and CP4; Southend-on-Sea Borough Local Plan Policies C2, C4, C11 and L2; Emerging Development Management DPD policies DM1, DM5 and DM6 and SPD 1 (Design & Townscape Guide (2009))

- 4.1 Policy L2 of the Borough Local Plan states that “the Borough Council will promote new leisure facilities” though the “protection and enhancement of the character of historic buildings in the area, including those within the Kursaal Conservation Area.” Similar advice is contained within emerging policy DM6 of the Emerging Development Management DPD which states that “Existing buildings along the Seafront that form a cohesive frontage, have a historic context or are recognised as key landmarks and/or contribute to a distinctive Southend sense of place will be retained and protected from development that would adversely affect their character, appearance, setting and the importance of the Seafront.”
- 4.2 The NPPF states that one of the core principles of sustainable development is to “take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.”
- 4.3 Based on the content of these policies it is considered that no objection should be raised to the principle of extending the existing restaurant subject to the following detailed considerations.

Design and Impact on the Character of the Area

NPPF; DPD 1 (Core Strategy) Policies KP2 and CP4; Southend-on-Sea Borough Local Plan Policies C2, C4, C11 and L2; Emerging Development Management DPD policies DM1, DM5 and DM6 and SPD 1 (Design & Townscape Guide (2009))

- 4.4 It should be noted that good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in Policies C4 and C11 of the Borough Local Plan, emerging Development Management DPD Policy DM1 and in the Policies KP2 and CP4 of the Core Strategy. The Design and Townscape Guide (SPD1) also states that “*the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.*”

- 4.5 In the NPPF it is stated that *“good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”*
- 4.6 In the Borough Local Plan it is stated that *“new buildings and extensions or alterations to existing buildings should be designed to create a satisfactory relationship with their surroundings in respect of form, scale, massing, height, elevation design and materials.”* (Policy C11)
- 4.7 In addition, as set out above, it is considered important to note that the site contains a locally listed building, is within a conservation area and is close to a Grade II listed building. The character, appearance and setting of these heritage assets is a material consideration in the determination of this application and this is heightened by virtue of the value that is put on the heritage assets as part of the consideration of developments within the seafront area. The test as set out in the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 is that new development should preserve or enhance the heritage assets affected.
- 4.8 In the assessment of the previous application it was determined that there should be no objection to the broad principle of providing an outdoor seating area as such a facility would have the scope to enliven the frontage of the site and create an active frontage that would enhance the character of the area. However it was considered that the decking proposal would have covered too much of the frontage of the site and the timber boarding would have been too ‘heavy’ and harmfully mask the existing building, being much denser than other similar single storey structures of the surrounding area.
- 4.9 It is considered that the applicant has successfully addressed these concerns by reducing the width of the decked area by 4 metres and proposing a glazed form of enclosure rather than a denser, timber boarded enclosure. Although of materially different design, it is considered that the proposed glazes extension is now suitably similar to the lightweight form of the other comparable structures that exist within the surrounding area, such as the lightweight canopy to the West elevation of The Kursaal.
- 4.10 The structure proposed by this application would therefore no longer mask the existing locally listed building and would not cause harm to the setting of the building and reduce its contribution to the Conservation Area. For these reasons, it is considered that the proposed development would be in accordance with the abovementioned policies that seek the protection of heritage assets. Moreover, it is considered that the proposals would not cause harm to the character and appearance of the seafront area.

Impact on Residential Amenity

NPPF; DPD 1 (Core Strategy) Policies KP2 and CP4; Southend-on-Sea Borough Local Plan Policies C11 and E5; SPD 1 (Design & Townscape Guide (2009))

- 4.11 The significant distance between the application site and the closest residential properties means that the proposed development would have no harmful impacts on the amenities of residential properties.

Impact on Highway Safety and Parking Provision

National Planning Policy Framework 2012, Core Strategy Policies KP2 and CP4, Borough Local Plan Policies C11 and T11 and SPD1

- 4.12 The Highway Authority have raised no objection to the proposal as the applicant has applied to the Department of Transport to stop up the highway. A copy of correspondence between the applicant and the Department for Transport implies that the necessary Order will be made to stop up the highway if planning permission is granted.
- 4.13 The proposed development would have no impact on vehicular traffic and would not lead to additional parking demand that could not be met by public car parks in the surrounding area. The proposed development would reduce the width of the pedestrian footpath, however, there is still sufficient space for pedestrian movement in this locality as the footway is extensive in this part of the public highway. Therefore, the impact would not be harmful to an extent that would justify the refusal of the application on these grounds.

Flood Risk

National Planning Policy Framework 2012, Core Strategy Policy KP2.

- 4.14 The Environment Agency have highlighted the content of their standing advice which states that the floor levels within the proposed development should be set no lower than existing levels and flood proofing should be incorporated where appropriate.

5 Conclusion

- 5.1 As set out above it is considered that there are positive aspects to the proposal including, but not limited to, the creation of an enhanced seafront and the creation of a more active frontage at a prominent junction within Southend. It is considered that previous concerns about the size of the structure and the detailed design of the structure have been addressed and the proposal would no longer be detrimental to the character and setting of important heritage assets. Therefore, it is considered that the proposal would not cause harm to the setting, character and appearance of a listed building, a locally listed building or the Kursaal Conservation Area. The proposal is therefore in accordance with the content of the development plan and the NPPF.

6 Planning Policy Summary

- 6.1 National Planning Policy Framework.

BLP Policies: C2 (Historic Buildings), C4 (Conservation Areas), C11 (New Buildings, Extensions and Alterations), L2 (Central Seafront Area)

Core Strategy DPD (adopted December 2007) Policies KP2 (Spatial Strategy) and CP4 (Development Principles).

Emerging Development Management DPD Policies DM1 (Design Quality), DM5 (Southend-on-Sea's Historic Environment) and DM6 (The Seafront)

Design and Townscape Guide SPD (adopted December 2009)

7 Representation Summary

Design and Regeneration Team

- 7.1 The existing restaurant is within the former Minerva PH which is a locally listed building. It is located adjacent to the grade II listed Kursaal and within the Kursaal Conservation Area. The conversion to the restaurant has resulted in a regeneration of this historic building which has generally enhanced the building itself, the setting of the Kursaal and the wider the conservation area.

It is proposed to erect a glazed conservatory style extension to the western side of the building extending onto the highway. This follows the trend across the town for restaurants on the seafront to erect covered seating areas to enable the outside dining experience to be achieved in all seasons.

The pavement at this point is very wide and it is therefore considered that there is space for a small extension whilst still maintaining plenty of footway width but the proposed design would need to be of a high quality that was respectful of the character of the existing historic building, the setting of the adjacent listed building and wider conservation area.

The design proposed is a simple fully glazed mono-pitched extension supported by an aluminium frame. The minimal approach to the design and the use of glass for the roof as well as the walls is considered the best approach to take as this should allow views of the building as it originally was to be maintained through the extension and therefore the building to maintain its historic character and prominence in the townscape. The proposal shows that the glazing to be supported by an aluminium frame but little detail of this element has been submitted. It is likely that there will be a need for additional supporting frame structure particularly for the roof of the development where the glazing will need to be supported and a mechanism required for the proposed retracting section. It is therefore suggested that details of the roof structure be conditioned including how the roof and the side walls will be fixed to the building itself to ensure that this has a minimal impact on the character of the building.

