

Public Document Pack  
SOUTHEND-ON-SEA BOROUGH COUNCIL

**Development Control Committee**

Date: Wednesday, 11th January, 2017

Time: 2.00 pm

Place: Committee Room 1 - Civic Suite

Contact: Tim Row - Principal Committee Officer

Email: [committeesection@southend.gov.uk](mailto:committeesection@southend.gov.uk)

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- \*\*\*\* **Enforcement of Planning Control**

**13**    **16/00189/UNAU\_B - 96 The Ridgeway, Westcliff-on-Sea (Chalkwell Ward)** (Pages 165 - 172)

**TO:    The Chairman & Members of the Development Control Committee:**

Councillor F Waterworth (Chair)

Councillors D Garston (Vice-Chair), B Arscott, M Assenheim, B Ayling, M Borton, M Butler, T Callaghan, F Evans, N Folkard, J Garston, R Hadley, A Jones, C Mulroney, D Norman MBE, P Van Looy and C Walker

**PLEASE NOTE: The minibus for the site visits will depart from the bus stop at the front of the Civic Centre at 10.30 a.m.**

# Public Document Pack

## SOUTHEND-ON-SEA BOROUGH COUNCIL

### Meeting of Development Control Committee

**Date: Wednesday, 9th November, 2016**

**Place: Committee Room 1 - Civic Suite**

# 3

**Present:** Councillor F Waterworth (Chairman)  
Councillors D Garston (Vice-Chairman), B Arscott, M Assenheim,  
B Ayling, M Borton, M Butler, T Callaghan, F Evans, N Folkard,  
J Garston, R Hadley, C Mulroney, D Norman MBE, P Van Looy and  
C Walker

**In Attendance:** Councillors S Buckley and T Byford  
J K Williams, P Geraghty, D Hermitage, I Harrison, M Warren and  
T Row

**Start/End Time:** 2.00 - 4.05 pm

#### **459 Apologies for Absence**

Apologies for absence were received from Councillor Jones.

#### **460 Declarations of Interest**

The following interests were declared at the meeting:

(a) Councillor Callaghan – 16/01350/FUL - 7-9 Lansdowne Avenue, Leigh-on-Sea, SS9 1LJ – Disqualifying non-pecuniary interest: Applicant is well known to him (withdrew);

(b) Councillor D Garston – 16/01246/FUL - The Shore, 22 - 23 The Leas, Westcliff-on-Sea, Essex – Non-pecuniary interest: Objectors are known to him;

(c) Councillor Mulroney – 7-9 Lansdowne Avenue, Leigh-on-Sea, SS9 1LJ – Non-pecuniary interest: Member of Leigh Town Council (non-participant in planning);

(d) Councillor Mulroney – 16/01558/FUL – 88 Undercliff Gardens, Leigh-on-Sea, Essex, SS9 1ED – Non-pecuniary interest: Member of Leigh Town Council (non-participant in planning);

(e) Councillor Mulroney – 16/01572/FUL – The Sarah Moore Public House, 57 - 59 Elm Road, Leigh-on-Sea, Essex – Non-pecuniary interest: Member of Leigh Town Council (non-participant in planning);

(f) Councillor Mulroney – 16/01601/FUL – 129 Leigh Hall Road, Leigh-on-Sea, Essex, SS9 1QY – Non-pecuniary interest: Member of Leigh Town Council (non-participant in planning);

(g) Councillor Mulroney – 16/01730/AMDT – 12 Marine Close, Leigh-on-Sea, Essex, SS9 2RD – Non-pecuniary interest: Member of Leigh Town Council (non-participant in planning);

(h) Councillor Norman MBE – 16/01572/FUL – The Sarah Moore Public House, 57 - 59 Elm Road, Leigh-on-Sea, Essex – Non-pecuniary interest: Member of the Church Council for the Church opposite the site;

(i) Councillor Walker – 16/01350/FUL - 7-9 Lansdowne Avenue, Leigh-on-Sea, SS9 1LJ – Non-pecuniary interest: Applicant was a director at the same riding school at the same time; and

(j) Councillor Walker – 16/01572/FUL – The Sarah Moore Public House, 57 - 59 Elm Road, Leigh-on-Sea, Essex – Non-pecuniary interest: Applicant is known to him and has spoken with him regarding the application (Councillor Walker remained in the room but took no part in the debate or voting thereon).

**461 Minutes of the Meeting held on Wednesday 3rd August 2016**

Resolved: That the Minutes of the meeting held on Wednesday, 3<sup>rd</sup> August 2016 be received, confirmed as a correct record and signed.

**462 Minutes of the Meeting held on Wednesday 14th September 2016**

Resolved: That the Minutes of the meeting held on Wednesday, 14<sup>th</sup> September 2016 be received, confirmed as a correct record and signed.

**463 Minutes of the Meeting held on Wednesday 5th October 2016**

Resolved: That the Minutes of the meeting held on Wednesday, 5<sup>th</sup> October 2016 be received, confirmed as a correct record and signed.

**464 Supplementary Report**

The Committee received a supplementary report by the Deputy Chief Executive (Place) that provided additional information on items referred to elsewhere on the Agenda.

**465 16/01520/FULH - 23 Repton Grove, Eastwood, Leigh on Sea (St Laurence Ward)**

**Proposal: Erect two storey rear extension and alter elevations**

**Applicant: Mr S. Regan**

**Agent: Mr D. Blacker**

Planning Permission GRANTED subject to the following conditions:

01 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 The development hereby permitted shall be carried out in accordance with the following approved plans: 2016/07/01/23RG, 2016/07/04/23RG, 2016/07/05/23RG, 2016/07/02/23RG, 2016/07/03/23RG



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

03 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings hereby approved or are required by conditions to this permission.

Reason: To safeguard the visual amenities of the area, in accordance with National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy CP4, policy DM1 of Development Management Document DPD2 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.

Informative

01 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](http://www.southend.gov.uk/cil) for further details about CIL.

**466 16/01246/FUL - The Shore, 22-23 The Leas, Westcliff on Sea (Chalkwell Ward)**

**Proposal: Layout 16 car parking spaces to rear and install replacement entrance gate.**

**Applicant: The Shore Limited**

**Agent: Daniel Watney LLP**

Planning permission REFUSED for the following reasons:

01 The proposed development, by reason of the resultant traffic generation, would cause an unacceptable level of noise and disturbance to neighbouring residents contrary to National Planning Policy Framework, Policy CP4 of the Core Strategy, Development Management DPD Policy DM1 and Design and Townscape Guide.

02 The proposed development, by reason of the narrow width of the vehicular access and traffic generation as a result of the proposed development, would be to the detriment of highway safety and the efficiency of the local highway network, contrary to the NPPF, Policy CP3 of the Southend Core Strategy, policy DM15 of the Southend Development Management DPD.

03 The proposed development would result in an unacceptable loss of amenity space resulting in a poor environment for occupants thereof contrary to the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy,

policies DM1 and DM8 of the Development Management Document and advice contained within the Design and Townscape Guide SPD1.

**467 16/01565/BC3 - 332 Bridgwater Drive, Westcliff on Sea (Blenheim Park Ward)**

**Proposal: Change of use of public highway land to provide hardstanding to be used in conjunction with 332 Bridgwater Drive and change of use of part of existing forecourt to public highway land.**

**Applicant: Mr C. Styles (Southend-on-Sea Borough Council)**

Planning Permission GRANTED subject to the following conditions:

01 The development hereby permitted shall be begun not later than 3 years beginning with the date of this permission.

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

02 The development shall be carried out in accordance with the approved plans: Location Plan, SBCC10699-101/SBC/KE/C/GA/0040A, SBCC10699-101/SBC/KE/C/GA/1501A, SBCC10699-101/SBC/KE/C/0102A and SBCC10699-101/SBC/KE/C/0503C.

Reason: To ensure the development is carried out in accordance with the development plan.

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.

#### Informatives

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](http://www.southend.gov.uk/cil) for further details about CIL.

2. Please note that the granting of planning permission does not have the effect of stopping-up the highway. Permission would be needed for the stopping-up of the highway from the Secretary of State.

3. Please note that permission is not hereby granted for the demolition or removal of the existing footbridge. For the footbridge to be removed without the need for planning permission, this must be undertaken by or on behalf of the Highway Authority, prior to the stopping-up of the highway. If it is intended to demolish/remove the footbridge after the highway is stopped up, please note that this might require prior approval or planning permission.

- 468 16/01350/FUL - 7-9 Lansdowne Avenue, Leigh on Sea (Chalkwell Ward)**  
**Proposal: Demolish existing buildings and erect two semi-detached dwellinghouses with hard and soft landscaping**  
**Applicant: Mr G. Hutchinson**  
**Agent: Mr S. Milne, The Livemore House**

Planning permission REFUSED for the following reason:

01 The proposed development, by reason of lack of parking provision will result in additional on street parking to the detriment of highway safety and efficiency and is indicative of an overdevelopment of the site, contrary to National Planning Policy Framework, policies KP2, CP3 and CP4 of the Southend-on-Sea Core Strategy, policy DM15 of DPD2 and guidance contained within the SPD1 (Design and Townscape Guide).

- 469 16/01558/FUL - 88 Undercliff Gardens, Leigh on Sea (Leigh Ward)**  
**Proposal: Demolish existing dwelling and erect replacement detached dwellinghouse with cycle and bin stores to rear.**  
**Applicant: Mr G. Cain**  
**Agent: A9 Architects Ltd**

Mr Powell, a local resident, spoke as an objector to the application. Mr Cain, the Applicant, responded.

Planning permission REFUSED for the following reason:

01 The proposed development, by virtue of the scale, massing and design of the proposed dwelling, would create an incongruous feature and harmfully conflict with the character and appearance of the surrounding area and would have an overbearing impact on the neighbouring dwellings. The proposal is therefore contrary to the National Planning Policy Framework, DPD1 (Core Strategy) policies KP2 and CP4, DPD2 (Development Management) policies DM1, DM3 and DM6 and SPD1 (Design and Townscape Guidance)

- 470 16/01572/FUL - Sarah Moore Pub, 57-59 Elm Road, Leigh on Sea (Leigh Ward)**  
**Proposal: Erect two storey roof extension comprising of six self-contained flats with balconies, relocate extraction flue, erect refuse and cycle stores and alter elevations (Amended Proposal).**  
**Applicant: Mr M. Thornton (Stronghold Estates)**  
**Agent: BGA Architects**

DEFERRED

- 471 16/01601/FUL - 129 Leigh Hall Road, Leigh on Sea (Leigh Ward)**  
**Proposal: Demolish existing bungalow and erect a pair of semi-detached dwellinghouses and lay out hardstanding (Amended Proposal)**  
**Applicant: Mr Benjamin Surgett**  
**Agent: BGA Architects**

Planning permission GRANTED subject to the following conditions:

01 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 The development hereby permitted shall be carried out in accordance with the following approved plans: 15-184 0-001; 15-184 0-100 B; 15-184 1-100 A; 15-184 1-101& 15-184 2-101 A

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

03 No development shall take place until samples/details of materials to be used on the external elevations including details of any boundary walls, fences, hardsurfaces, gates and windows 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, Development Management DPD policy DM1, and SPD1 (Design and Townscape Guide).

04 Prior to first occupation refuse and cycle storage shall be provided in accordance with the approved plans and thereafter retained in perpetuity thereafter.

Reason: To ensure that satisfactory secure off-street bicycle parking is provided and to protect the environment and provide suitable storage for waste and materials for recycling in accordance with DPD1 (Core Strategy) 2007 policies KP2 and CP4, Development Management DPD policy DM1, and SPD1 (Design and Townscape Guide).

05 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any order revoking and re-enacting that Order with or without modification, no development shall be carried out within Schedule 2, Part 1, Class A, B, C, D, E and F to those Orders.

Reason: To enable the Local Planning Authority to regulate and control development in the interest of the amenity of neighbouring properties and to safeguard the character of the area in accordance the National Planning Policy Framework, DPD1 (Core Strategy) Policies KP2 and CP4, DPD2 (Development Management Document) Policy DM1 and SPD1 (Design and Townscape Guide).

06 A scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of the development and implemented in full prior to the first occupation of the dwelling houses. This provision shall be made for the lifetime of the development.

Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy, the Design and Townscape Guide (SPD1) and Development Management Document Policy DM2.

07 The dwellings hereby approved shall not be occupied until details soft and hard landscape works have been submitted to and approved by the local planning authority. The approved landscaping scheme shall be implemented within the first planting season following first occupation of the dwelling.

Reason: To ensure that the development is satisfactory in terms of its appearance and that it makes a positive contribution to the amenity of future occupants in accordance with DPD1 (Core Strategy) policy KP2 and CP4, Development Management DPD policy DM1 and SPD1 (Design and Townscape Guide).

08 Permeable paving shall be used for the hardstanding area unless otherwise agreed by the local planning authority. The proposed parking spaces to the front curtilages of the proposed dwellings shall be provided in accordance with the plans No's 15-184 1-100 A & 15-184 0-100 B prior to occupation of the dwellings hereby approved and shall thereafter be permanently retained solely for the benefit of the occupiers of the dwellings and their visitors and for no other purposes unless otherwise agreed in writing by the local planning authority.

Reason: To ensure satisfactory parking is provided and retained to meet needs of occupants that the development is completed and used as agreed, and to ensure that it meets DPD1 (Core Strategy) 2007 policy CP4, Development Management DPD policy DM15 and SPD1.

09 Details of the water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting, shall be submitted to and agreed in writing by the Local Planning Authority and implemented in full prior to the first occupation of the development. This provision shall be made for the lifetime of the development.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management Document) policy DM2 and SPD1 (Design and Townscape Guide).

10 Demolition or construction works shall not take place outside 8:00 hours to 18:00 hours Mondays to Fridays and 8:00 hours to 13:00 hours on Saturdays and at no time on Sundays or Bank Holidays.

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, and Development Management DPD policies DM1.

11 The first floor bathroom windows in the north and south elevations shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the

Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal floor level unless otherwise agreed in writing by the local planning authority. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy CP4, Development Management DPD policy DM1, and SPD1 (Design and Townscape Guide).

12 The roof of the building hereby approved shall not be used as a balcony, roof garden or similar amenity area or for any other purpose unless otherwise agreed in writing by the local planning authority. The roof can however be used for the purposes of maintenance or to escape in an emergency.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy CP4, Development Management DPD policy DM1, and SPD1 (Design and Townscape Guide).

13 No development hereby permitted shall commence until details of surface water attenuation for the site, based on SUDS principles, have been submitted to and approved by the Local Planning Authority. The works agreed shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure satisfactory drainage of the site in accordance with policy KP2 of the Core Strategy DPD1 and DPD2 (Development Management) policy DM2.

14. Notwithstanding the details shown on the approved plans, the development shall comply with M4(2) of the Building Regulations unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the dwellings are accessible to all, in accordance with Policy DM3 and DM8 of the Southend on Sea Development Management DPD.

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.

#### Informative

01 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). Enclosed with this decision notice is a Community Infrastructure Levy (CIL) Liability Notice for the attention of the applicant and any person who has an

interest in the land. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability Notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil).

- 472      16/01650/FUL - Rear Of 1 Preston Road, Westcliff on Sea (Milton Ward)**  
**Proposal: Demolish existing outbuildings, erect two storey detached dwellinghouse and form layout parking.**  
**Applicant: Miss Tracey White**  
**Agent: Stone Me!**

Planning permission REFUSED for the following reasons:

01 The proposed development, by virtue of the scale, massing and design of the proposed dwelling, would harmfully conflict with the character and appearance of the surrounding area. The proposal is therefore contrary to the National Planning Policy Framework, DPD1 (Core Strategy) policies KP2 and CP4, DPD2 (Development Management) policies DM1 and DM3 and SPD1 (Design and Townscape Guidance)

02 The proposed development, by virtue of its scale and relationship with neighbouring dwellings and the amenity areas of those dwellings, would have an overbearing impact on the neighbouring dwellings. The proposal is therefore contrary to the National Planning Policy Framework, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management) policy DM1 and SPD1 (Design and Townscape Guidance).