It appears that the glazing for the walls will be held in place by the outer frame and taper locks at floor level. This should have a minimal impact on views of the building behind and is welcomed. However, if a frame of some kind is needed for the walls then details of this too should be conditioned. It is unclear, however, what the finish will be at the ground level as the plans seem to show only cross sections of this. They seem to imply that this will be dark treated timber to match the decking, which would be acceptable, but this is unclear.

There appears to be no form of shading for the application and it may therefore be susceptible to solar gain. The drawings seem to show the only opening to be the roof and the emergency exit door. It is suggested that the glazing should be of a specification that reflects heat (solar control glass) so that this does not lead to a problem at a later date. Details of this should also be conditioned.

It is noted that the proposal will abut the building at the exact point where the existing signage is located. Although this seems a logical point on the elevation and is not objected to, there will need to be amendments made to the signage of the premises to enable this. It would be helpful to at least have an indicative idea of how this will be achieved to ensure that the overall proposal is comprehensive. It is also assumed that the existing roller awning will also be removed at this point as these too are likely to cause a conflict. The removal of the awnings in principle will enable the full extent of the existing windows to be revealed and this is seen as a benefit to the proposal overall. These elements should be clarified.

As a precaution it is considered that a condition should be imposed to prevent vinyl or advertising on the glass without prior consent from the LPA as this would conflict with the aims of the proposal to maintain views of the building. It may be that a low key approach to signage on the glass could be achieved but this will need to be controlled.

It is noted that the proposal mentions water run off occurring between the internal decking but, it would be helpful to have further information regarding how rainwater will be discharged generally.

Suggested conditions or clarifications

- Details of frame structure for roof and retracting mechanism and how the frame is fixed to the building particularly at the upper levels
- Colour of frame to be agreed
- Glazing to be 'solar control glass' or similar or clarification of measures to combat solar gain in a way which is compatible with retaining views of the building through the extension
- Materials for fascia at ground level
- No vinyl or adverts to glazing without consent
- Building behind to be retained as existing including windows, doors and decoration
- Details of signage to be clarified
- Confirmation of removal of existing sun blinds
- Exterior lighting to be agreed if applicable
- Rainwater discharged strategy to be clarified

Environment Agency

- 7.2 The Environment Agency have highlighted the content of their standing advice which states that the floor levels within the proposed development should be set no lower than existing levels or 300mm above flood levels and flood proofing should be incorporated where appropriate.

Highway Authority

- 7.3 The Highway Authority have raised no objection to the proposal as the applicant has applied to the Department of Transport to stop up the highway.

Public Consultation

- 7.4 A site notice was posted and letters were sent to 14 neighbouring properties. No letters of objection have been received.

8 Relevant Planning History

- 8.1 Application 14/01116/FUL proposed the laying out of an external decked seating area to the west elevation with retractable awning and the erection of an enclosure with 1.1m high planters, with under lighting, and the installation of a replacement entrance door. That application was withdrawn.
- 8.2 Application 14/00913/ADV was approved to allow the installation of internally illuminated fascia signs to the front and side elevations of the building.
- 8.3 Planning application 15/00440/BC4 proposed the laying out of an external decked seating area to the west elevation with fixed benches and heaters, enclosed with glass panels and a decking board wall. That application was refused for the following reason:

The proposed outdoor seating area and its associated means of enclosure would be detrimental to the character, setting and appearance of the heritage assets at and adjacent to the application site and the setting of the Conservation Area. The proposal is therefore contrary to the National Planning Policy Framework, policies KP2 and CP4 of the Southend-on-Sea Core Strategy, policies C4 and C11 of the Southend-on-Sea Borough Local Plan, policy DM1 of the Council's emerging Development Management DPD and the Council's Design and Townscape Guidance (SPD1)

9 Recommendation

9.1 It is recommended that planning permission be GRANTED subject to the following conditions:

01 Condition: The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

02 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans: 1.1.05 D, 02.02.02 B, 02.02.03 B, 0.02 A, 1.106 B, 0.04, 0.05 and 01.01.09 B

Reason: To ensure that the development is carried out in accordance with provisions of the Development Plan.

03 Condition: No development shall take place until samples of the materials to be used on all the external elevations and details of the design of the frame and any other supporting structures required as part of this development have been submitted to and approved by the local planning authority. The development shall only be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, Borough Local Plan 1994 policy C11, and SPD1 (Design and Townscape Guide).

04 Notwithstanding the Town and Country Planning (Control of Advertisements) Regulations 2007, no adverts shall be affixed to the glazed structures hereby approved.

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, Borough Local Plan 1994 policy C11, and SPD1 (Design and Townscape Guide).

05 No external lighting shall be installed at the site unless a scheme of lighting has first been submitted to and approved in writing by the Local Planning Authority.

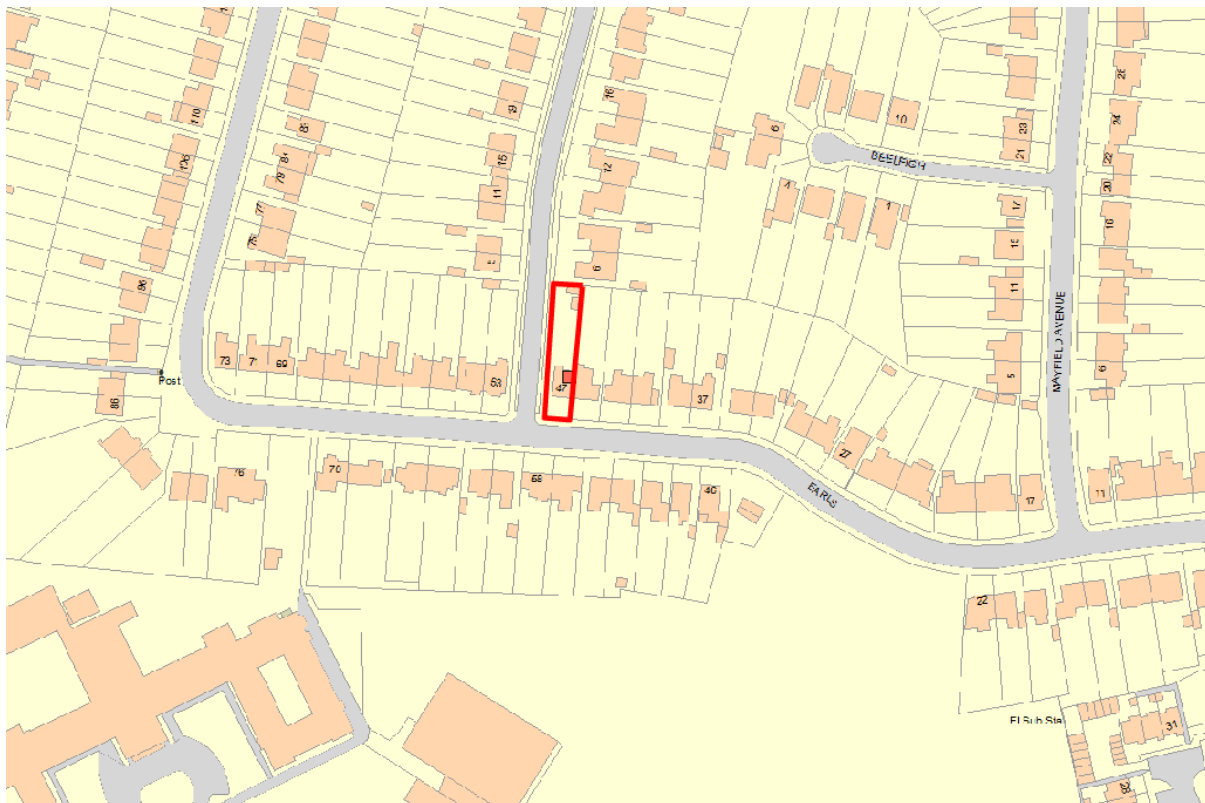
Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, Borough Local Plan 1994 policy C11, and SPD1 (Design and Townscape Guide).