03 The proposal by reason of lack of information which fails to demonstrate accessibility and adaptability of the dwellinghouse in accordance with Building Regulation M4 (2) will result in poor living environment for future occupiers. This is contrary to the NPPF, policies KP2 and CP4 of the Core Strategy, policies DM1, DM3 and DM8 of the Development Management DPD2 and National Technical Housing Standards DCLG 2015.

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.

Informative

Please note that this application would be liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended) if planning permission had been granted. Therefore if an appeal is lodged and subsequently allowed, the CIL liability will be applied. Any revised application might also be CIL liable.

- 473 16/01730/AMDT - 12 Marine Close, Leigh on Sea (West Leigh Ward)**  
**Proposal: Application to remove conditions 03 and 04 relating to details of materials and parking construction of Planning Permission 11/01435/FUL allowed on appeal 17/05/2012**  
**Applicant: Mr and Mrs N Collins**  
**Agent: Knight Gratrix Architects**

DELEGATED to the Deputy Chief Executive (Place), Director of Planning and Transport or Group Manager for Planning and Building Control to GRANT PLANNING PERMISSION provided that the public notification exercise raises no additional issues that would justify a different conclusion being reached and subject to the following condition:

01 The external parking spaces at the front of the application site shown on plan 031 shall be retained for the purposes of parking cars in perpetuity.

Reason: To ensure that adequate provision of car parking at the site in accordance with the National Planning Policy Framework and DPD2 (Development Management) Policy DM1.

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.

Informative

As this application has been made pursuant to Section 73 of the Town and Country Planning Act 1990, Community Infrastructure Levy (CIL) Regulation 128A applies. You are advised that in this instance there will be no CIL charge on this permission as there is no net increase in floorspace between the original permission and the S73 permission.

- 474 16/01738/FULH - 20 Second Avenue, Westcliff on Sea (Chalkwell Ward)**  
**Proposal: Erect two storey rear extension with Juliette balcony at first floor**  
**Applicant: Mr R. Condon**  
**Agent: Metson Architects Ltd**

Planning permission GRANTED subject to the following conditions:



01 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 The development hereby permitted shall be carried out in accordance with the following approved plans: TP-301-A

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

03 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings hereby approved or are required by conditions to this permission.

Reason: To safeguard the visual amenities of the area, in accordance with National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy CP4, policy DM1 of Development Management Document DPD2 and SPD1 (Design and Townscape Guide).

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, 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.

Informative

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](http://www.southend.gov.uk/cil) for further details about CIL.

**475 16/01805/FUL - 11 Galton Road, Westcliff on Sea (Chalkwell Ward)**  
**Proposal: Demolish existing garage and erect detached dwellinghouse with basement car parking on land adjacent 11 Galton Road, extend existing crossover and form additional crossover onto Galton Road**  
**Applicant: Mr & Mrs Marriott**  
**Agent: Knight Gratrix**

DELEGATED to the Deputy Chief Executive (Place), Director of Planning and Transport and Group Manager for Planning and Building Control GRANT PLANNING PERMISSION provided that the public notification exercise raises no additional issues that would justify a different conclusion being reached, and subject to the following conditions:

01 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 The development hereby permitted shall be carried out in accordance with the following approved plans: 010, 011, 012 and 13

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

03 The development hereby approved shall only be undertaken using the materials set out within the submitted plans unless otherwise agreed 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, DPD2 (Development Management) policy DM1, and SPD1 (Design and Townscape Guide).

04 Prior to the commencement of the development hereby approved details shall be submitted to and approved in writing of the means of constructing the retaining walls at each side of the proposed access to the basement garage. The details shall include details of the materials that shall be used and any forms of enclosure that will be erected at ground level. Subsequently the development shall only be undertaken using in accordance with the approved details unless otherwise agreed 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, DPD2 (Development Management) policy DM1, and SPD1 (Design and Townscape Guide).

05 The proposed second floor rooflights shall be a minimum of 2.7 metres above internal floor level (as shown on the plans hereby approved) unless otherwise agreed in writing by the local planning authority.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the NPPF, DPD1 (Core Strategy) 2007 policy CP4, Development Management DPD Policy DM1 and SPD1 (Design and Townscape Guide).

06 Notwithstanding the provisions of Classes A, B, C and D of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order 2015 (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force), no extensions shall be erected at the site unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard character and appearance of surrounding area in accordance with polices DM1 and DM5 of the Development Management DPD and policies KP2 and CP4 of the Core Strategy.

07 A scheme detailing how at least 10% of the total energy needs of the dwellinghouse will be supplied using on site renewable sources must be submitted to and agreed in writing by the Local Planning Authority and implemented in full prior to the first occupation of the dwellinghouse. This provision shall be made for the lifetime of the development.

Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy (DPD1).

08 Prior to first occupation of the development hereby approved details of the water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management Document) policy DM2 and SPD1 (Design and Townscape Guide).

09 The dwelling hereby approved shall be built in accordance with Part M4(2) of the Building Regulations, as shown on the plans hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the provision of dwellings that enable lifetime living, in accordance with policy DM8 of DPD2 (Development Management).

10 The dwelling hereby approved shall not be occupied until such time that the accesses shown at the application site (serving the proposed development) and on the land within the applicant's control (serving the existing dwelling of 11 Galton Road) have been installed and all hardstanding has been provided in accordance with the approved plans.

Reason: To ensure the provision of dwellings that enable lifetime living, in accordance with policy DM8 of DPD2 (Development Management).

11 Prior to the commencement of the development hereby approved, details of the means of protecting trees at and near the site during the construction process shall be submitted to and approved in writing by the Local Planning Authority. Subsequently, the development shall only be undertaken in full compliance with the approved scheme of tree protection.

Reason: In the interests of visual amenity and the character of the surrounding area and to ensure that the appearance of the building is suitably softened by landscaping. This is as set out in the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, DPD2 (Development Management) Policy DM1, and SPD1 (Design and Townscape Guide).

## Informative

Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). Enclosed with this decision notice is a Community Infrastructure Levy (CIL) Liability Notice for the attention of the applicant and any person who has an interest in the land. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil).

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.

- 476      14/00183/UNAU\_B - 8 Leirim Avenue, Shoeburyness (West Shoebury Ward)**  
**Proposal: Without planning permission, the erection of a boundary enclosure adjacent to a highway which exceeds 1.0m in height.**

Resolved: That NO FURTHER ACTION be taken in respect of this matter.

**Chairman:** \_\_\_\_\_

## DEVELOPMENT CONTROL COMMITTEE

### INTRODUCTION

- (i) **Recommendations in capitals at the end of each report are those of the Corporate Director of Place, are not the decision of the Committee and are subject to Member consideration.**
- (ii) All plans have been considered in the context of the Borough Council's Environmental Charter. An assessment of the environmental implications of development proposals is inherent in the development control process and implicit in the reports.
- (iii) Reports will not necessarily be dealt with in the order in which they are printed.
- (iv) The following abbreviations are used in the reports:-

BLP	- Borough Local Plan
DAS	- Design & Access Statement
DEFRA	- Department of Environment, Food and Rural Affairs
DPD	- Development Plan Document
EA	- Environmental Agency
EPOA	- Essex Planning Officer's Association
DCLG	- Department of Communities and Local Government
NPPF	- National Planning Policy Framework
NPPG	- National Planning Practice Guidance
SPD	- Supplementary Planning Document
SSSI	- Sites of Special Scientific Interest. A national designation. SSSIs are the country's very best wildlife and geological sites.
SPA	- Special Protection Area. An area designated for special protection under the terms of the European Community Directive on the Conservation of Wild Birds.
Ramsar Site	- Describes sites that meet the criteria for inclusion in the list of Wetlands of International Importance under the Ramsar Convention. (Named after a town in Iran, the Ramsar Convention is concerned with the protection of wetlands, especially those important for migratory birds)

### **Background Papers**

- (i) Planning applications and supporting documents and plans
- (ii) Application worksheets and supporting papers
- (iii) Non-exempt contents of property files
- (iv) Consultation and publicity responses
- (v) NPPF and NPPG
- (vi) Core Strategy
- (vii) Borough Local Plan

**NB** Other letters and papers not taken into account in preparing this report but received subsequently will be reported to the Committee either orally or in a supplementary report.

## DEVELOPMENT CONTROL COMMITTEE

### Use Classes

- Class A1 - Shops
- Class A2 - Financial & Professional Services
- Class A3 - Restaurants & Cafes
- Class A4 - Drinking Establishments
- Class A5 - Hot Food Take-away
  
- Class B1 - Business
- Class B2 - General Industrial
- Class B8 - Storage or Distribution
  
- Class C1 - Hotels
- Class C2 - Residential Institutions
- Class C3 - Dwellinghouses
- Class C4 - Small House in Multiple Occupation
  
- Class D1 - Non-Residential Institutions
- Class D2 - Assembly and Leisure
- Sui Generis - A use on its own, for which any change of use will require planning permission

# DEVELOPMENT CONTROL COMMITTEE

## SITE VISIT PROTOCOL

### **1. Necessity**

A site visit is only likely to be necessary if either:

- (i) The proposed development is difficult to visualise from the plans, photographs and supporting material; or
- (ii) There is good reason why the comments of the applicant and / or objector(s) cannot be expressed adequately in writing; or
- (iii) The proposal is particularly contentious; or
- (iv) A particular Member requests it and the request is agreed by the Chairman of DCC.

### **2. Selecting Site Visits**

- (i) Members can request a site visit by contacting the Head of Planning and Transport or the Group Manager for Planning; providing the reason for the request. The officers will consult with the Chairman.
- (ii) If the agenda has not yet been printed, notification of the site visit will be included on the agenda. If the agenda has already been printed, officers will notify Members separately of the additional site visit.
- (iii) Arrangements for visits will not normally be publicised or made known to applicants or agents unless access is required to be able to go on land.

### **3. Procedures on Site Visits**

- (i) Visits will normally take place during the morning of DCC.
- (ii) A planning officer will always attend and conduct the site visit, and will bring relevant issues to the attention of Members. The officer will keep a record of the attendance, and a brief note of the visit.
- (iii) The site will normally be viewed from a public place, such as a road or footpath.
- (iv) Representations will not be heard, and material will not be accepted. No debate with any party will take place. Where applicant(s) and/or other interested person(s) are present, the Chairman may invite them to point out matters or features which are relevant to the matter being considered having first explained to them that it is not the function of the visit to accept representations or to debate.

**Version: April 2016**

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<b>Reference:</b>	16/01693/FUL	<h1>5</h1>
<b>Ward:</b>	West Leigh	
<b>Proposal:</b>	Demolish existing dwellinghouses at 104 - 106 Salisbury Road, erect three dwellinghouses with garages to rear and alter existing vehicular crossovers onto Salisbury Road (Amended Proposal)	
<b>Address:</b>	104 Salisbury Road, Leigh-On-Sea, Essex SS9 2JN	
<b>Applicant:</b>	Mr D. MacDonald	
<b>Agent:</b>	Mr G. Coxall (Third Dimension Arch. Design Ltd)	
<b>Consultation Expiry:</b>	02.12.2016	
<b>Expiry Date:</b>	11.11.2016	
<b>Case Officer:</b>	Janine Rowley	
<b>Plan No's:</b>	100, 101e, 102d, 103d, 104, 105b	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>	



*This application has been deferred for a site visit from the 14<sup>th</sup> December 2016 Development Control Committee.*

## **1 The Proposal**

1.1 Planning permission is sought to demolish the existing pair of semi-detached bungalows at 104-106 Salisbury Road and erect three detached dwellings with garages to the rear in their place. It is also proposed to alter the existing vehicular crossovers onto Salisbury Road.

1.2 The proposed dwellings would be two storey but with accommodation in the roof. The measurements are as follows:

- Plot 1- 7.4m wide x 12.6m deep x 8.6m high;
- Plot 2-7.5m wide x 12.6m deep x 8.6m high;
- Plot 3-7.4m wide x 12.6m deep x 8.6m high

1.3 The internal floorspace for each dwelling equates to 198.1sqm to plots 1 & 3 and 203.3sqm to plot 2.

Each dwelling would include:

- Ground floor – study, living room, utility, WC, kitchen and dining/family room
- First floor – 4 bedrooms, bathroom and en-suite
- Roofspace – Playroom

1.4 Each of the dwellings would have a rear garden varying in size from 173 sqm – 180 sqm which would be defined by timber fencing to the side and rear boundaries. Each of the dwellings would have a hardstanding area to the front which would provide one off-street parking space for each dwelling together with a separate garage to the rear of the site.

1.5 Materials to be used on the external elevations include facing brickwork and render to the walls, UPVC windows and doors, permeable paving, clay roof tiles. Areas of soft landscaping are proposed to the front. There is an existing street tree within the pavement to the front which is not proposed to be removed.

1.6 It should be noted this application has been submitted following the refusal of application 16/00832/FUL, which was to demolish the existing dwellinghouses at 104 - 106 Salisbury Road and erect three detached dwellinghouses with garages to rear and alter existing vehicular crossovers onto Salisbury Road. The application was refused 13<sup>th</sup> July 2016 by Development Control Committee for the following reason:

1. *“The proposed dwellings, by reason of their elevational design would be out of context and visually harmful to the detriment of the surrounding area. This is contrary to the National Planning Policy Framework policies*

*KP2 and CP4 of the Core Strategy DPD1, policies DM1 and DM3 of the Development Management Document DPD2 and policies and the Design and Townscape Guide”.*

- 1.7 The previous reason for refusal related to the elevation design. The principle of redevelopment, highway grounds and impact on residents were considered acceptable.
- 1.8 The main changes from the previous refused application include the addition of a double height bay window, inclusion of stone cills, the introduction of glazing bars to the windows and a front door of more traditional appearance.
- 1.9 It should be noted the plans were amended during the course of the application with double height bay windows and alignment of the fenestration has taken place following discussions between the Council and Architect. Neighbours have been renotified of this change for a period of 10 days in addition, to the original 21 day notification.

## **2 Site and Surroundings**

- 2.1 The site is located on the eastern side of Salisbury Road and contains a pair of semi-detached bungalows, both of which benefit from off-street parking to the frontage and modest sized gardens. No. 104 is a wider site than No. 106 and there is a greater level of separation to the southern boundary, whereas the garage to No. 106 adjoins the northern boundary.
- 2.2 The surrounding area is residential in character with a variety of two storey houses, mostly as semi-detached pairs, bungalows and some modestly scaled flatted developments. The buildings are generally traditional in their form and tall bay windows are a common feature especially on the houses. There are a mix of roof styles and materials.

## **3 Planning Considerations**

- 3.1 The main issues for consideration are the principle of the development, design and impact on the streetscene, impact on neighbours, and living conditions for future occupiers, parking implications, use of on-site renewables and whether the proposal has overcome the previous reason for refusal in relation to design of application 16/00832/FUL.

## **4 Appraisal**

### **Principle of Development:**

**National Planning Policy Framework, Core Strategy Policies KP2, CP1, CP4 and CP8 and Development Management DPD2 policy DM1, DM3.**

- 4.1 The proposal is considered in the context of the Council planning policies relating to design. Also of relevance are the National Planning Policy Framework Sections 56 and 64, Core Strategy DPD Policies KP2, CP4 and CP8. Amongst the core planning principles of the NPPF include to:

*“encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value”*

- 4.2 Paragraph 56 of the NPPF states; *“the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”*
- 4.3 Paragraph 64 of the NPPF states; *“that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”*
- 4.4 Policy DM3 states *“The conversion or redevelopment of single storey dwellings (bungalows) will generally be resisted. Exceptions will be considered where the proposal:*
- (i) Does not create an unacceptable juxtaposition within the streetscene that would harm the character and appearance of the area; and*
  - (ii) Will not result in a net loss of housing accommodation suitable for the needs of Southend’s older residents having regard to the Lifetime Homes Standards.”*
- 4.5 It has been demonstrated the proposed detached two storey dwellings which replace the existing bungalows would meet with Part M4(2) (former Lifetime Homes Standards) and would not create an unacceptable juxtaposition in the streetscene. Therefore the application is considered to comply with policy DM3 of the Development Management Document DPD2.
- 4.6 Regarding infill development, the Development Management Document policy DM3 states that infill development will be considered on a site by site basis assessing impact upon living conditions, amenity of existing occupiers, conflict with character and grain of the local area. Furthermore, the Design and Townscape Guide advises that the size of a site together with an analysis of local character and grain will determine whether sites are suitable for infill development.
- 4.7 Having regard to the above, the proposal for redevelopment of the site is considered acceptable in principle and was not previously objected to under application 16/00832/FUL and detailed matters of design discussed in further detail below.

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

#### **National Planning Policy Framework, Core Strategy Policies KP2 and CP4, Development Management DPD2 policy DM1 and DM3, and the Design and Townscape Guide (SPD1)**

- 4.8 In relation to infill development, policy DM3 of the Development Management Document DPD2 and the Design and Townscape Guide states that where

considered acceptable in principle, the key to successful integration of infill sites into the existing character is to draw strong references from the surrounding buildings such as maintaining the scale, materials, frontage lines and rooflines of the neighbouring properties which reinforce the rhythm and enclosure of the street. It is noted that the dwellings in Salisbury Road are mixed in design and generally two storeys. As such there is no objection in principle to dwellings two storey in height, which has already been previously accepted under application 16/00832/FUL.

- 4.9 The previously refused application for one detached and a pair of semi-detached dwellings (reference: 16/00832/FUL) was not objected to on the grounds of scale and overall form. The depth and heights remain the same as per the previously refused application 16/00832/FUL. There is no objection to the overall scale and height of the dwellings.
- 4.10 The previous application was refused on the grounds of the elevational design appearing out of context and visually harmful to the surrounding area (reference: 16/00832/FUL). The applicant has sought to address these concerns with the inclusion of a two storey bay window which is characteristic of the streetscene, together with the inclusion of glazing bars to the windows, a new design from the front door that adds interest to the overall design and better integration with the area.
- 4.11 The layout of the development remains unaltered and is considered acceptable. Each dwelling would have two off-street parking spaces and rear garden area retaining a separation distance of 1m from each of the side boundaries from the proposed dwellinghouses. The massing and building line of the proposed dwellings would generally be in keeping with the neighbouring and other properties in the street.
- 4.12 It is considered the proposed design is a satisfactory improvement over the previous application. Therefore this proposal is considered acceptable in design terms.
- 4.13 Areas of soft landscaping are proposed to the frontage which is considered sufficient to soften the appearance of the hardstandings to either side. Policy DM1 of the Development Management Document advocates the need for any new development to include soft landscaping to integrate with the surrounding townscape. The rear gardens would be lawned and block paved. The proposal is considered to provide a sufficient level of soft landscaping, although further specific details can be controlled by condition if the proposal is deemed acceptable.
- 4.14 It is considered the proposal would be in keeping with neighbouring dwellings and the streetscene in general. The proposed development would not be detriment to the character of the area or contrary to the NPPF, Policies KP2 and CP4 of the Core Strategy DPD1; Policy DM1 and DM3 of the Development Management Document DPD2 and advice contained within the adopted Design and Townscape Guide (SPD1). The proposal has therefore overcome the reason for refusal in relation to application 16/00832/FUL.

## **Standard of Accommodation for Future Occupiers**

### **National Planning Policy Framework, Development Management DPD2 policy DM8, The National Technical Housing Standards DCLG 2015 and the Design and Townscape Guide (SPD1)**

- 4.15 All of the dwellings would be in excess of the required National Technical Housing Standards. Furthermore, all houses will have sufficient outlook and daylight for future occupiers in all habitable rooms.
- 4.16 Policy DM8 (iii) states that all new dwellings should meet the Lifetime Home Standards, unless it can be clearly demonstrated that it is not viable and feasible to do so. Lifetime Home Standards has now been superseded by the National Technical Housing Standards and all new dwellings are required to meet building regulation M4 (2)- 'accessible and adaptable dwellings'. Sufficient information has been submitted to demonstrate that the proposal meets the criteria for the Building Regulation M4 (2). The development proves it would be accessible and adaptable for older people or wheelchair users, in accordance with the NPPF, Policy DM8 of the Development Management DPD and National Housing Standards 2015.
- 4.17 Policy DM8 of the Development Management Document DPD2 states that all new dwellings must make provision for useable private outdoor amenity space for the enjoyment of intended occupiers.
- 4.18 Paragraph 143 of the Design and Townscape Guide, 2009 (SPD1) states:
- “There is no fixed quantitative requirement for the amount of amenity space as each site is assessed on a site by site basis according to local character and constraints. However, all residential schemes will normally be required to provide useable amenity space for the enjoyment of occupiers in some form...”*
- 4.19 The detail of the amenity space proposed is detailed in paragraph 1.4 above and is considered sufficient and usable amenity space for all three dwellings and therefore no objection is raised on this element.

## **Impact on Neighbouring Occupiers**

### **National Planning Policy Framework, Core Strategy Policy CP4, Development Management DPD2 policy DM1, DM3, and the Design and Townscape Guide (SPD1)**

- 4.20 Policy DM1 of the Development Management Document states that any new 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.
- 4.21 The neighbouring property to the north is Salisbury Court which is a three storey block of maisonettes. It is noted that this property has windows within the front, side and rear elevations. The overall depth of the properties remains

as per the previously refused application 16/00832/FUL, which was not objected to on amenity grounds. The windows to the side and rear elevations at ground floor level of the new dwellings would not be obscured glazed however, a condition could be imposed to ensure the first floor bathroom and stairs window would be obscure glazed.

- 4.22 The relationship of the proposed dwellings in terms of their siting with Salisbury Court remains the same as per the previous application 16/00832/FUL whereby the ridge of the proposed dwellings would align slightly above the eaves of Salisbury Court. The gable projections have a height of 6.8 metres high and overall depth of 12.6m metres remains unaltered from the previously refused application 16/00832/FUL. Although this proposal now includes a double height bay window to the front elevation of each property given the siting and separation distance from nearby residential occupiers it is not considered this amended proposal will result in a greater material harm to the amenities of nearby residential occupiers, given the heights and depths of the dwellings have already previously accepted under application 16/00832/FUL and separation distances.
- 4.23 It should be noted the main source of light to windows within the Salisbury Court are to the east and west elevations (front and rear). Whilst there will be some reduction in light, to the side/south facing windows, taking into account that the windows are secondary and the main source of light to the primary windows to the kitchen and living room area (east and west respectively) will not be affected and therefore no objection is raised as per the previously refused application 16/00832/FUL. The proposal will not affect the main source of light to the existing bedrooms. With respect to the lower flat Salisbury Road, consideration has to be given to works that could be carried out at the existing dwellinghouse without the need for planning permission whereby the roof could be altered from a hipped to gable, in light of this no objection is raised to the impact on residents to the lower floor.
- 4.24 With regard to the impact on No. 98 to the south, this dwelling has a window within the side elevation at first floor level which is obscure glazed and serves a staircase and is therefore considered a secondary window. To the rear elevation is a kitchen window at ground floor level and a bedroom window at first floor level (which is the sole source of light to this room). On the rear most elevation is a window serving a family room/dining area (which is an open plan room together with the kitchen) together with a window serving a bedroom at first floor level. No objections are raised as per the previous application 16/00832/FUL in terms of impact on the residential amenities of no. 98 Salisbury Road.
- 4.25 The proposed development would not result in a loss of light or sense of enclosure to the detriment of the residential amenity of these surrounding properties.
- 4.26 Given a condition will be imposed to obscure glaze the proposed landing and bathroom windows to the side elevations it is considered no overlooking will arise.

- 4.27 In light of the above, no objection is raised to this amended proposal in terms of impact on the residential amenities of nearby residential occupiers as per the previous refused application 16/00832/FUL.

### **Traffic and Transportation**

#### **National Planning Policy Framework Section 4, Core Strategy Policies KP2 and CP4, Development Management Document DPD2 policy DM15, and the Design and Townscape Guide (SPD1)**

- 4.28 Policy DM15 requires at least two parking spaces per dwelling outside of the town centre. The application site is located in close proximity to London Road, where there are a number of bus services available. This amended proposal provides garages that meet current standards of 3m wide x 7m depth together with one off street parking space to the front. Thus the proposal complies with policy. No objections are raised in relation to the siting of the vehicle crossovers in highway safety terms. The level and detail of parking provision was considered acceptable in previous applications.
- 4.29 Cycle and waste storage could be successfully accommodated within the rear garden and can be conditioned if this application is deemed acceptable.

### **Use of On Site Renewable Energy Resources**

#### **Core Strategy Policies KP2 and Design and Townscape Guide SPD1**

- 4.30 Policy KP2 of the DPD1 and the SPD1 require that 10% of the energy needs of a new development should come from on-site renewable resources, and also promotes the minimisation of consumption of resources. No details accompany this application; however this can be dealt with by condition if the application is deemed acceptable.
- 4.31 Policy DM2 of the Development Management Document part (iv) requires water efficient design measures that limit internal water consumption to 105 litres per person per day (lppd) (1110 lppd when including external water consumption). Such measures will include the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting. Whilst details have not been submitted for consideration at this time, officers are satisfied this can be dealt with by condition.

### **Other Matters**

- 4.32 It is noted that given the limited size of the plot and buildings, any alterations/extension of the dwellings allowed by the General Permitted Development Order or any order revoking and re-enacting that Order with or without modification, may result in unacceptable living conditions of the future occupiers (i.e. should the rear amenity space would be significantly reduced by a rear extension) or impact on the neighbouring properties (i.e. increased overlooking from dormer windows). For this reason it is considered reasonable that certain permitted development rights for the proposed dwellinghouses be removed from this proposal.



## **Community Infrastructure Levy (CIL) Charging Schedule.**

- 4.33 This application is CIL liable and there will be a CIL charge payable. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions. CIL is payable on net additional gross internal floorspace. The existing floorspace of the site calculates to approximately 330 sqm. The proposed development will result in 663sqm of residential floorspace (£60 per sqm zone 3). The proposed development will therefore, result in a CIL liability of approximately £21132.69.

## **Conclusion**

- 4.34 There is no objection in principle to houses in this location. The elevational design is considered to be an improvement over the previous application and is now compatible with the character and appearance of the area. The proposal is well-designed and subject to the use of high quality materials and detailing, it is considered that this proposal should be compatible with the character of the surrounding area and the wider streetscene. The proposal in terms of its layout and amenity space will provide an acceptable living standard for future occupiers and adequate parking is provided. The amenities of adjacent occupiers are adequately protected. The proposal is considered to comply with Development Plan Policy that has overcome the previous reason for refusal of application 16/00832/FUL.

## **5 Planning Policy Summary**

- 5.1 National Planning Policy Framework, 2012.
- 5.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance) and CP8 (Dwelling Provision).
- 5.3 Development Management Document 2: Development Management Document policies DM1 (Design Quality), DM2 (Low carbon development and efficient use of resources) DM3 (Efficient and Effective use of land), DM7 (Dwelling Mix, size and type), DM8 (Residential Standards), DM15 (Sustainable Transport Management)
- 5.4 Supplementary Planning Document 1: Design and Townscape Guide 2009.
- 5.5 CIL Charging Schedule

## **6 Representation Summary**

### **Design and Regeneration**

- 6.1 The amended proposal is a traditional but well resolved development of 3 two storey detached houses. It is an appropriate scale in this context and should

not look out of place in this mixed streetscene. There are no design objections to this proposal subject to agreement of materials, landscaping and boundaries.

### **Transport and Highways**

- 6.2 Parking has been provided in accordance with DM15 Policy therefore no highway objections are raised.

### **Leigh Town Council**

- 6.3 Objection

The proposed development would cause a loss of light to neighbouring properties. The plans are of a poor design, and not in keeping with the street scene. There is also no sufficient off street parking, and a loss of on street parking.

There would be a loss of 2 more bungalows, of which there is a limited, and fast dwindling, supply in the Borough.

**[Officer Comment: It should be noted the previously refused application 16/00832/FUL was not objected to on the loss of bungalows, impact on adjacent residential properties neither on parking grounds by Development Control Committee on the 6<sup>th</sup> July 2016].**

### **Representation Summary**

- 6.4 A site notice displayed on the 12<sup>th</sup> October and 16 neighbours notified of the proposal. 9 objection letters have been received stating:

- An increase in on-street parking in an area already congested and especially at 'school run' times. This raises serious issues for road and pedestrian safety. The amount of off-street parking proposed by the new development would not be sufficient for the potential number of people living in the new houses, and I note that there would be 'attic space' which could lead to further bedroom(s) being added **[Officer Comment: The proposed parking provision is in accordance with policy DM15 of the Development Management Document DPD2. The Councils Highway Officer has raised no objection].**
- There have been three previous applications which have been refused and I see little in the new plans to address the issues already raised.
- The creation of the new properties would severely restrict the natural light and affect the privacy of several residents of the flats in Salisbury Court.
- It is my understanding that there are 7 uninhabited dwellings in Salisbury Road; the creation of further properties seems to be unnecessary.
- Plans yet again are only sketches without specific measurements **[Officer Comment: The drawings are drawn to scale and**

**measurements do not have to be provided];**

- The gable end roof would result in the loss of 60% of light and sense of enclosure **[Officer Comment: The height and depth of the proposal remains as per the previous applications 16/00832/FUL and 16/00025/FUL, which was only objected and was only refused in relation to design];**
- Loss of light to no. 16 and 17 Salisbury Court;
- Overlooking and loss of privacy;
- The properties are 4 bedrooms but will in fact be 5 bedroom houses requiring further parking **[Officer Comment: The proposed parking provision is in accordance with policy DM15 of the Development Management Document DPD2. The Councils Highway Officer has raised no further objections];**
- The proposed development is not for affordable social housing and is purely a commercial venture and will affect the wellbeing of residents in the immediate vicinity **[Officer Comment: Only developments with over 10 houses or 0.3 hectares require a provision of affordable housing in accordance with policy CP8 of the Core Strategy].**
- Only have one off street parking space **[Officer Comment: The proposed development has one of street parking space to the front and a garage to the rear];**
- The information contained within the Design and Access Statement refers to previous reports.
- None of the drawings submitted with the application show where the proposed off street parking spaces will be located;
- The development would reduce the amount of light to three windows and a glass panelled door on the south facing wall of a ground floor flat in Salisbury Court. **[Officer Comment: Windows to the flank elevation are considered secondary whereas the primary windows are located to the east and west elevations respectively. Furthermore, loss of light was not a reason for refusal under application 16/00832/FUL albeit the roof design of this amended proposal has changed];**
- The new application does not address the previously refused issues relating to detailed design **[Officer Comment: Refer to paragraph 1.8 above in relation to the main changes to this application following the previously refused application 16/00832/FUL];**
- The Development Control Committee should refer to the appeal decision APP/D1590/W/15/3030409 whereby the Inspector highlighted the area suffered from parking stress **[Officer Comment: It should be noted the appeal quoted related to a previous planning application 15/00292/FUL that only provided one parking space per dwellinghouse and that proposal was for four properties. Whereas this amended proposal includes the two parking spaces per dwelling (3 properties in total), one to the front and one to the rear in a garage. In addition, the proposed layout will provide three on street parking spaces given the siting of the vehicle crossovers. The Councils Highways Officer has raised no objections given the proposal complies with policy DM15 of**

**Development Management Document 2 and 3 separate site visits have been undertaken to ascertain the level of available on street parking capacity within the recent development area during summer];**

- **Constant demand for bungalows and to replace them would take away the requirements of residents including the retired and disabled [Officer Comment: The loss of the bungalows has not been previously objected to and the proposal will comply with part M4(2) of the building regulations, which will ensure the dwellinghouses internal layout are designed in such a manner they will be accessible and adaptable for all];**
- **Objection to the amended plans being received given that the amendments create a new application [Officer Comment: Amended plans have been received during the planning application process to include a double heightened bay and align windows between ground and first floor, which are considered minor changes. Neighbours have been renotified for a period of 10 days in accordance with the Councils standard practice]**

6.5 Councillor Evans has requested this application be dealt with by Development Control Committee.

## **7 Relevant Planning History**

7.1 16/00832/FUL-July 2016 Demolish existing dwellinghouses at 104 - 106 Salisbury Road, erect three detached dwellinghouses with garages to rear and alter existing vehicular crossovers onto Salisbury Road (Amended proposal). Refused.