The finished floor level of the proposed outdoor seating area should be no lower than existing floor levels (whichever is lower) unless otherwise approved in writing by the Local Planning Authority.

Reason: To minimise the potential impacts of flooding which the dwelling is at risk of, in accordance with National Planning Policy Framework 2012 and Core Strategy Policy KP2.

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

Reference:	15/00954/AMDT
Ward:	Prittlewell
Proposal:	Application to vary condition 02 (approved plans) to amend height of garage of planning permission 14/01691/FULH dated 30th December 2014.
Address:	47 Earls Hall Avenue, Southend-On-Sea, Essex, SS2 6PB
Applicant:	Mrs Lindsay Furness
Agent:	N/A
Consultation Expiry:	13 th July 2015
Expiry Date:	13 th August 2015
Case Officer:	Anna Tastsoglou
Plan No's:	422/A/14/R
Recommendation:	REFUSE PLANNING PERMISSION AND AUTHORISE ENFORCEMENT ACTION



1 The Proposal

1.1 The proposed development is part retrospective in nature and seeks planning approval to vary condition 02 (approved plans), to raise the roof height of the previously approved garage, of planning permission 14/01691/FULH dated on 30th December 2014.

1.2 *Condition 2: The development hereby permitted shall be carried out in accordance with the approved plans: 422/A/14/R.*

Reason 2: To ensure that the development is carried out in accordance with provisions of the Development Plan

1.3 The detached garage has been increased in height by 600mm (from 3.5m to 4.1m). The gabled roof has been also amended from a north-south gable to an east-west gable. The footprint and siting of the garage remains as approved.

2 Site and Surroundings

2.1 The site relates to a two storey semi-detached dwellinghouse, located on the northern side of Earls Hall Avenue, on the eastern side of its junction with Parkstone Drive. The property has an average size rear garden, relative to the area. A single flat roof detached garage was located to the north end of the rear garden of the property in similar position to the proposed double garage. Directly to the north is sited a semi-detached bungalow, with a garage up to the shared boundary with the application site.

2.2 The area is residential in character. Earls Hall Avenue comprises of two storey semi-detached dwellinghouses, which style and design varies. Immediately to the north of the application site are located three pairs of semi-detached bungalows.

3 Planning Considerations

3.1 The key considerations in relation to the application are the principle of the development, design and impact on the character of the area and the impact on residential amenity.

4 Appraisal

Principle of Development

NPPF; DPD 1 (Core Strategy) Policies KP2 and CP4; Southend-on-Sea Borough Local Plan Policies C11 and H5.

4.1 The site is occupied by a residential dwelling. An outbuilding ancillary to the main dwelling is considered acceptable in principle. Other material planning considerations are discussed below.

Design and Impact on the Character of the Area:

NPPF; DPD 1 (Core Strategy) Policies KP2 and CP4; Southend-on-Sea Borough Local Plan Policies C11 and H5; SPD 1 (Design & Townscape Guide (2009)); Policy DM1 of the emerging Development Management DPD

- 4.2 It should be noted that good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in the Policies C11 and H5 of the Borough Local Plan, Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the emerging Development Management DPD. The Design and Townscape Guide (SPD1) also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”*
- 4.3 Paragraph 56 of the NPPF states that *“good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”*
- 4.4 Policy C11 of the Borough Local Plan states that *“new buildings and extensions or alterations to existing buildings should be designed to create a satisfactory relationship with their surroundings in respect of form, scale, massing, height, elevational design and materials”*. Policy H5 also requires *“all development within residential streets to be appropriate in its setting by respecting neighbouring development, existing residential amenities, and the overall character of the locality.”*
- 4.5 According to Policy KP2 of Core Strategy (CS) new development should *“respect the character and scale of the existing neighbourhood where appropriate”*. Policy CP4 of CS 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”*.
- 4.6 Paragraph 358 of The Design and Townscape Guide (SPD1) advises that detached garages *“should be designed to complement the character of the associated building. As with all new buildings they should embrace the design principles set out in this document.”*

- 4.7 It is proposed to increase the height of the previously approved garage by 600mm. As noted above the orientation of the roof of the garage has been amended. The appearance of the gabled roof has fundamentally altered from the previously approved garage. The roof form instead of sloping away from the street, now has the gable fronting the street creating a more dominant building within the public realm. The footprint of the garage and its position has remained the same, which was previously considered acceptable. Whilst a part of it is hidden behind the existing 2m high fence/gates, given the increased height and the roof orientation, the garage is unacceptably dominant in the Streetscene. It is therefore considered that due to the increased height and the amended roof design, the garage appears incongruous in the Streetscene to the detriment of the visual amenity and the character of the area.

Traffic and Transport Issues

NPPF; Southend-on-Sea Borough Local Plan Policies 8 and T11; EPOA adopted Vehicle Parking Standards 2001; Policy DM15 of the merging Development Management DPD; SPD1

- 4.8 Policy DM15 of the emerging Development Management DPD, which is expected to be adopted in late July 2015 and has substantial weight, requires that all development should meet the parking standards. Therefore, for a 4 bedroom dwelling outside Southend Central area, the provision of two parking spaces is required. However, given that one parking space was previously provided for the dwelling and one parking space is now provided, there is no 'net loss' of on-site parking. Therefore, in this particular occasion there is no requirement to provide more than the one parking space proposed.
- 4.9 Paragraph 358 of the SPD1 states that *"garages in particular should be set back from the pavement to allow to pull up without causing obstruction."* It is also advised that *"garages should normally be set back at least one car's length from the footway to prevent cars parked in the driveway from overhanging the pavement"*. The proposed garage is located the same distance back from the approved garage and the previous single garage. The impact of the limited set back of the proposed garage was considered only marginally worse than this caused by the previous single garage and therefore, in this particular occasion is considered acceptable.
- 4.10 Policy DM15 of the Development Management DPD requires garage to have a minimum internal floor space of 3m x 7m. The proposed garage would be 5m x 5m and therefore, given that the internal size of the garage would be larger than the minimum required, no objection is raised in relation to its scale.