7.2 16/00025/FUL – January 2016 – Demolish existing dwellinghouses at 104-106 Salisbury Road, erect three dwellinghouses and form additional vehicular access onto Salisbury Road (Amended Proposal) – Application Refused. Dismissed at appeal.

7.3 15/00292/FUL – February 2015 – Demolish existing dwellinghouses at 104-106 Salisbury Road, erect four semi-detached dwellinghouses and form additional vehicular crossover onto Salisbury Road (Amended Proposal) – Application Refused.

7.4 14/01502/FUL – September 2014 – Demolish existing dwellinghouses at 104-106 Salisbury Road, erect four semi-detached dwellinghouses and form additional vehicular crossover onto Salisbury Road – Application Refused.

## **8 Recommendation**

**Members are recommended to GRANT PLANNING PERMISSION subject to the following conditions:**

**01 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 The development hereby permitted shall be carried out in accordance with the following approved plans: 100, 101e, 102d, 103d, 105b.**

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

- 03 Prior to the commencement of the development hereby approved, details of the external materials to be used in the construction of the dwelling shall be submitted to and approved in writing by the Local Planning Authority. Only the approved details shall subsequently be used in the construction of the dwelling hereby approved unless otherwise agreed 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, DPD2 (Development Management) policy DM1, and SPD1 (Design and Townscape Guide).**

- 04 No dwelling shall be first occupied until parking spaces and garages to serve that dwelling have been laid out, together with properly constructed vehicular access to the adjoining highway, in accordance with the approved plans, such provision shall be permanently reserved for the parking of vehicles of occupiers and callers to the property and not used for any other purpose whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order).**

**Reason: To ensure that satisfactory off-street car parking and turning provision is provided for occupants of the new dwelling(s) and in the interests of residential amenity and highway efficiency and safety, in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2, policy DM15 of the Development Management Document and SPD1 (Design and Townscape Guide).**

- 05 The first floor level windows to the north and south elevations of each dwelling hereby approved shall be fitted with obscured glazing (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal floor level unless otherwise agreed in writing by the local planning authority. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4. The obscured glazing shall be retained at all times unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the NPPF, DPD1 (Core Strategy) 2007 policy CP4, DPD2 (Development Management) Policy DM1 and SPD1 (Design and Townscape Guide).**

- 06 Prior to occupation of the dwellinghouses hereby approved details of the refuse storage and cycle storage, shall be submitted to and agreed in writing by the local planning authority, shall be installed in accordance with the approved details and be permanently retained thereafter.**

**Reason: To protect the environment and to ensure adequate waste and cycle storage in the interests of highway safety, visual and residential amenity and general environmental quality in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) 2007 policy KP2 and CP4, and DPD2 (Development Management Document) policies DM8 and DM15.**

- 07 No development shall take place until full details of both hard and soft landscape works, including the trees to be retained on the western boundary have been submitted to and approved in writing by the local planning authority and the approved hard landscaping works shall be carried out prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development, unless otherwise agreed in writing by the local planning authority. These details shall include, for example:-**

- i proposed finished levels or contours;**
- ii. means of enclosure, including any gates to the car parks;**
- iii. car parking layouts;**
- iv. other vehicle and pedestrian access and circulation areas;**
- v. hard surfacing materials;**
- vi. minor artefacts and structures (e.g. street furniture, loggia, bollards, play equipment, refuse or other storage units, signs, lighting, etc.)**

**This shall include details of details of the number, size and location of the trees, shrubs and plants to be planted together with a planting specification, details of the management of the site, e.g. the uncompacting of the site prior to planting, the staking of trees and removal of the stakes once the trees are established, details of measures to enhance biodiversity within the site and tree protection measures to be employed during demolition and construction.**

**Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy DM1 of the Development Management DPD and Policy CP4 of the Core Strategy DPD1**

- 08 A Landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the local planning authority prior to the occupation of the development. The landscape management plan shall be implemented out as approved.**

**Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy DM1 of the Council's Development Management DPD and Policy CP4 of the Core Strategy DPD1.**

- 09 Prior to the commencement of development a renewable energy assessment shall be submitted to and agreed in writing with the Council to demonstrate how at least 10% of the energy needs of the development will come from onsite renewable options (and/or decentralised renewable or low carbon energy sources. The scheme as approved shall be implemented and brought into use on first occupation of the development unless otherwise agreed in writing with the Local Planning Authority.**

**Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management) policy DM2 and SPD1 (Design and Townscape Guide).**

- 10 Prior to occupation of the development hereby approved details of the water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting.**

**Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management Document) policy DM2 and SPD1 (Design and Townscape Guide).**

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any order revoking and re-enacting that Order with or without modification, no development shall be carried out within Schedule 2, Part 1, Class A, B, C, D, E and F to those Orders.**

**Reason: To enable the Local Planning Authority to regulate and control development in the interest of the amenity of neighbouring properties and to safeguard the character of the area in accordance the National Planning Policy Framework, DPD1 (Core Strategy) Policies KP2 and CP4, DPD2 (Development Management Document) Policy DM1 and SPD1 (Design and Townscape Guide).**

- 12 The development hereby approved shall be carried out in a manner to ensure the houses comply with building regulation M4 (2) 'accessible and adaptable dwellings'.

**Reason:** To ensure the residential units hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management Document) policy DM2 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.

#### **Informative**

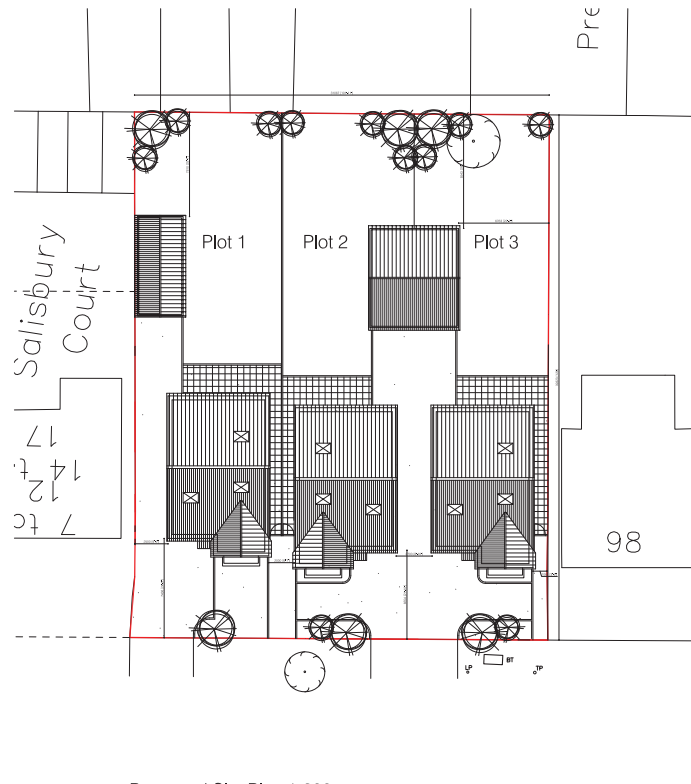
Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). Enclosed with this decision notice is a Community Infrastructure Levy (CIL) Liability Notice for the attention of the applicant and any person who has an interest in the land. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil).

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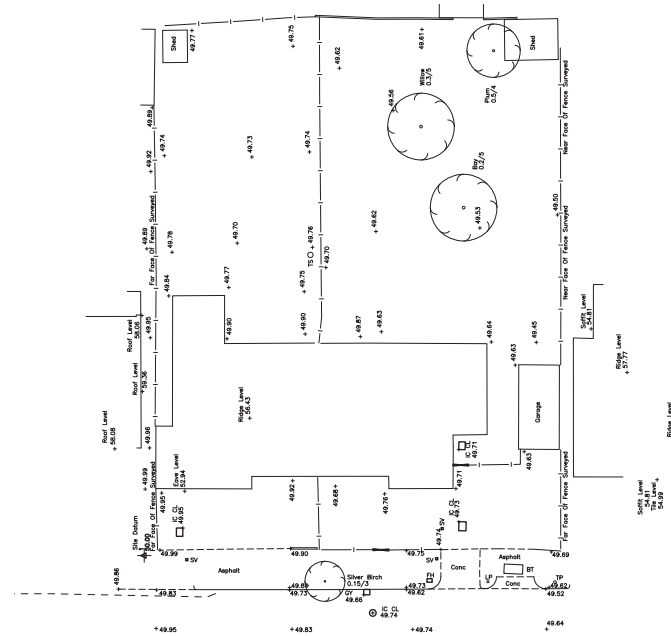




Proposed Street Scene 1:100



Proposed Site Plan 1:200



Existing Site Plan 1:200



Proposed Location Plan 1:250

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Rev.	Date.	Amendment	Drawn.
e	Nov/16	Elevation revised	
d	Nov/16	Elevation revised	
c	May/16	Planning Submission	
b	May/16	New site layout	
a	Jan/16	Dimension added	

**Proposed Dwellings**

104-106 Salisbury Road  
Leigh on Sea

Essex



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Drawing title:

Existing & Proposed Site Plan

Client: Mr D MacDonald

Scale: 1:200 @ A1 DWG No: 101e

Date: Dec'15

Drawn: GC

Project No:

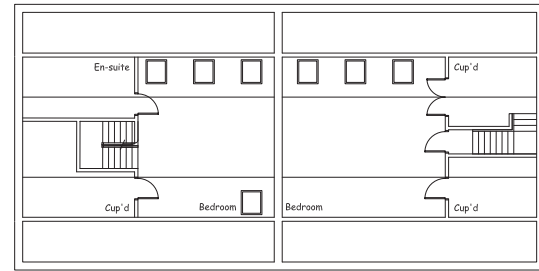
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Front Elevation



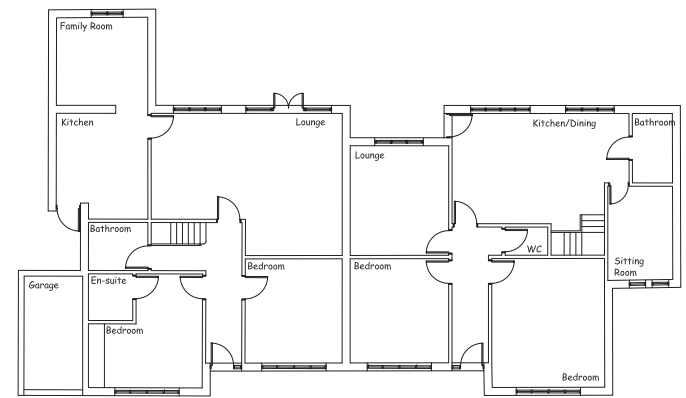
First Floor



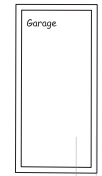
Side Elevation



Side Elevation



Ground Floor



Rev.	Date.	Amendment.	Drawn.

**Proposed Dwellings**  
104-106 Salisbury Road  
Leigh on Sea  
Essex



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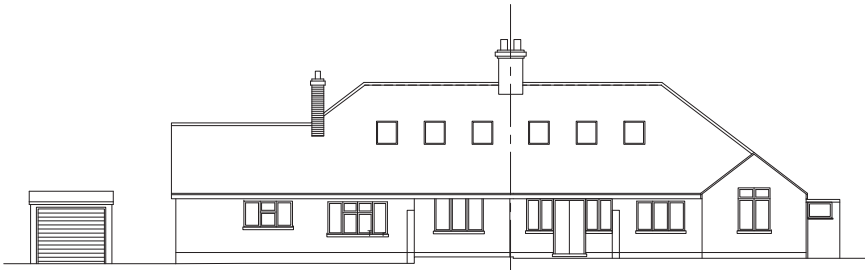
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Existing Plans & Elevations

Client:  
Mr D MacDonald

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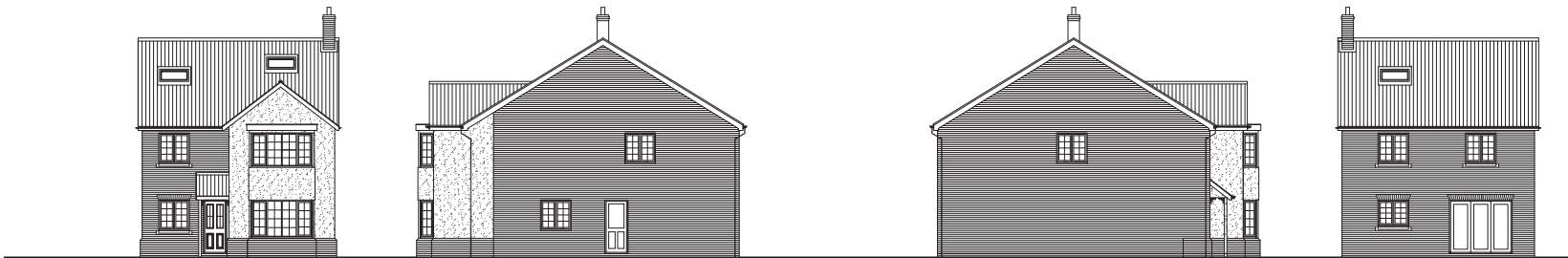
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Drawn: GC Date: Project No.