Impact on Residential Amenity:

NPPF; Southend-on-Sea Borough Local Plan Policies 8 and T11; EPOA adopted Vehicle Parking Standards 2001; Emerging Development Management DPD Policy DM1

- 4.11 The Design and Townscape Guide (SPD1) states 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.*” (Paragraph 343 - Alterations and Additions to Existing Residential Buildings). Policy DM1 of the emerging Development Management DPD and policy H5 of the BLP requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities “*having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.*”
- 4.12 The proposed garage is sited 200mm off the northern boundary and it projects marginally forward than the adjacent neighbouring side garage. However, the position of the garage has not been amended from the previously approved proposal, which was considered not to result in a material harm on the residential amenity of the neighbouring property to the north. Given that adjoining property to the north has no windows within the south flank elevation and that the proposed garage is sited as per the previous approved, it is not considered that the 600mm increased height of the garage would result in a materially greater impact on the amenities of the nearby neighbours to the north, by way of overshadowing or domination.
- 4.13 The proposed garage is sited at the end of the rear garden of the property, around 19 metres away from the semi-detached dwelling to the east. This distance of separation is considered reasonable to prevent from any adverse impact on the amenity of the neighbours to the east.

Human Rights Consideration

- 4.14 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 either demolish and remove all associated materials and debris from the site or build the garage in accordance with the plans approved (Ref No.: 14/01691/FULH).

5 Conclusion

- 5.1 The proposed development, due to the increased roof height and the amended orientation of the gable roof, would appear incongruous in the Streetscene to the detriment of the visual amenity and the character of the area.

6 Planning Policy Summary

- 6.1 The National Planning Policy Framework (2012) : Section 7 (Requiring Good design)
- 6.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles) and CP4 (Environment & Urban Renaissance)
- 6.3 Southend-on-Sea Borough Local Plan Policies C11 (New Buildings, Extensions and Alterations), H5 (Residential Design and Layout Considerations), T8 (Traffic Management and Highway Safety), and T11 (Parking Standards).
- 6.4 Supplementary Planning Document 1: Design & Townscape Guide (2009)
- 6.5 Essex Planning Officers Association (EPOA) adopted Vehicle Parking Standards (2001).
- 6.6 Development Management DPD (revised proposed submission), March 2014: DM15 (Sustainable Transport Management)

7 Representation Summary

Public Consultation

- 7.1 Six neighbours were consulted and one representation has been received as follows:
 - The development is oversized, affect the visual amenity and the street view and it is not in keeping with the building on the street.
- 7.2 Councillor Walker has requested that this planning application go before the Development Control Committee for consideration.

8 Relevant Planning History

- 8.1 14/01691/FULH - Erect single storey side extension and conservatory at rear, erect replacement detached garage at rear (amended proposal). Planning permission granted.
- 8.2 14/00959/FULH - Erect single storey side extension and conservatory at rear, erect replacement detached garage at rear. Planning permission refused.

9 Recommendation

REFUSE PERMISSION for the following reasons:

- 01 The garage, by reason of the increased roof height and the orientation of the gable roof would be out of the context with the surrounding area and will appear incongruous in the Streetscene to the detriment of the character and appearance of the area contrary to National Planning Policy Framework, Core Strategy Policies KP2 and CP4, Borough Local Plan Policies C11 and H5, the Design and Townscape Guide, 2009 (SPD1) and Development Management DPD Policy DM1.**

Enforcement:

- 01 Members are recommended to AUTHORISE ENFORCEMENT ACTION to either demolish and remove all associated materials and debris from the site or build the garage in accordance with approved plans submitted with planning application Ref No.: 14/01691/FULH dated 31st December.**
- 02 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.**
- 03 When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. It is considered that a three months compliance period is reasonable in these circumstances.**

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. The Local Planning Authority is willing to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development, should the applicant wish to exercise this option in accordance with the Council's pre-application advice service.

Reference:	15/01070/DOV
Application Type:	Deed of Variation
Ward:	Milton
Proposal:	Modification of planning obligation (Section 106 agreement) dated 17/04/2014 pursuant to application 13/00438/FULM allowed on appeal dated 17/12/2014 to vary the requirement to provide affordable housing.
Address:	British Heart Foundation, 3 - 5 High Street, Southend-on-Sea, Essex SS1 1JE
Applicant:	David Jarman (Hobbs Parker)
Agent:	As above
Consultation Expiry:	n/a
Expiry Date:	21 st August 2015
Case Officer:	Amanda Rogers
Recommendation:	Delegate to the Head of Planning and Transport or Group Manager for Planning and Building Control to GRANT A MODIFICATION OF THE PLANNING OBLIGATION DATED 17/04/2014 pursuant to planning application 13/00438/FULM allowed on appeal dated 17/12/2014



1 Introduction

- 1.1 Section 106A of the Town and Country Planning Act 1990 allows for an application to be made to a local authority to consider a proposed modification or discharge of a planning obligation, and the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 set out the procedure for dealing with any such applications.
- 1.2 The National Planning Policy Framework (NPPF) 2012 specifically defines “Affordable Housing” in its Glossary as follows (underlining added):

Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.

Social rented housing is owned by local authorities and private registered providers (as defined in section 80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency.

Affordable rented housing is let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).

Intermediate housing is homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing.

Homes that do not meet the above definition of affordable housing, such as “low cost market” housing, may not be considered as affordable housing for planning purposes.

- 1.3 There is a clear distinction between an application made under S106A and S106BA of the Town and Country Planning Act 1990. The latter being based on an argument that a scheme is unviable with the inclusion of affordable housing (this is not the case on this occasion). In this instance, the application is made under S106A of the Town and Country Planning Act 1990. Under this section of the Act, by negotiation between the applicant and the local authority it may be considered that a planning obligation no longer serves a useful planning purpose or if it continues to serve a useful purpose that that purpose may be equally well served if it were to be modified. Alternatively, a local authority may determine that the planning obligation should continue to have effect without modification. If it is more than 5 years since the planning obligation was entered into then section 106B allows for a right of appeal to the Secretary of State should the local authority fail to determine any such application within 8 weeks or refuse an application. In this case less than 5 years has elapsed, which means there is no right of appeal and due to the application being recently considered by the Council, no public consultation is necessary in association with the application.
- 1.4 A planning obligation is enforceable as a contract and whether it is varied or not is at the local authority's discretion. On this basis it is considered that a planning obligation should only be discharged or modified under S106A if it can be demonstrated that it no longer serves a useful planning purpose.

2 The Proposal

- 2.1 Planning permission was granted on appeal on 17th December 2014 to *“Convert first, second and third floors into nine self-contained flats, erect four storey rear extension and roof extension containing nine further flats and ground floor commercial unit (total 18 flats), layout cycle storage and waste storage at ground floor, layout roof terraces and balconies”*).
- 2.2 This permission was subject to a Unilateral Undertaking dated 17th April 2014 to secure the following:
- Four affordable housing units including 2 one bedroom dwellings and 2 two bedroom dwellings
 - Education contribution of £7,086
 - Public realm improvements contribution of £10,180
 - S106 monitoring fee of £1,441
- 2.3 Under S106A the applicant is seeking to vary the requirement for the provision of affordable housing to provide a financial contribution in lieu of on-site provision on grounds that there is no interest from Registered Providers.

2.4 The applicant has submitted the following evidence in support of their application:

- Covering letter dated 26th June 2015 including estimated sales values
- Two reports from Dedman Gray dated 15th July 2015 providing comparable property information as evidence in support of the sales values

3 Planning Considerations

3.1 The legal test and material planning consideration in respect of this application is whether or not the planning obligation still serves a useful planning purpose or if it continues to serve a useful purpose that that purpose may be equally well served if it were to be modified.

4 Appraisal

The National Planning Policy Framework, DPD 1 (Core Strategy) strategic objective SO7, policies KP3, CP6 and CP8; and SPD2

4.1 Core Strategy policy CP8 states the following:

For sites providing less than 10 dwellings (or below 0.3 ha) or larger sites where, exceptionally, the Borough Council is satisfied that on-site provision is not practical, they will negotiate with developers to obtain a financial contribution to fund off-site provision. The Council will ensure that any such sums are used to help address any shortfall which in affordable housing.

4.2 Paragraph 2.7 of “Supplementary Planning Document: Planning Obligations” (SPD2) reiterates the fact that “*The policy [CP8] generally requires 20-30% of the proposed units to be affordable depending on the scale of the development, or a financial contribution to be made where on-site provision is either not feasible or not practicable.*” Hence, the preference in terms of affordable housing provision is on-site. Alternatively, the Council may seek to secure the affordable housing provision on another site owned by the applicant or in exceptional circumstances accept a financial contribution in lieu of on-site provision.

4.3 In support of the submission the applicant has provided copies of correspondence from Sanctuary Group and Estuary Housing Association. Sanctuary Group has stated that this is not currently a strategic area for them and they are not therefore interested in locating in Southend. Estuary Housing Association has also stated that they are not interested in taking the affordable housing units as they do not like to develop units above shops.

4.4 In addition, Strategic Housing have confirmed that discussions have been had between Moat Homes Ltd and the property owners, and this registered provider also do not want to take the four affordable units as their policy is not to consider any S106 schemes below 10 in number.

- 4.5 With regard to the provision of affordable housing on site, it is considered that the applicant has satisfactorily demonstrated that there is no interest from Registered Providers (RP's) for the relatively small scale provision. The same issue has been encountered recently on another site within the borough where a small number of affordable units were to be provided. In addition, as far as officers are aware the developer is not in a position to locate the affordable housing on an alternative site, which may also present the risk of a Registered Provider still not being interested in purchasing the units. It is therefore, considered appropriate to allow a commuted sum payment in lieu of on-site affordable housing provision.
- 4.6 In this instance the Strategic Housing team consider that is suitable to accept a commuted sum in lieu of on-site provision due to the lack of the interest in these units from Registered Providers who operate in the borough. It should also be noted this commuted sum will be used to help to fund the Council's plans to develop affordable housing in the borough in the coming years.
- 4.7 The Council adopts a standard approach to calculating affordable housing financial contributions based on accepting 30% of the open market value of the residential units on a site, which is considered to represent the value of the land, plus 10% for costs associated with the Council delivering the affordable housing instead of the developer. Initially, the applicant offered £110,143.20 as a financial contribution. However, this was based on seeking a vacant building credit in respect of the affordable housing requirement and the applicant has conceded that they do not have a financial viability case to back up this position. They subsequently offered £144,925.26 but the sales values provided to support this calculation were disputed. After further evidence being sought in respect of comparable sales values ranging from £115K-£169K for a one bedroom unit and £124,995-£175K for a two bedroom unit, the applicant has now agreed to a financial contribution for affordable housing of £187,914 which is considered reasonable.

5 Conclusion

- 5.1 Under the test set out in paragraph 3.1 above, the planning obligation to which this application relates still serves a useful planning purpose (i.e. to deliver affordable housing) but it is considered that that purpose may be equally well served if it were to be modified.
- 5.2 It is considered that sufficient evidence has been provided to justify a revision to the S106 affordable housing requirement to allow payment of a commuted sum in lieu of on-site provision. The agreed financial contribution towards affordable housing is £187,914. It is therefore recommended that a deed of variation be completed in relation to the existing section 106 agreement to reflect this modification.

6 Planning Policy Summary

- 6.1 National Planning Policy Framework (NPPF) 2012 and National Planning Practice Guidance (NPPG).
- 6.2 Development Plan Document 1 (2007): Core Strategy Policies KP3 (Implementation and Resources), CP6 (Community Infrastructure) and CP8 (Dwelling Provision).
- 6.3 Supplementary Planning Document 2: A Guide to Section 106 & Developer Contributions (2010).

7 Representation Summary

- 7.1 **Housing:** In this instance the Strategic Housing team consider that is suitable to accept a commuted sum in lieu of onsite provision due to the lack of the interest in these units from Registered Providers who operate in the borough. It should also be noted this commuted sum will be used to help to fund the Council's plans to develop affordable housing in the borough in the coming years.
- 7.2 **Members:** Councillors Walker and Ware-Lane have objected to the application stating that affordable housing should be provided.

8 Public Consultation

- 8.1 None required (see paragraph 1.3 above).