Rear Elevation

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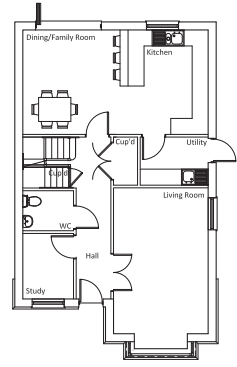


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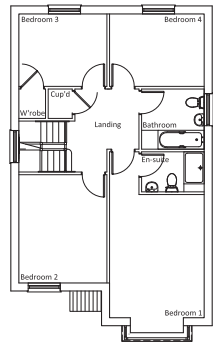
Side Elevation

Side Elevation

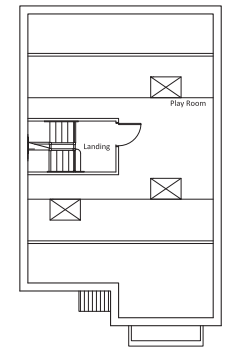
Rear Elevation



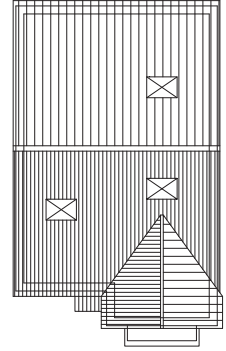
Ground Floor



First Floor



Second Floor



Roof Plan

Rev.	Date	Amendment	Drawn
Project	May'16	Planning Submission	

**Proposed Dwellings**  
 104-106 Salisbury Road  
 Leigh on Sea  
 Essex



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Drawing title:  
**Plan & Elevations**  
 Plot 1 & 3

Client:  
 Mr D MacDonald

Scale:  
 1:100 @ A1

Date:  
 May'16

Drawn:  
 GC

Checked:  
 GC

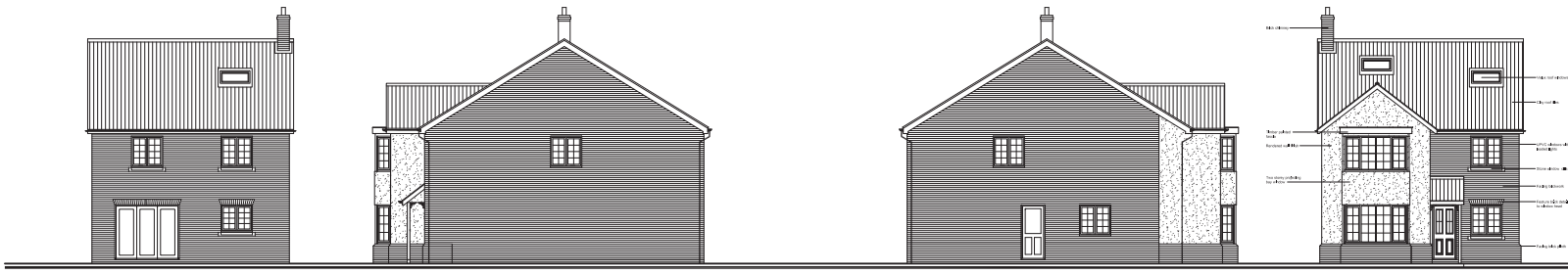
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**102d**

Project No.:

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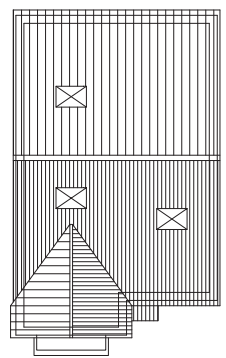


Rear Elevation

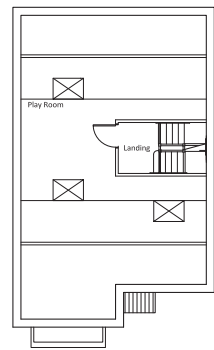
Side Elevation

Side Elevation

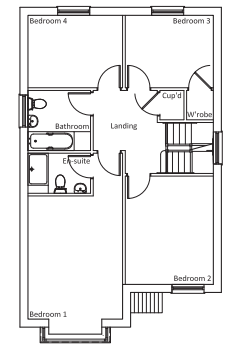
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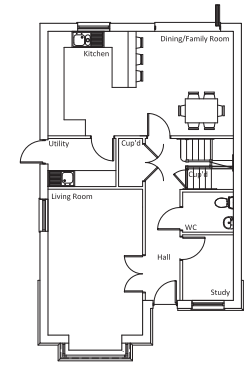
Roof Plan



Second Floor



First Floor



Ground Floor

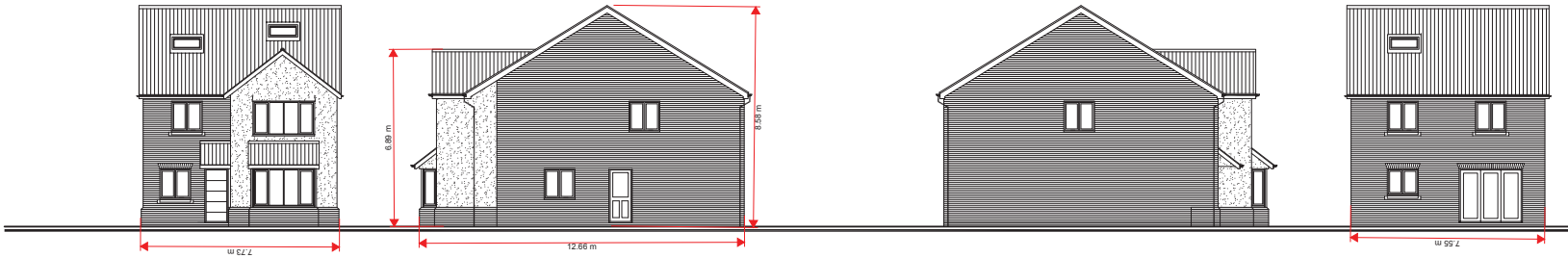
Rev.	Date	Amendment	Dwn.
1	May 16	Planning Submission	

**Proposed Dwellings**  
 104-106 Salisbury Road  
 Leigh on Sea  
 Essex

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 Plan & Elevations  
 Plot 2  
 Client:  
 Mr D MacDonald  
 Scale:  
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 DWG No.  
**103d**  
 Date:  
 May'16  
 Dwn:  
 GC  
 Project No.

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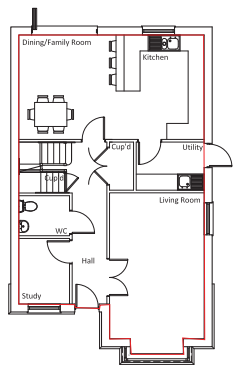


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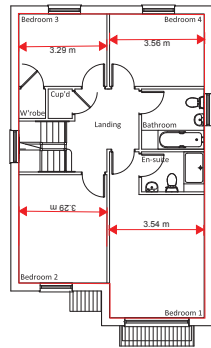
Side Elevation

Side Elevation

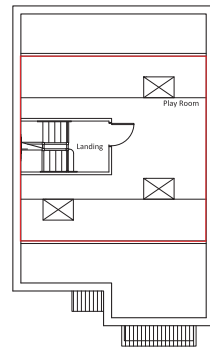
Rear Elevation



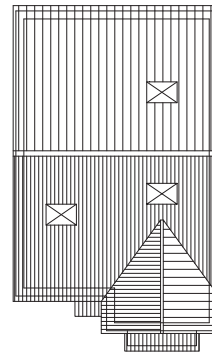
Ground Floor



First Floor



Second Floor



Roof Plan

Rev.	Date	Amendment	Drawn
Project	May'16	Planning Submission	

**Proposed Dwellings**  
 104-106 Salisbury Road  
 Leigh on Sea  
 Essex



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Drawing title:  
 Plan & Elevations  
 Plot 1 & 3

Client:  
 Mr D MacDonald

Scale:  
 1:100 @ A1

Date:  
 May'16

Drawn:  
 GC

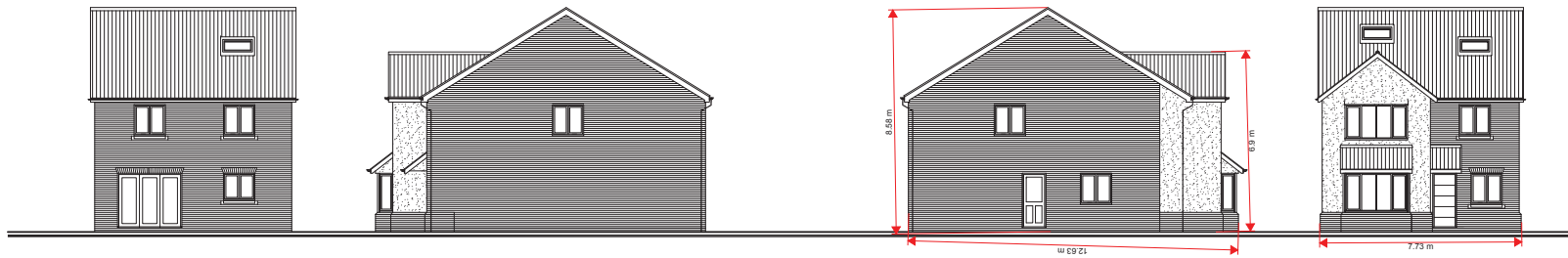
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Project No:  
 633

DWG No:  
**102a**

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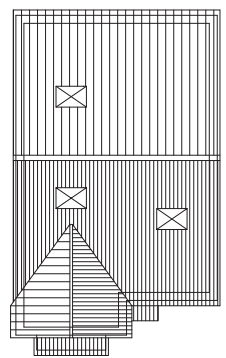


Rear Elevation

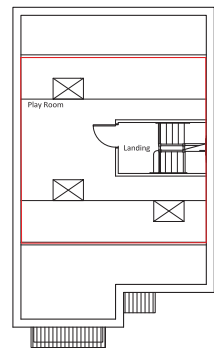
Side Elevation

Side Elevation

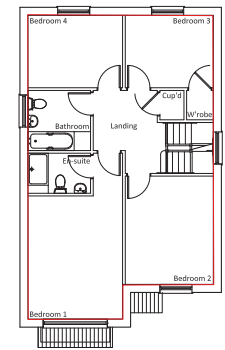
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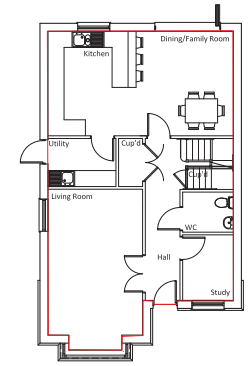
Roof Plan



Second Floor



First Floor



Ground Floor

Rev.	Date	Amendment	Dwn.
1	May 16	Planning Submission	

**Proposed Dwellings**  
 104-106 Salisbury Road  
 Leigh on Sea  
 Essex

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Drawing title:  
**Plan & Elevations**  
 Plot 2

Client:  
 Mr D MacDonald

Scale:  
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DATE:  
 May'16

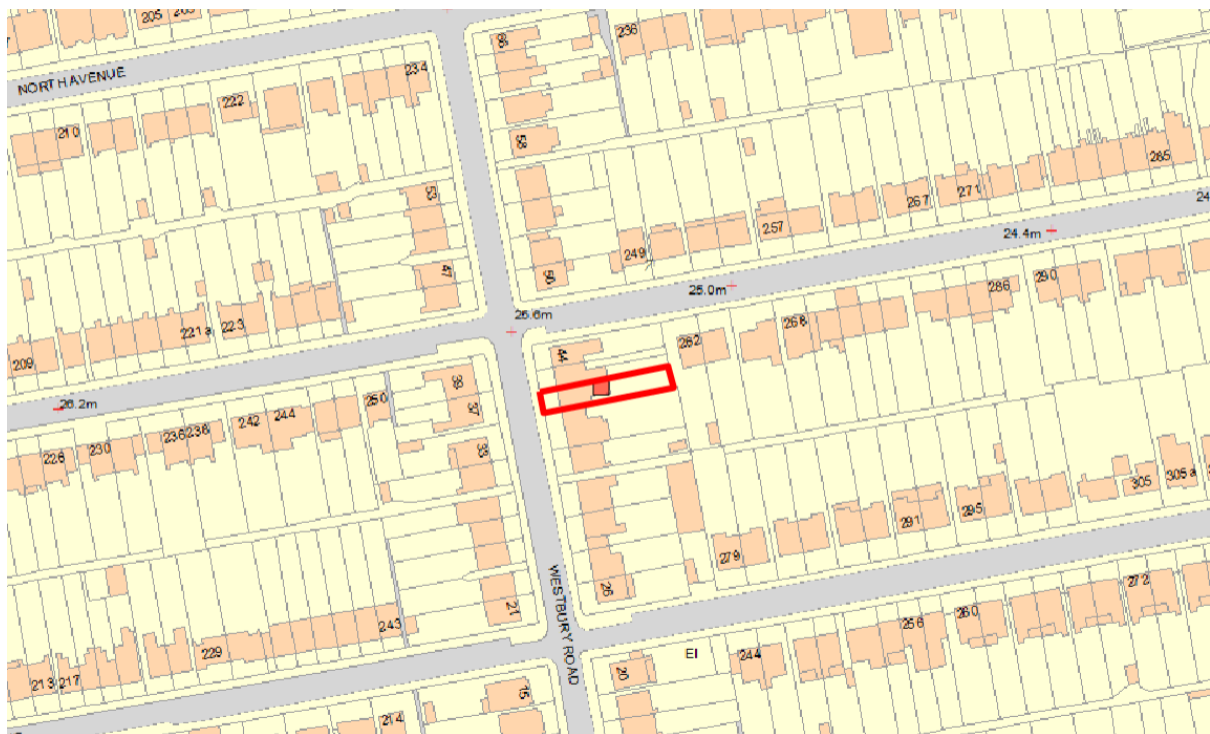
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DWG No. **103a**

Project No.

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<b>Reference:</b>	16/01659/AMDT	<h1>6</h1>
<b>Ward:</b>	St Lukes	
<b>Proposal:</b>	Application to vary condition 02 (Approved Plans) (Minor Material Amendment to planning permission 14/00198/FUL dated 21 May 2014)	
<b>Address:</b>	40 Westbury Road, Southend-On-Sea, Essex, SS2 4DP	
<b>Applicant:</b>	Dr Saqib Mahmud	
<b>Agent:</b>	Mr Graham Miles	
<b>Consultation Expiry:</b>	10/01/17	
<b>Expiry Date:</b>	11/01/17	
<b>Case Officer:</b>	Ian Harrison	
<b>Plan Nos:</b>	1472/OS, 1472/01, 1472/02, 1472/03, 1472/04 and 1472/05	
<b>Recommendation:</b>	<b>GRANT Planning Permission</b>	



## **1 The Proposal**

- 1.1 The application seeks permission for an amendment to a development that was granted planning permission under the terms of application 14/00198/FUL.
- 1.2 The site contains a two storey terraced building, with a two storey outrigger projection at the rear and to the rear of that is a small single storey projection. At the side of the outrigger is an external flight of stairs that lead to the first floor of the property. The building contains two flats and the former rear garden has been divided into halves.
- 1.3 Planning permission was granted for a conservatory at the rear of the outrigger that would have measured 2.4 metres wide and 2.8 metres deep thereby remaining at the north side of the single storey projection that is described above. The conservatory was approved with an eaves height of 2.1 metres and a maximum height of 3.2 metres.
- 1.4 The conservatory that has been built measures 3.3 metres deep and 2.7 metres wide, thereby wrapping around the abovementioned single storey rear projection. The eaves height remains 2.1 metres as approved and the maximum height is 2.5 metres. The conservatory has been built with a rendered wall to the north elevation to a height of 1.9 metres with glazing above. Part of a fence panel has been affixed to the south elevation to obscure views into the garden area to the south.

## **2 Site and Surroundings**

- 2.1 The site is located to the East of Westbury Road. The site contains a two storey terraced building which is described 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, Development Management Policy DM1 and SPD1**

- 4.1 Planning Practice Guidance states that one of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied. It goes on to state that there is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.

- 4.2 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 Development Management DPD Policy DM1 which relates to 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. Subject to detailed considerations, the proposed extension is considered to be acceptable in principle. In this regard it is noted that a conservatory has been granted previously at this site.

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

**National Planning Policy Framework 2012, Core Strategy Policies KP2 and CP4, Development Management DPD Policy DM1 and SPD1**

- 4.3 In the Council's Development Management DPD, policy DM1 states that 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."
- 4.4 Due to the position of the extension at the rear of the building the visual impact of the conservatory is masked from the public domain of Westbury Road and due to the boundary treatments between the extension and the highway of Central Avenue, the conservatory also has very little impact on the character or appearance of the area when viewed from Central Avenue. Although larger than previously approved, the proposed conservatory would be subordinate to the scale and form of the existing dwelling and generally uses materials that are visually acceptable. The attachment of a fence panel to the side of the conservatory is not a common approach, but as this matches the line of fence panels that exist at the rear of the site it is considered that the materials used are not unacceptable in this case. The limited visibility of the proposed conservatory means that the materials that have been used can be found acceptable.
- 4.5 It is considered that the extension would not represent the overdevelopment of the plot and would not cause harm to the character and appearance of the application site or the surrounding area.

**Impact on Residential Amenity:**

**NPPF; DPD 1 (Core Strategy) Policies KP2 and CP4; Development Management DPD Policy DM1 and SPD 1 (Design & Townscape Guide (2009))**

- 4.6 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 DM1 of the Development Management DPD also states that development should "Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight."