9 Relevant Planning History

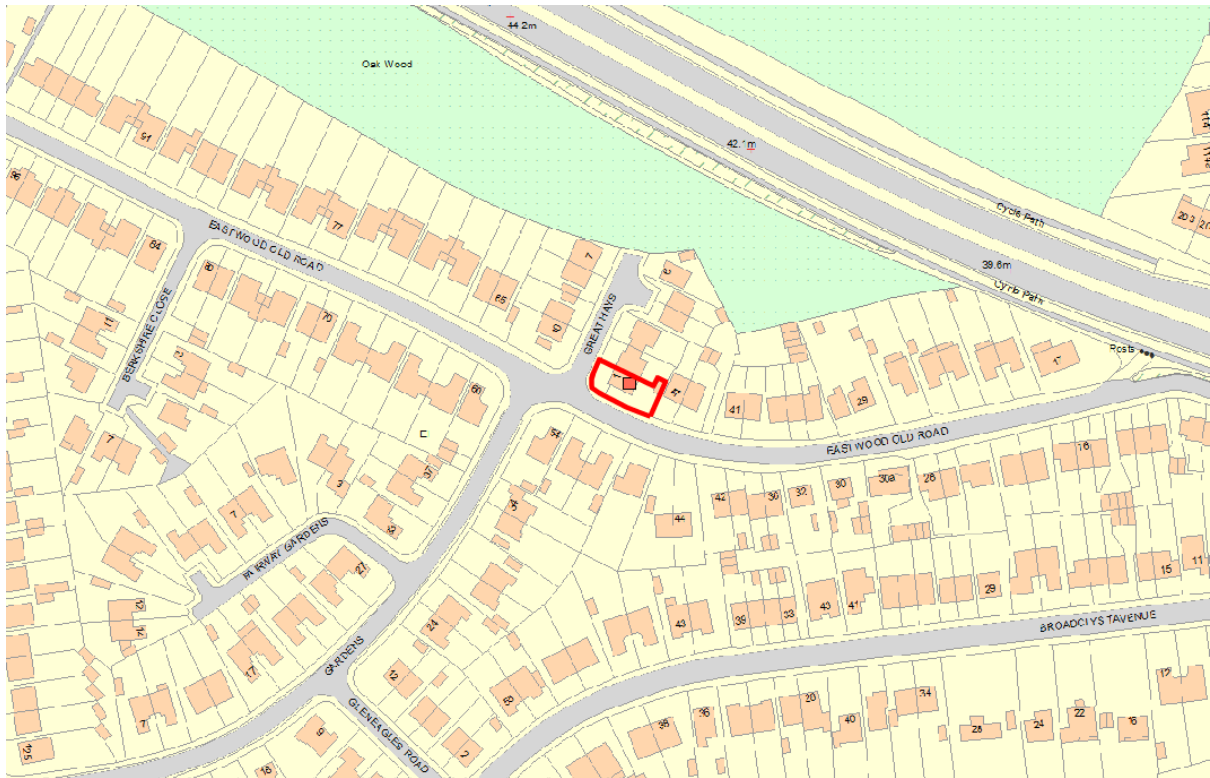
- 9.1 17th December 2014: Planning permission granted on appeal to "*Convert first, second and third floors into nine self-contained flats, erect four storey rear extension and roof extension containing nine further flats and ground floor commercial unit (total 18 flats), layout cycle storage and waste storage at ground floor, layout roof terraces and balconies*").
- 9.2 2008 - Permission granted to convert the first, second and third floors to either offices (Class B1) or financial/professional service use (Class A2) (SOS/08/00561/FUL). This permission expired in 2011.
- 9.3 2005 - Permission granted to convert the first, second and third floors into 9 self-contained flats, extend light well, erect railings to parapet and staircase enclosure to roof and lay out 2 parking spaces at rear (SOS/ 04/01865/FUL and 04/01864/CAC). This permission was not implemented and has also expired.
- 9.4 2004 permission granted to convert first, second and third floors into 8 self-contained flats and 1 bed sitting unit, extend light well, erect railings to parapet and staircase enclosure to roof and lay out 2 parking spaces at rear. 04/00840/FUL and 04/00841/CAC. The application was not implemented and has expired.

9.5 2003 - Convert upper floors into six self-contained flats and three bed sitting units, erect railings to existing parapet and staircase enclosure to roof lay out additional parking spaces at rear out additional parking spaces at rear 03/01220/FUL and 03/01221/CAC – application withdrawn.

10 Recommendation

10.1 Members are recommended to delegate to the Head of Planning and Transport or the Group Manager for Planning and Building Control to GRANT A MODIFICATION OF THE PLANNING OBLIGATION dated 17th April 2014 pursuant to application 13/00438/FULM allowed on appeal to provide a commuted sum payment for affordable housing of £187,914 in lieu of on-site provision.

Reference:	15/00979/FULH
Ward:	Belfairs
Proposal:	Erect two storey side extension (Amended Proposal)
Address:	1 Great Hays, Leigh-On-Sea, Essex, SS9 4RR
Applicant:	Mr R. Cherry
Agent:	Mr A. Collinson (New World Designers)
Consultation Expiry:	22/07/15
Expiry Date:	10/08/15
Case Officer:	Ian Harrison
Plan No's:	2545/2/36A
Recommendation:	REFUSE Planning Permission



1 The Proposal

- 1.1 The application seeks permission for the erection of a two storey side extension.
- 1.2 The proposed extension would project from the side of the existing dwelling by 3.2 metres and be 7.6 metres deep. The rear elevation of the extension would be flush with the rear elevation of the existing dwelling, the ground floor of the extension would be set back from the front elevation of the existing dwelling by 0.7 metres. The roof of the proposed extension would be built to an eaves height of 5.1 metres and a ridge height of 6.5 metres, thereby being 0.4 metres below the height of the existing dwelling.
- 1.3 This application follows the refusal of application 15/00424/FULH which proposed a similar development. That application was refused for the following reason:
 1. *The proposed development due to the small separation from the prominent side boundary of the plot and the incongruous first floor overhang would be detrimental to the character and appearance of the existing dwelling and the surrounding area, contrary to Policies C11 and H5 of the Borough Local Plan and KP2 and CP4 of the Core Strategy, emerging Development Management DPD policy DM1 and advice contained within the adopted Design and Townscape Guide (SPD1).*
- 1.4 This application would reduce the width of the extension by 0.7 metres and a previously proposed first floor overhang feature has been omitted.

2 Site and Surroundings

- 2.1 The site is located to the East of Great Hays and to the North of Eastwood Old Road. The site measures a maximum of 22 metres deep and the majority of the site measures 10 metres wide. The site contains a two storey semi-detached dwelling with a pitch-roofed and a conservatory to the rear.
- 2.2 The site is not the subject of any site specific planning policies.
- 2.3 The surrounding area is characterised by featuring a mixture of two storey dwellings of similar scale and design to the dwelling at the application site and bungalows to the South. The two storey dwellings that are adjacent to the site are of uniform appearance and scale. It is noted that the property of 10 Great Hays (opposite the application site), which has more space to the side of the dwelling, features a similar two storey side projection. This is assumed to be an extension but does not appear to have been the subject of a planning application.

3 Planning Considerations

- 3.1 The key considerations of this application are the principle of the development, the design and impact on the character of the area and the impact on residential amenity.

4 Appraisal

Principle of Development

National Planning Policy Framework 2012, Core Strategy Policies KP2 and CP4, Borough Local Plan Policies C11 and H5, Emerging Development Management DPD Policy DM1 and SPD1

- 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 are Borough Local Plan Policies relating to design. 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. Subject to detailed considerations, the proposed extension to the dwelling is considered to be acceptable in principle.

Design and Impact on the Character of the Area:

National Planning Policy Framework 2012, Core Strategy Policies KP2 and CP4, Borough Local Plan Policies C11 and H5, Emerging Development Management DPD Policy DM1 and SPD1

- 4.2 Policy C11 of the Borough Local Plan (BLP) states that new buildings and extensions or alterations to existing buildings should be designed to create a satisfactory relationship with their surroundings in respect of form, scale, massing, height, elevational design and materials.
- 4.3 Paragraph 351 of SPD1 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 integrated with the existing property. Poorly designed side extensions will detrimentally affect the proportions and character of the existing property and so extreme care should be taken to ensure the original design qualities are preserved. Set backs can also alleviate the difficulty of keying new materials (particularly brickwork) into old and disguises slight variations.”*
- 4.4 The proposed side extension is subservient to the host dwelling in terms of height and depth, being appropriately set back from the frontage.
- 4.5 It was previously considered that an overhanging first floor feature would have been an inappropriate design feature that would not have been in-keeping with the character or appearance of the architecture of the existing dwelling or character of the area. That feature has now been omitted.