- 4.7 The conservatory that has been built is of equal eaves height as the conservatory that was approved and the maximum height of the conservatory is 0.7 metres lower. Although the extension is 0.5 metres deeper, it is considered that the low height of the conservatory ensures that the impact on the attached neighbouring property of 42 Westbury Road is not harmful to an extent that justifies the refusal of the application. Noting that a solid brick wall could be built at the boundary of the site to a height of 2 metres without needing permission, it is considered that the 1.9 metres tall side wall does not have an impact on residential amenity that is materially worse than a development that could be permitted development.
- 4.8 The garden of the first floor flat is located to the south side of the conservatory, but all windows within that property are above the height of the conservatory. The development therefore has no impact on the light, privacy or outlook of that property. Moreover, it is considered that the structure is not of a scale or form that would materially detract from the usability of the amenity space that serves the flats at the site.
- 4.10 Due to the gap between the conservatory and all other neighbouring properties and the scale of the development that has occurred, it is considered that no other properties have been affected by the development to an extent that would justify the refusal of the application.

#### **Community Infrastructure Levy**

- 4.11 As the development creates less than 100 square metres of new floorspace at the application site, the development is not CIL liable.

#### **Other Matters**

- 4.12 It has been brought to the attention of Officers that there may have been some form of dispute between parties over the ownership of land and the encroachment of the conservatory onto land where it was not previously approved to be built. This is a civil matter between other parties that the Local Planning Authority has no scope or remit to be involved with or intervene in relation to. The simple fact that the conservatory is wider than previously approved should not be a reason to refuse this retrospective amendment application unless the implications of the increase are considered to be unacceptable on planning grounds.

### **5 Conclusion**

- 5.1 In this instance it is considered that the development that has occurred does not cause harm to the amenities of neighbouring residents to an extent that would justify the refusal of the application and the proposal would not represent the overdevelopment of the existing dwelling or the plot on which it stands. The proposal is therefore considered to comply with the content of the development plan.



## **6 Planning Policy Summary**

### **6.1 National Planning Policy Framework**

National Planning Practice Guidance.

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

Development Management DPD Policy DM1 (Design Quality) and DM3 (Efficient and Effective Use of Land).

Design and Townscape Guide SPD (adopted December 2009)

CIL Charging Schedule

## **7 Representation Summary**

### **Public Consultation**

7.1 4 neighbouring properties were notified of the application. No letters of objection have been received. At the time of writing, the public consultation period has not expired. A summary of any comments received will be provided within a Supplementary Report.

7.2 This application has been called in to the Council's Development Control Committee by Councillors Ayling and Van Looy.

## **8 Relevant Planning History**

8.1 Application 14/00198/FUL approved a conservatory at the rear of the dwelling.

8.2 Planning permission was granted under the terms of application 16/01299/FUL for the erection of an outbuilding at the rear of the site.

## **9 Recommendation**

9.1 **GRANT PLANNING PERMISSION.** As the application is retrospective it is considered that no conditions are required.

**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.**

## **Informative**

**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](http://www.southend.gov.uk/cil) for further details about CIL.**



## OS Location Plan - 1 : 1250

### Miles Designs

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✉gcm@milesdesigns.co.uk

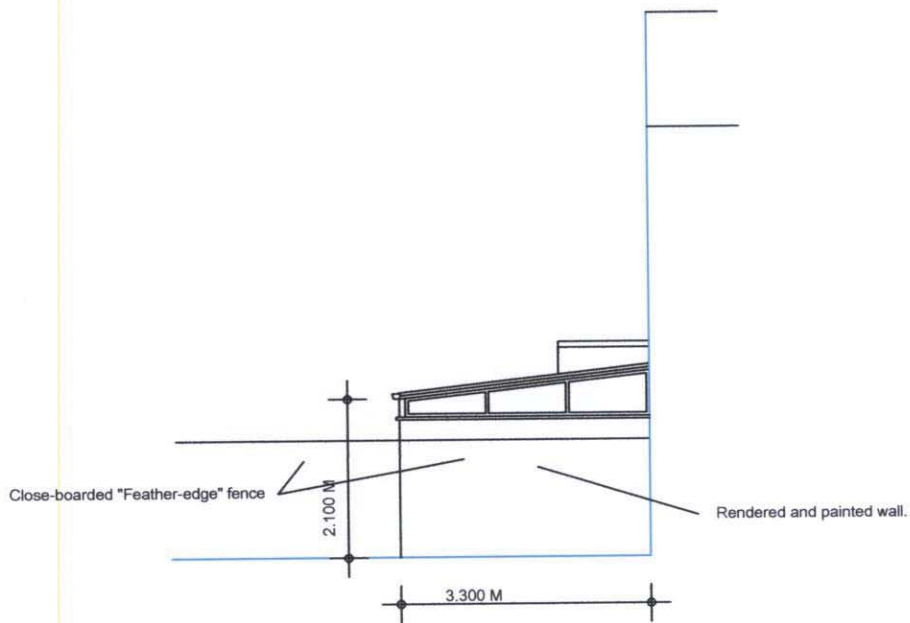
53

40, Westbury Road,  
Southend-on-Sea, SS2 4DP.

Drawing No :

**1472/OS**

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## Side Elevation [north] - 1 : 100

# Miles Designs

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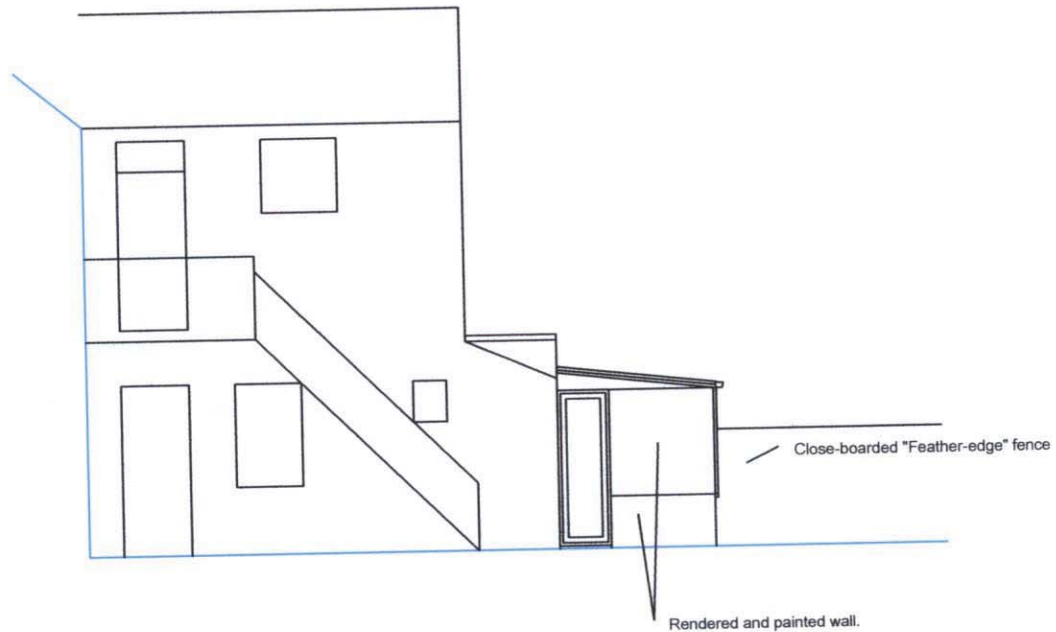
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Drawing No :

**1472/05**

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## Side Elevation [south] - 1 : 100

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57

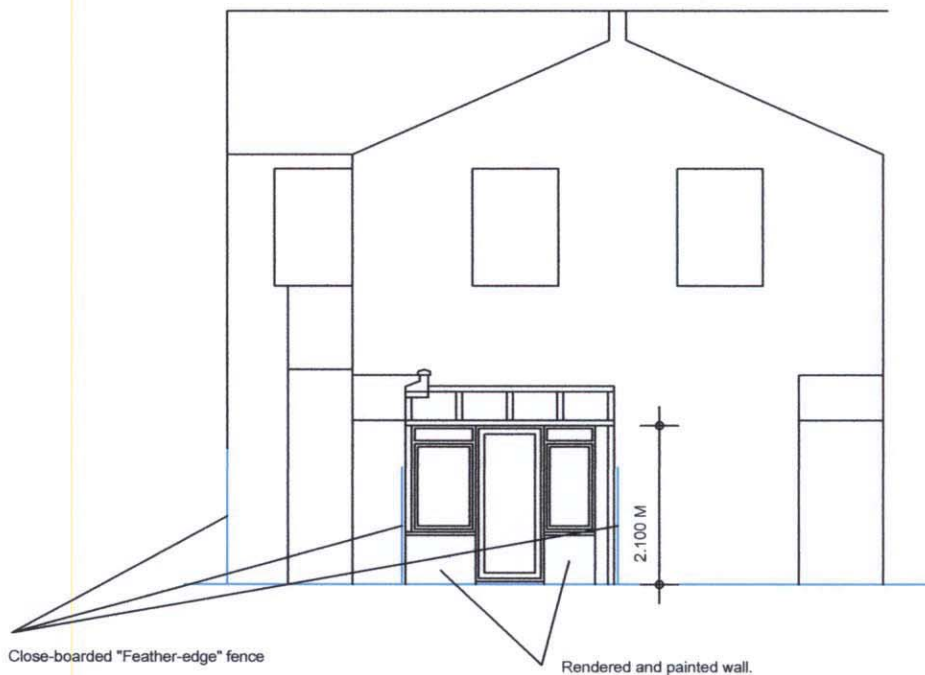
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Southend-on-Sea, SS2 4DP.

Drawing No :

1472/03

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## Rear Elevation [east] - 1 : 100

# Miles Designs

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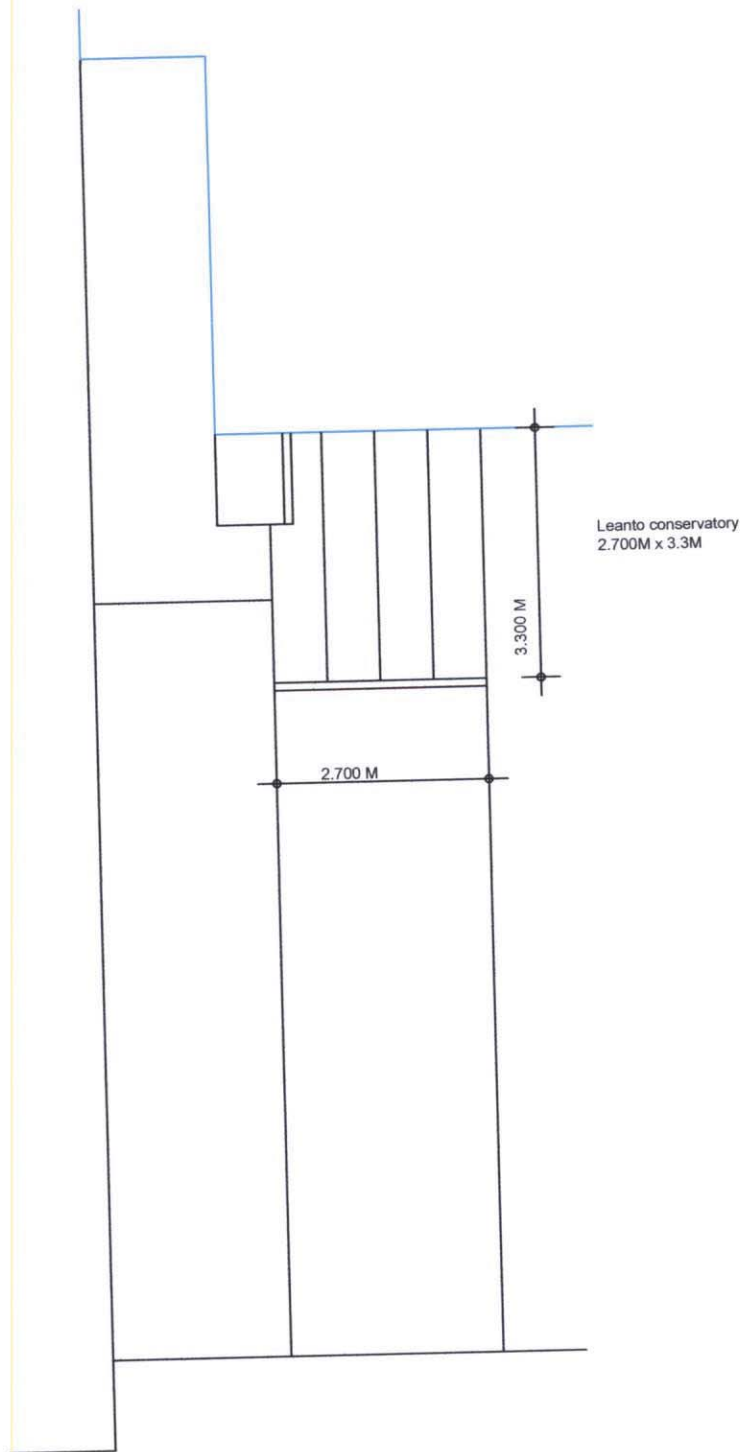
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40, Westbury Road,  
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Drawing No :

1472/04

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## Roof Plan - 1 : 100

# Miles Designs

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40, Westbury Road,  
Southend-on-Sea, SS2 4DP.

Drawing No :

**1472/02**

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<b>Reference:</b>	16/01760/FULH	<h1>7</h1>
<b>Ward:</b>	West Leigh	
<b>Proposal:</b>	Raise roof height to form habitable accommodation in roof, dormer to rear and alterations to front, side and rear elevations (Amended Proposal)	
<b>Address:</b>	78 Hadleigh Road, Leigh-On-Sea, Essex SS9 2LZ	
<b>Applicant:</b>	Mr & Mrs Hall	
<b>Agent:</b>	Knight Gratrix Architects	
<b>Consultation Expiry:</b>	8 <sup>th</sup> November 2016	
<b>Expiry Date:</b>	16 <sup>th</sup> December 2016	
<b>Case Officer:</b>	Naomi Scully	
<b>Plan Nos:</b>	1043 010 E, 1043 011 E	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>	



*This application was deferred at the Development Control Committee meeting on 11<sup>th</sup> of January 2017 for a site visit.*

## **1 The Proposal**

- 1.1 The application seeks permission to raise the roof height to form habitable accommodation in roof, dormer to rear and alterations to front, side and rear elevations.
- 1.2 The proposed flat roof dormer projecting 3.1 metres from the rear roof slope, 2.27 metres high and would be 7.47 metres wide.
- 1.3 It is proposed to install two rooflights and one pitched roof extension to the front elevation roofslope. The proposed front extension project 2.2 metres from the roofslope and would be 1.6 metres high. The existing study room window to the west flank elevation would be removed.
- 1.4 It is also proposed to raise the ridge height of the roof by 0.8 metres and increase the height of the existing projecting front gable by 1.2 metres and insert one snug room window to the front elevation. It is further proposed to install two rooflights to both the east and west side elevations roofslope elevations of this projection.
- 1.5 The positioning of the main front elevation entrance door would be moved towards the westernmost side and be replaced with a new timber front door and a glazed sidelight.
- 1.6 Following discussions with the agent amended plans were provided to reduce the scale of the rear dormer proposed. Given this alteration represented a reduction in the size of the extension proposed further consultation with neighbours was not required or considered appropriate.
- 1.7 This application follows application 16/01140/FULH, which proposed to raise roof height to form habitable accommodation in roof, dormer to rear and alterations to front, side and rear elevations which was refused for the following reason:
  - The proposed development by reason of the increase in height and bulk of the roof would result in an overly dominant dwellinghouse to the detriment of the character of the existing dwelling and streetscene contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy, Policy DM1 of the Development Management Document and the Design and Townscape Guide, 2009

## **2 Site and Surroundings**

- 2.1 The site is located to the south east of Hadleigh Road, Grange Road is to the north and Marine Parade is to the south. The topography of the site decreases slightly to the north east. The site is occupied by a two storey detached dwellinghouse.
- 2.2 The property has an average sized rear garden relative to the area. The front curtilage of the property is hard surfaced and two car parking spaces can be accommodated. The surrounding area is residential in character consisting of two storey semi-detached and detached dwellings of a mixed character and design.