- 4.6 Paragraph 63 of SPD1 states that *“When planning development on a corner site, the issue of two public frontages needs to be addressed. The context of the adjoining streets including scale, rhythm and form requires a single design solution, and development will be required to present a well designed and appropriately scaled elevations to both frontages. In some areas of the Borough the openness of road junctions is part of the local character and where this occurs it must be respected in the design of new development. This can mean setting the footprint back from the road to open the corner at ground level and ensuring the height of the proposal is appropriate and does not create a ‘canyon effect’.”*
- 4.7 In this instance it is considered that the two storey scale of the development and the proximity of that development to the side boundary of the plot would have the effect of intervening in views along Eastwood Road North which would cause the extension to have a significant impact on the street-scene of Eastwood Road North. It was previously considered that this would have had the effect of exaggerating the harmful visual impact of the extension, caused by the first floor overhang feature. As this feature has now been omitted it is considered that the proposed extension would be less harmful than before. However, it is considered that the extension would still have a dominating effect at the prominent corner junction and have a significant impact on the Streetscene of Eastwood Road North.
- 4.8 For these reasons it is considered that the proposed development would still be contrary to the Council’s Design and Townscape guidance and would cause material harm to the appearance of the street-scene and the character of the area in general.

Impact on Residential Amenity:

NPPF; DPD 1 (Core Strategy) Policies KP2 and CP4; Southend-on-Sea Borough Local Plan Policy C1; SPD 1 (Design & Townscape Guide (2009))

- 4.9 Paragraph 343 of SPD1 (under the heading of Alterations and Additions to Existing Residential Buildings) states, 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. Policy H5 of the Borough Local Plan requires that development respect existing residential amenities, and Policy C11 requires that new extensions create a satisfactory relationship with surroundings.
- 4.10 The proposed extension would be built towards the neighbouring highway and would therefore have no impacts on the light, privacy or outlook of any surrounding residential properties.

5 Conclusion

- 5.1 The principle of residential development can be supported and it is considered that the means of extending the dwelling would not cause harm to the amenities of neighbouring residents. Whilst an improvement in comparison to a previously proposed development at this site, it is considered that the scale of the proposed extension is not acceptable as the extension would be built in close proximity to the boundary of the site and would therefore become a prominent addition in the street-scene that would intervene in views along Eastwood Road North. The proposal would therefore cause material harm to the character and appearance of the site, the street-scene and the surrounding area, contrary to the content of the NPPF and the development plan.

6 Planning Policy Summary

- 6.1 BLP Policies: C11 (New Buildings, Extensions and Alterations), H5 (Residential Design and Layout Considerations)

Core Strategy DPD (adopted December 2007) Policies KP2 (Spatial Strategy) and CP4 (Development Principles)

Emerging Development Management DPD Policy DM1 (Design Quality).

Design and Townscape Guide SPD (adopted December 2009)

7 Representation Summary

Public Consultation

- 7.1 Six neighbouring properties were notified of the application. No letters of objection have been received at the time of writing.
- 7.2 This application has been called in to the Development Control Committee by Councillor Ayling.

8 Relevant Planning History

- 8.1 This application follows the refusal of application 15/00424/FULH which proposed a similar development. That application was refused for the following reason:

- 1. The proposed development due to the small separation from the prominent side boundary of the plot and the incongruous first floor overhang would be detrimental to the character and appearance of the existing dwelling and the surrounding area, contrary to Policies C11 and H5 of the Borough Local Plan and KP2 and CP4 of the Core Strategy, emerging Development Management DPD policy DM1 and advice contained within the adopted Design and Townscape Guide (SPD1).*

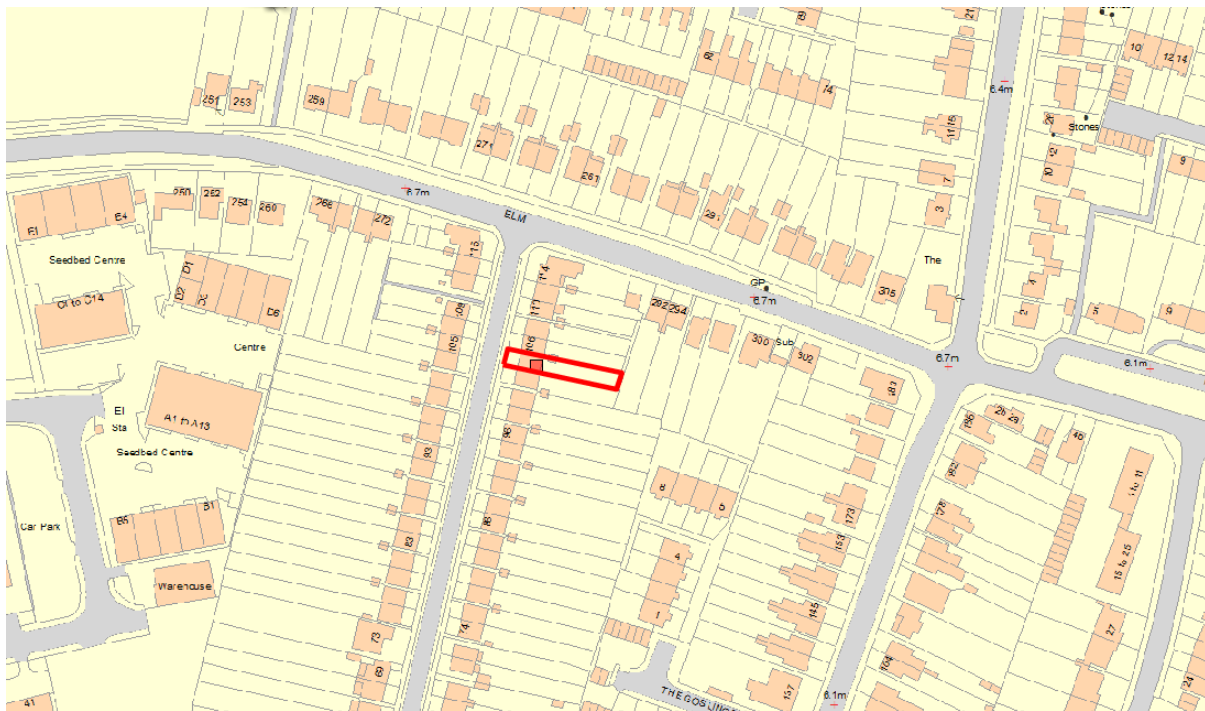
9 Recommendation

REFUSE PLANNING PERMISSION for the following reason:

- 9.1 The proposed development due to the minimal separation from the prominent side boundary of the plot would be detrimental to the character and appearance of the existing dwelling and the surrounding area, contrary to Policies C11 and H5 of the Borough Local Plan and KP2 and CP4 of the Core Strategy, emerging Development Management DPD policy DM1 and advice contained within the adopted Design and Townscape Guide (SPD1).**

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. The Local Planning Authority is willing to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development, should the applicant wish to exercise this option in accordance with the Council's pre-application advice service.

Reference:	15/01090/FULH
Ward:	Shoeburyness
Proposal:	Demolish existing single storey rear extension, erect new single storey rear extension.
Address:	104 Waking Avenue, Shoeburyness, Southend-On-Sea, Essex, SS3 9BB
Applicant:	Mr & Mrs Lord
Agent:	Mr N. Kenney (The Draughtsman)
Consultation Expiry:	29/07/15
Expiry Date:	27/08/15
Case Officer:	Ian Harrison
Plan No's:	Location Plan and WA/NAK/01
Recommendation:	GRANT Planning Permission



1 The Proposal

- 1.1 The application seeks permission to demolish the existing single storey structures at the rear of the site and erect a single storey extension at the rear of the existing terraced dwelling.
- 1.2 At present the main part of the dwelling measures 7.6 metres deep and 5.6 metres wide with an eaves height of 5.7 metres and a ridge height of 8.8 metres with a small single storey front projection. At the rear, the dwelling features 2.25 metre deep single storey extension with a flat roof built to a height of 2.8 metres and to the rear of that is a 1 metre wide 4.7 metre deep attached outhouse which is built to a maximum height (at the boundary) of 3.2 metres.
- 1.3 The application proposes the demolition of the existing single storey structures at the rear of the site and the erection of a single storey extension. The first part of the proposed extension would measure 4 metres deep and 5.6 metres wide, thereby matching the width of the site. The extension would feature a pitched roof built to an eaves height of 2.6 metres and a ridge height of 3.8 metres.
- 1.4 At the boundary that is shared with 106 Waking Avenue, a further 2.9 metres deep and 2.5metre wide extension is proposed with a matching eaves height and a ridge height of 3.3 metres. The proposed extension would project no further than the existing attached outhouse that is referred to above.

2 Site and Surroundings

- 2.1 The site is located to the East of Waking Avenue. The site contains a two storey terraced dwelling which is described in detail above.
- 2.2 The site is not the subject of any site specific planning policies.

3 Planning Considerations

- 3.1 The key considerations of this application are the principle of the development, the design and impact on the character of the area and the impact on residential amenity.

4 Appraisal

Principle of Development

National Planning Policy Framework 2012, Core Strategy Policies KP2 and CP4, Borough Local Plan Policies C11 and H5, Emerging Development Management Policy DM1 and SPD1

- 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 are Borough Local Plan Policies relating to design. 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. Subject to detailed considerations, the proposed extension to the dwelling is considered to be acceptable in principle.

Design and Impact on the Character of the Area:

National Planning Policy Framework 2012, Core Strategy Policies KP2 and CP4, Borough Local Plan Policies C11 and H5, Emerging Development Management Policy DM1 and SPD1

- 4.2 Policy C11 of the Borough Local Plan (BLP) states that new buildings and extensions or alterations to existing buildings should be designed to create a satisfactory relationship with their surroundings in respect of form, scale, massing, height, elevational design and materials. This is supported by Section 10 of SPD1 which states that extensions should be integrated with the character of the parent building.
- 4.3 Due to the position of the extension at the rear of the dwelling it is considered that the visual impact would be entirely masked from the public domain. The extension would be of appropriately subordinate scale in terms of height. Similarly, the reasonably sized addition at the rear of the property does not result in the overall mass of the dwelling being harmfully dominant of the character of the original dwelling.
- 4.4 The position and proportions of the proposed extension means that it is not possible for the roof of the extension to fully integrate with the host dwelling and the roof of the extension would therefore take the form of a pitched roof that runs perpendicularly to the existing dwelling. However, this is considered to be appropriate and does not, therefore, cause harm to justify the refusal of the application, particularly given the fact that the extension would be hidden from the public domain.

Impact on Residential Amenity:

NPPF; DPD 1 (Core Strategy) Policies KP2 and CP4; Southend-on-Sea Borough Local Plan Policy C1; Emerging Development Management Policy DM1 and SPD 1 (Design & Townscape Guide (2009))

- 4.5 Paragraph 343 of SPD1 (under the heading of Alterations and Additions to Existing Residential Buildings) states, 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. Policy H5 of the Borough Local Plan requires that development respect existing residential amenities, and Policy C11 requires that new extensions create a satisfactory relationship with surroundings.
- 4.6 The extension would be built up to the boundaries that are shared with neighbouring properties, 102 and 106 Wakering Avenue. 102 Wakering Avenue has recently been the subject of a prior approval application to enable a 4 metre deep extension to be erected at the shared boundary. Although this extension is yet to be built, the extension would be no deeper than that proposed extension and it is therefore considered that the extension would not cause an unreasonable loss of light, privacy or outlook within that property once it has been extended. In the circumstances where that permission is not implemented, it is considered that the extension hereby proposed would project no further than the existing conservatory at the neighbouring property and therefore not have an unduly imposing impact on the outlook from within that property or cause an unreasonable loss of daylight. The existing conservatory would be to the South of the extension that is hereby proposed and therefore the extension would have no impact on the sunlight that is received within the conservatory.
- 4.7 At the boundary that is shared with 106 Wakering Avenue, the extension would be no deeper than an existing single storey projection and lower in height at the boundary than the existing structure. It is therefore considered that the extension would not cause a loss of light, privacy or outlook that is materially different to the existing situation.
- 4.7 Due to the position of the extension and the separation distance to other neighbouring properties it is considered that no other dwellings would be harmfully affected by the proposed development.

5 Conclusion

- 5.1 In this instance it is considered that the proposed development would not cause harm to the amenities of neighbouring residents to an extent that would justify the refusal of the application and would not cause harm to the character or appearance of the site or the surrounding area. The proposal is therefore considered to comply with the NPPF and the content of the development plan.

6 Planning Policy Summary

6.1 National Planning Policy Framework

National Planning Practice Guidance.

BLP Policies: C11 (New Buildings, Extensions and Alterations), H5 (Residential Design and Layout Considerations)

Core Strategy DPD (adopted December 2007) Policies KP2 (Spatial Strategy) and CP4 (Development Principles)

Emerging Development Management DPD Policy DM1 (Design Quality.)

Design and Townscape Guide SPD (adopted December 2009)

7 Representation Summary

Public Consultation

7.1 Seven neighbouring properties were notified of the application. No letters of objection have been received.

7.2 This application has to be presented to the Council's Development Control Committee as the applicant works for Southend Borough Council.

8 Relevant Planning History

8.1 None

9 Recommendation

9.1 GRANT PLANNING PERMISSION subject to the following conditions:

01 Condition: The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

02 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan and WA/NAK/01

Reason: To ensure that the development is carried out in accordance with provisions of the Development Plan.

03 Condition: Unless otherwise agreed in writing with the local planning authority, the development hereby permitted shall be constructed entirely of materials that match the materials used in the construction of the existing dwelling.

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, Borough Local Plan 1994 policy C11, and SPD1 (Design and Townscape Guide).

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.