### 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, impact on residential amenity, traffic and transportation issues and CIL.

### 4 Appraisal

#### Principle of Development

**National Planning Policy Framework (2012); Development Plan Document 1 (DPD1): Core Strategy Policies KP2 (Development Principles) and CP4 (Environment and Urban Renaissance); Development Management Document 2: Policy DM1 (Design Quality), DM3 (The Efficient and Effective Use of Land) and Design and Townscape Guide SPD1 (2009).**

- 4.1 This proposal is considered in the context of the Core Strategy DPD policies KP2 and CP4, Policy DM1 and DM3 of the Development Management DPD2 and the Design and Townscape Guide. 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. Therefore the principle of extending and altering the property is found to be acceptable subject to the detailed considerations below.

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

**National Planning Policy Framework (2012); Development Plan Document 1 (DPD1): Core Strategy Policies KP2 (Development Principles) and CP4 (Environment and Urban Renaissance); Development Management Document 2: Policy DM1 (Design Quality), DM3 (The Efficient and Effective Use of Land) and Design and Townscape Guide SPD1 (2009).**

- 4.2 The National Planning Policy Framework (NPPF) states *“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”* (Paragraph 56 – ‘Requiring good design’).
- 4.3 Policy KP2 of the Core Strategy advocates the need for all new development to *“respect the character and scale of the existing neighbourhood where appropriate and secure improvements to the urban environment through quality design.”* Policy CP4 of the Core Strategy states *“development proposals will be expected to contribute to the creation of high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend by maintaining and enhancing 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 DPD2 advocates the need for good quality design that contributes positively to the creation of successful places. All developments should respect the character of the site, its local context and surroundings in terms of its architectural approach, height, scale, form and proportions.

- 4.5 Paragraph 366 of the Design and Townscape Guide under the heading of ‘Roof Extensions and Dormer Windows’ states *“Proposals for additional roof accommodation within existing properties must respect the style, scale and form of the existing roof design and the character of the wider townscape. Dormer windows, where appropriate, should appear incidental in the roof slope (i.e. set in from both side walls, set well below the ridgeline and well above the eaves). The position of the new opening should correspond with the rhythm and align with existing fenestration on lower floors.”*
- 4.6 Paragraph 374 of the Design and Townscape Guide states that *“extensions that raise the ridge height of an existing building are only considered acceptable in principle where they complement the design of the original building and where they do not break the continuity of the streetscene or appear overbearing.”*
- 4.7 It is proposed to increase the ridge height by 0.8 metres and to increase the roof height of the projecting gable at the front by 1.2 metres. The previous application proposed to increase the ridge height by 1.1 metres which was considered to result in the wide projecting gable becoming a dominant feature in the streetscene and would be detrimental to the character of the surrounding area. The reduced increase of the main roof height and the projecting gable as proposed under this application is considered to overcome previous concerns.
- 4.8 It is also proposed to insert a roof extension to the westernmost side of the front elevation roofslope and to insert one window to the front elevation gable. It is noted that several dwellings along Hadleigh Road have dormers to the front elevation. In this context it is considered that the provision of a dormer would not be detrimental to the character of the surrounding area.
- 4.9 The proposed roof form would be well integrated in terms of scale and design with the original dwelling and surrounding area in accordance with the NPPF, policies KP2 and CP4 of the Core Strategy, policies DM1 and DM3 of the Development Management Document and the Design and Townscape Guide. The proposal is not found to represent an overdevelopment of the site.

### **Impact on Residential Amenity**

**National Planning Policy Framework (2012); Development Plan Document 1 (DPD1): Core Strategy Policies CP4 (Environment and Urban Renaissance); Development Management Document 2: Policy DM1 (Design Quality) and Design and Townscape Guide SPD1 (2009).**

- 4.10 Paragraph 343 of the Design and Townscape Guide (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 DM1 of the Development Management DPD also states that development should *“protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight.”*



- 4.11 It is proposed to form a flat roof dormer to the rear elevation to form habitable accommodation in the roof. The proposed dormer would be sited 1.2 metres above the eaves, 1.58 metres from the west and 1.65 metres from the east flank elevations, projecting 3.1 metres from the rear elevation roof slope a reduction of 0.41 metres in comparison to the previous application. It is considered the proposed rear dormer would be proportionate to the existing dwellinghouse and it is found to be acceptable in this instance. Taking the siting and projection of the proposed dormer into consideration it is not considered to be overbearing or cause a sense of enclosure for the occupants of the surrounding properties.
- 4.12 The east flank elevation of No. 80 features two windows at first floor level serving a bedroom and two windows serving a living room at ground floor level. No. 76 features no windows to the west flank elevation. The increase in height would cause loss of some light to the bedroom and living room in the side elevation of No. 80. However given the windows to the side elevation at ground and first floor level are secondary it is considered the raised roof height would not be overbearing or create a sense of enclosure for the occupants of No. 80. As the outlook from the windows is already dominated by the existing dwelling it is considered that the impact of the proposal would not be significantly worse than the existing situation.
- 4.13 The proposed dormer window at the rear would face the gardens of the neighbouring properties but not the dwellings. It is recognised that the elevated views towards the neighbouring gardens would cause the loss of some privacy within the gardens, but not to an extent that would cause material harm to residential amenity in a manner that would justify the refusal of the application. The distance of 16.6 metres to the properties of Grange Road is ample to ensure that views from the dormer do not harmfully overlook the neighbouring properties.
- 4.14 The six rooflights and extension to the front would enable views towards neighbouring properties, but only towards those parts of the properties that are already visible from the public domain and are therefore not private.

### **Traffic and Transportation**

**National Planning Policy Framework (2012); Development Plan Document 1 (DPD1): Core Strategy Policies KP2 (Development Principles), CP4 (Environment and Urban Renaissance), CP3 (Transport and Accessibility); Development Management Document 2: Policy DM15 (Sustainable Transport Management) and Design and Townscape Guide SPD1 (2009).**

- 4.15 Policy DM15 of the Development Management DPD requires that all development should meet the minimum off-street parking standards. Therefore, for a four bedroomed dwelling outside Southend Central area, the provision of two parking spaces is required.
- 4.16 Due to internal alterations the proposal would result in the loss of some garage space however space would be retained at the site to enable parking of two cars. Therefore no objection can be raised in relation to the loss of parking.

## **Community Infrastructure Levy (CIL)**

### **Charging Schedule**

- 4.17 The proposal for the existing 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.

## **5 Conclusion**

- 5.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The proposal would have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site, the street scene and the locality more widely. The highways impacts of the proposal are not considered to be such that a refusal of planning permission would be justified. This application is found to have overcome the reasons for refusing the previous application at the site and is recommended for approval subject to conditions.

## **6 Planning Policy Summary**

- 6.1 National Planning Policy Framework (NPPF) (2012)
- 6.2 Development Plan Document 1: Core Strategy Policies CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance) and KP2 (Development Principles)
- 6.3 Development Management Document 2: Policy DM1 (Design Quality), DM3 (The Efficient and Effective Use of Land) and DM15 (Sustainable Transport Management)
- 6.4 Supplementary Planning Document 1: Design and Townscape Guide 2009
- 6.5 CIL Charging Schedule

## **7 Representation Summary**

### **Public Consultation**

- 7.1 Nine neighbouring properties were notified and two letters of representation were received objecting to the following:
- The reduction in the ridge height is very marginal, almost imperceptible.
  - The proposal is very clearly in the nature of overdevelopment and should be rejected.
  - Proposed extension would result in the loss of privacy to the rear garden of No. 76 and the loss of some late afternoon sun over the decking area in Spring and Autumn.
  - Proposed plans are totally inappropriate for the area as well as being in sharp contrast to the style, appearance and size of neighbouring properties.

- There is little or no consideration to over development and to bring down the roof line down to the level of the adjacent properties.
- This application continues to violate planning guidelines as well as being blatant snub to the integrity of the committee and local residents.
- Proposal results in a loss of amenity at neighbouring properties.

Councillor Evans has requested that this planning application go before the Development Control Committee for consideration.

## **Leigh Town Council**

7.2 The following comments were received:

7.3 Overdevelopment due to the size and bulk of dormers. Out of keeping with the street scene, as will be the only 3 storey house in Hadleigh Road, as by raising the roof line it is an extra storey and not just a loft conversion

## **8 Relevant Planning History**

8.1 16/01140/FULH – Raise roof height to form habitable accommodation in roof, dormer to rear and alterations to front, side and rear elevations – Application Refused.

## **9 Recommendation**

**GRANT PLANNING PERMISSION subject to the following conditions:**

**01 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 The development hereby permitted shall be carried out in accordance with the following approved plans: 1043 010 E, 1043 011 D**

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

**03 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings hereby approved or are required by conditions to this permission.**

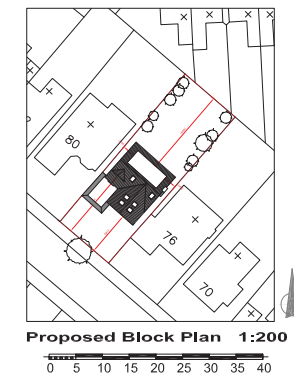
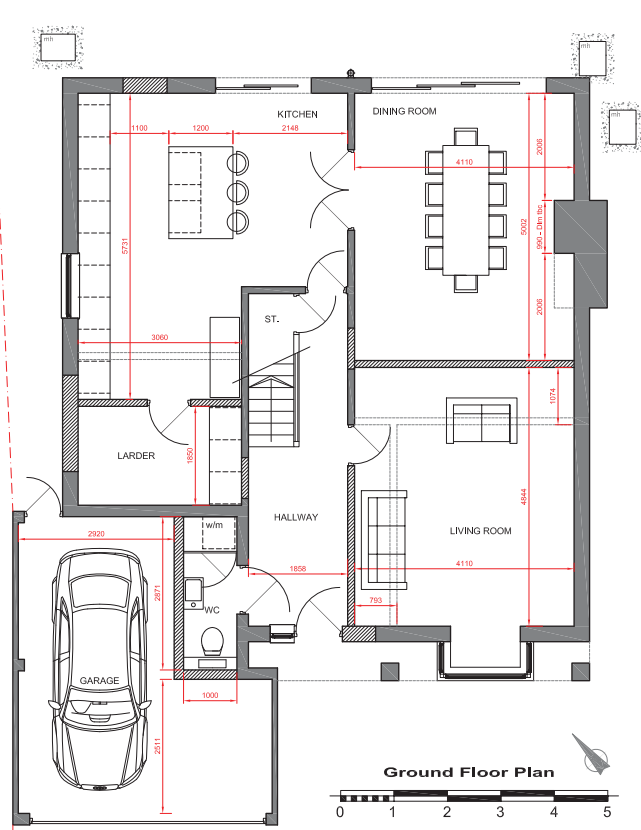
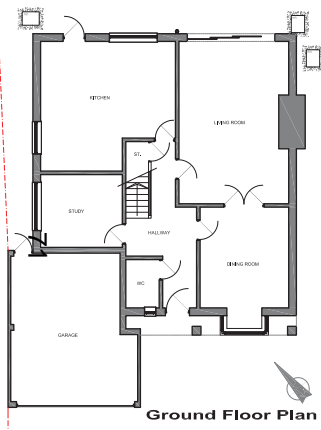
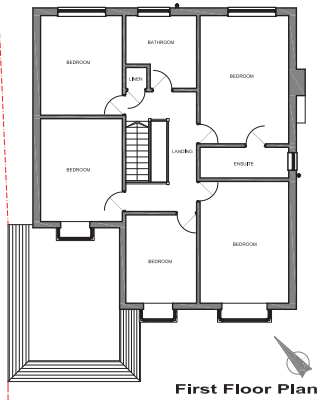
**Reason: To safeguard the visual amenities of the area, in accordance with National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy CP4, policy DM1 of Development Management Document DPD2 and SPD1 (Design and Townscape Guide).**

**The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant,**

acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, 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.

#### **Informative**

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](http://www.southend.gov.uk/cil) for further details about CIL.



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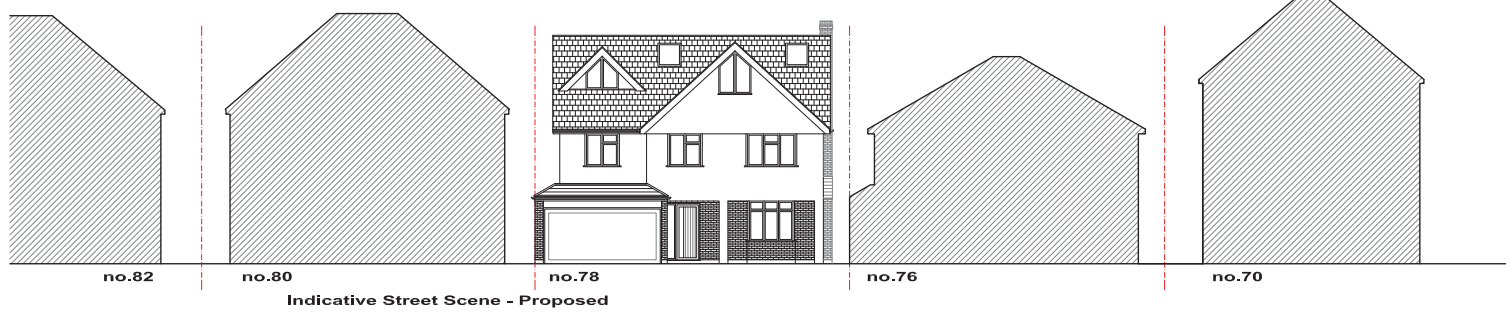
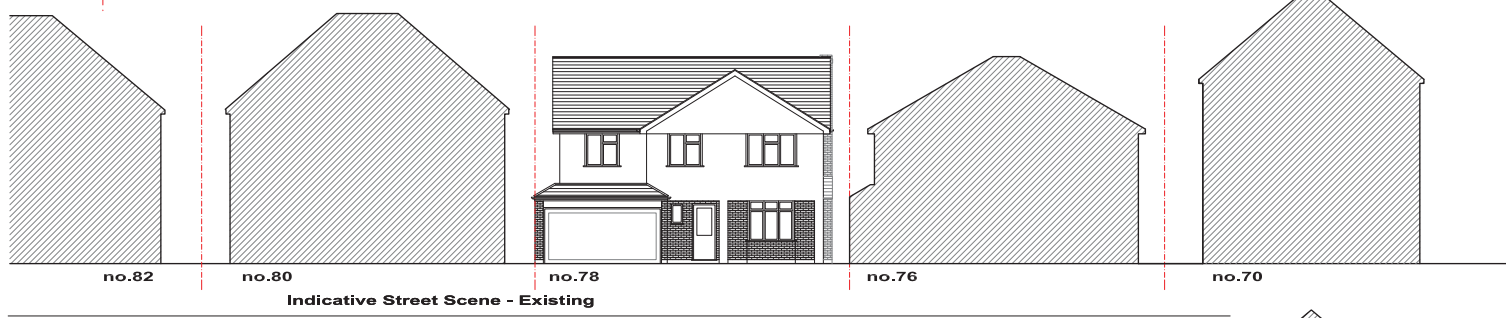
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Revision	Date
A. Amended following client meeting	24.05.16
B. Amended following client meeting	17.06.16
C. House numbers corrected	22.06.16
D. Page height reduced	20.09.16
E. Amended block plan	28.11.16



**EXISTING PLANS**



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**Client**  
Mr & Mrs Hall

**Project**  
78 Hadeleigh Road

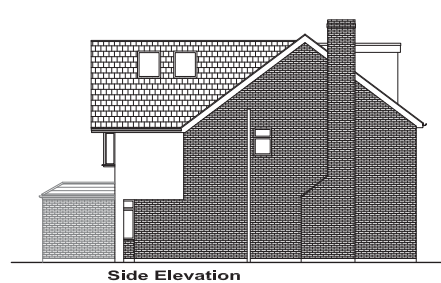
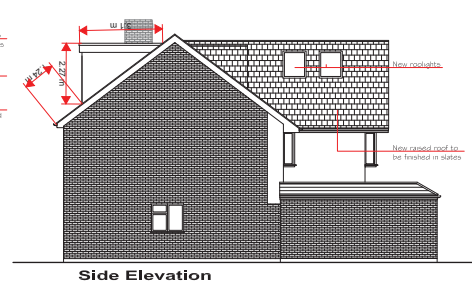
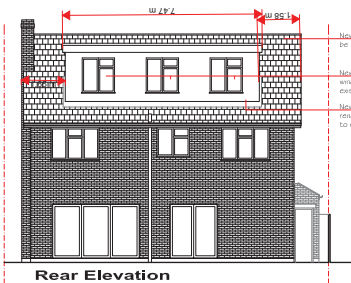
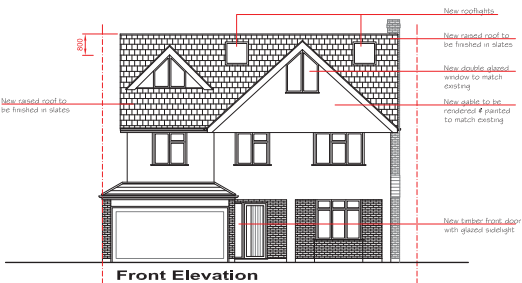
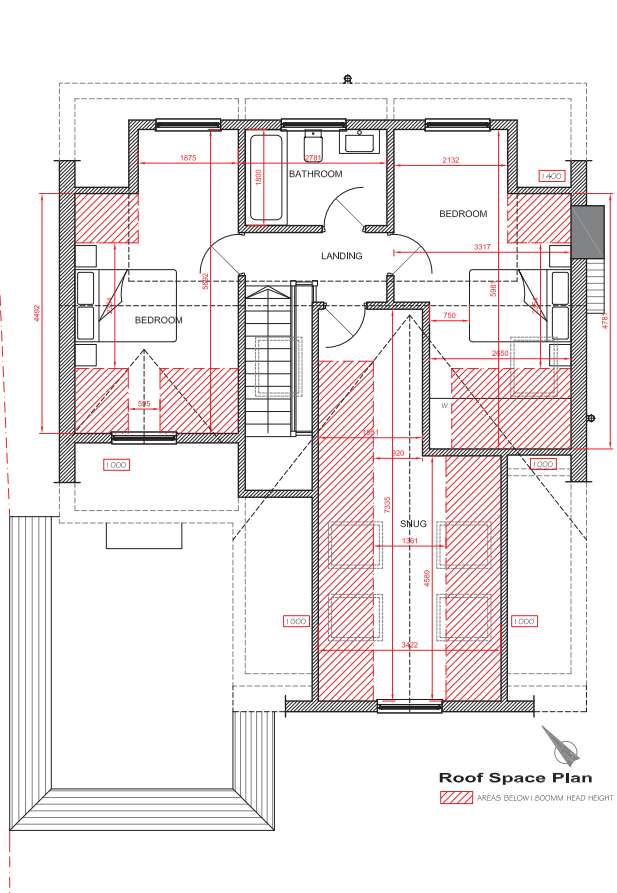
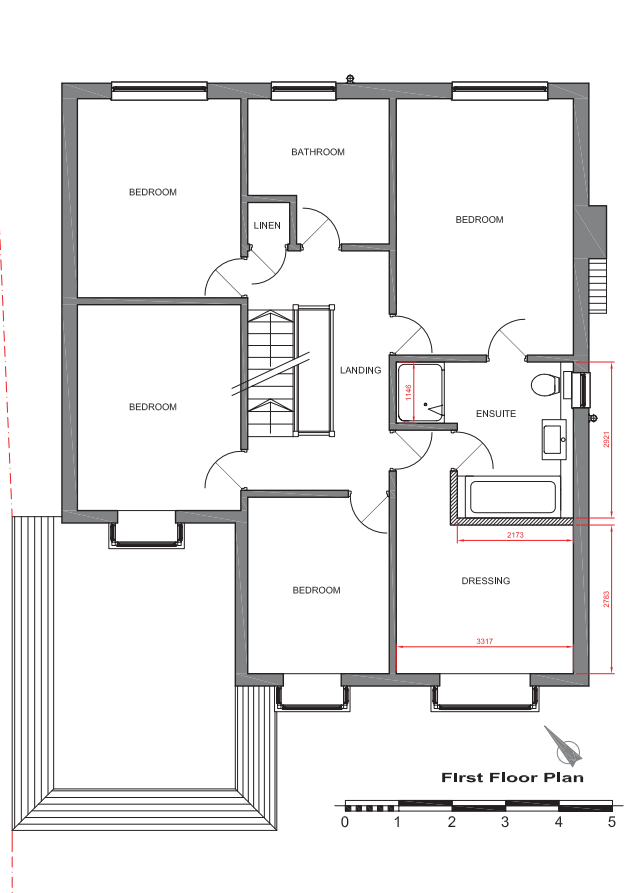
**Drawings**

**Proposed Alterations**  
Existing & Proposed Plans

**Scale**  
Planning 1:50/100/200 nr 10.05.16

**Job number** 1043 **Drawing no.** 010 **Revision** E

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Revision	Date
A. Amended following client meeting	24.05.16
B. Amended following client meeting	17.05.16
C. Ridge height reduced	26.05.16
D. Rear dormer reduced	28.11.16



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Client: **Mr & Mrs Hall**

Project: **78 Hadeleigh Road**

Drawings: **Proposed Alterations Proposed Plans**

Scale	Sheet	Date
1:50/100	nr	10.05.16
Job number	Drawing no.	Revision
1043	011	D

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<b>Reference:</b>	16/01773/FUL	<b>8</b>
<b>Ward:</b>	Chalkwell	
<b>Proposal:</b>	Erect treehouse in rear garden (Retrospective)	
<b>Address:</b>	19 Kings Road, Westcliff-On-Sea, Essex, SS0 8LL	
<b>Applicant:</b>	Mrs E. Lusty.	
<b>Agent:</b>		
<b>Consultation Expiry:</b>	14/12/16	
<b>Expiry Date:</b>	16/01/17	
<b>Case Officer:</b>	Ian Harrison	
<b>Plan Nos:</b>	Page 1, Page 2 Sketch Plan, Site Plan and Location Plan	
<b>Recommendation:</b>	<b>REFUSE Planning Permission</b>	



## **1 The Proposal**

- 1.1 This application seeks retrospective planning permission for the erection of a treehouse on a tree at the rear of 19 Kings Road. The site contains a three storey dwelling with a 25 metre deep garden area to the rear.
- 1.2 Following the pollarding of a diseased tree, the applicant has erected a treehouse with an irregularly shaped platform that measures approximately 1.75 metres by 3.75 metres at a height of 2.2 metres. The platform is supported by the abovementioned tree and timber posts. To the sides of the platform is a timber enclosure formed from recycled materials and above the platform is a canvas sheet that meets the timber enclosure at the north elevation and is positioned at an angle to create a maximum height of 4.5 metres. The applicant has advised that a ladder has been re-positioned to the north side of the structure at the request of a neighbouring resident.

## **2 Site and Surroundings**

- 2.1 The application site is located to the north of Kings Road. The site contains a three storey detached dwelling. The surrounding area contains mostly residential properties with a block of flats to the west and houses in all other directions.
- 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, Development Management Policies DM1 and DM3 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 is Development Management DPD Policy DM1 which relates to design quality. These policies and guidance support extensions and alterations 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 treehouse within a residential setting 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, Development Management DPD Policies DM1 and DM3 and SPD1**

- 4.2 In the Council's Development Management DPD, policy DM1 states that 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."

- 4.3 The rear of the application site is mostly masked from Kings Road by the existing and neighbouring dwellings and it is therefore the case that the treehouse is only visible from the rear of surrounding residential properties and above a block of garages to the west that are accessed from Drake Road.
- 4.4 The tree house, whilst of significant size is of a timber and canvas construction and therefore has a lightweight appearance. Notwithstanding this, it is considered that the structure is imposing in views from Drake Road to the west and has a significant impact on the setting of the rear of several neighbouring properties.
- 4.5 The structure has an ad-hoc, makeshift 'shanty town' appearance that is not in-keeping with the traditional built form and character of the surrounding buildings. The structure therefore has an appearance that would be harmfully out-of-context with the character and appearance of the surrounding area. Although it is apparent that the development represents a temporary play structure rather than a permanent building that would be used for full-time accommodation or other such intensive occupation, its make-shift appearance is considered to cause material visual harm that is contrary to the abovementioned policies.

**Impact on Residential Amenity:**

**NPPF; DPD 1 (Core Strategy) Policies KP2 and CP4; Development Management DPD Policy DM1 and SPD 1 (Design & Townscape Guide (2009))**

- 4.6 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 DM1 of the Development Management DPD also states that development should "Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight."
- 4.7 The treehouse structure is positioned 17 metres from the rear elevation of 17 Kings Road, 14 metres from 21-27 Kings Road and 13 metres from the rear elevation of Kingholme, Drake Road. Due to the relatively small scale and limited bulk and mass of the structure, it is considered that the structure does not cause a loss of light or outlook within any neighbouring property to an extent that would justify the refusal of the application.
- 4.8 However, the elevated platform would enable views to the properties of Kings Road. Although orientated towards 17 Kings Road, the separation distance of 17 metres between the tree house and the rear elevation of that property ensures that the level of overlooking caused from the structure would not be such as to cause an overall loss of privacy to an extent that would justify the refusal of the application.
- 4.9 As the treehouse is orientated slightly away from 21-27 Kings Road and features a partial canopy/enclosure to the west side and due to the communal use of the amenity land to the south west, it is considered that the impact on privacy would not be sufficient to justify the refusal of the application. That amenity space and the habitable rooms of the adjacent building are already the subject of potential inter-visibility due to the nature of the use of the building as flats. It is therefore considered that the additional structure at the application site does not cause significant additional harm to the amenities of neighbouring residents.

- 4.10 It is noted that one letter of objection has been received from a resident of Drake Road and a second objection letter (with no address given) could be from a Drake Road property due to its content. The application has come about following an enforcement complaint and it is therefore reasonable to add weight to the fact that the development has had sufficient impact on amenity to warrant it being reported to the Local Planning Authority. Despite the canopy/roof design it appears that overhanging the edges of the tree house would enable views towards the amenity area and habitable rooms of the adjacent property (2 Drake Road). For these reasons, it is considered, on balance, that the development has had an impact on residential amenity, in terms of overlooking and loss of privacy, that is harmful and contrary to the abovementioned policies.
- 4.11 No other neighbouring properties would be affected by the proposed development.

### **Community Infrastructure Levy**

- 4.12 As the development creates less than 100 square metres of new floorspace at the application site, the development is not CIL liable.

## **5 Conclusion**

- 5.1 In this instance it is considered that the development has causes harm to the amenities of neighbouring residents to an extent that justifies the refusal of the application and also has an unacceptable visual impact. The proposal is therefore considered to be contrary to the content of the development plan.

## **6 Planning Policy Summary**

- 6.1 National Planning Policy Framework

National Planning Practice Guidance.

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

Development Management DPD (2015) policies DM1 (Design Quality) and DM3 (Efficient and Effective Use of Land).

Design and Townscape Guide SPD (adopted December 2009)

CIL Charging Schedule

## **7 Representation Summary**

### **Public Consultation**

- 7.1 8 neighbouring properties were notified of the application. Two letters of objection have been received which object on the following grounds:
- Overlooking and loss of privacy of neighbouring properties.
  - No consideration was given to the amenities of neighbouring residents before it was constructed.
  - The view from neighbouring properties has been harmfully altered by an unattractive structure.

- The structure is not in-keeping with the design of the adjacent dwellings.
- The development is new.
- The development has a platform and lights.
- The users of the structure create noise disturbance.

7.2 The application has been called-in to the Council's Development Control Committee by Councillor Folkard.

## **8 Relevant Planning History**

8.1 A single storey rear extension was approved under the terms of application 13/01054/FULH.

8.2 The proposed use of the building as a doctors surgery and day nursery was refused under the terms of application 04/00609/FUL.

## **9 Recommendation**

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

**01 The treehouse development, by virtue of its size, scale, height, design and makeshift appearance, is considered to be harmful to visual amenity and out-of-keeping with the character and appearance of the application site and the surrounding area. 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).**

**02 The treehouse development, by virtue of its height and design, is considered to be harmful to residential amenity as it enables unacceptable overlooking and causes a loss of privacy at 2 Drake Road to the detriment of the amenities of the occupiers of this property. 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 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.**

## **Informative**

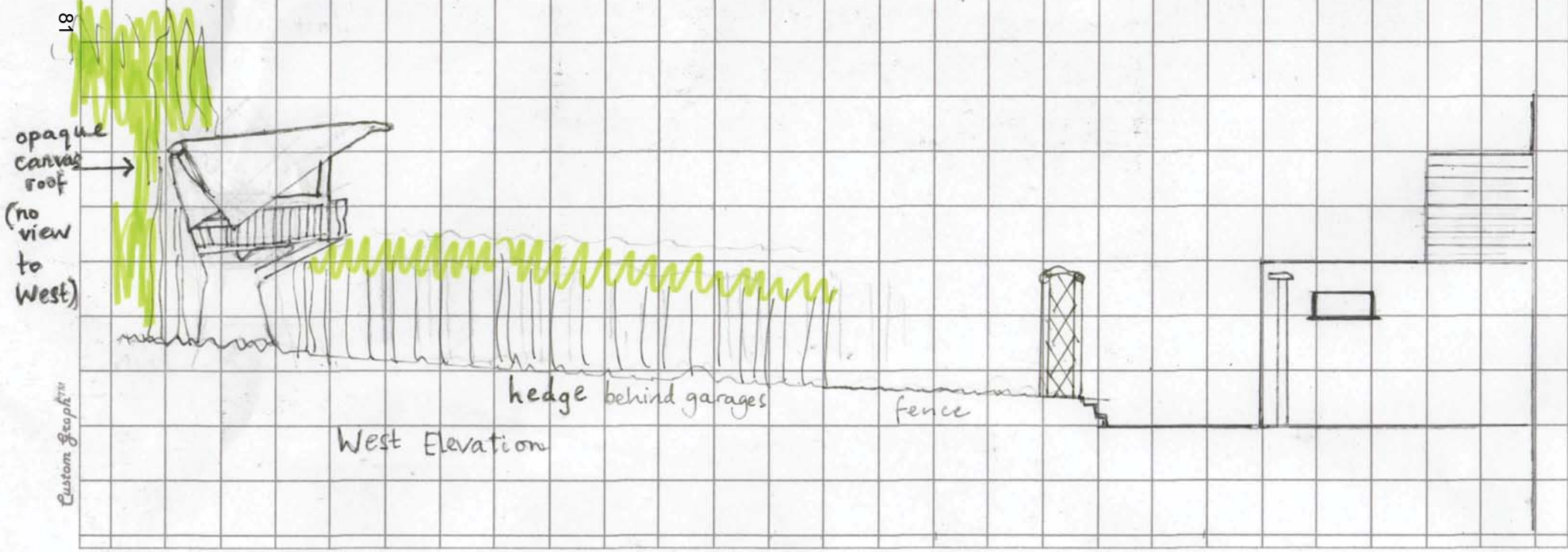
**You are advised that as the proposed extension(s) to your property equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil)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

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Treehouse 19 Kings Road SSO 8LL

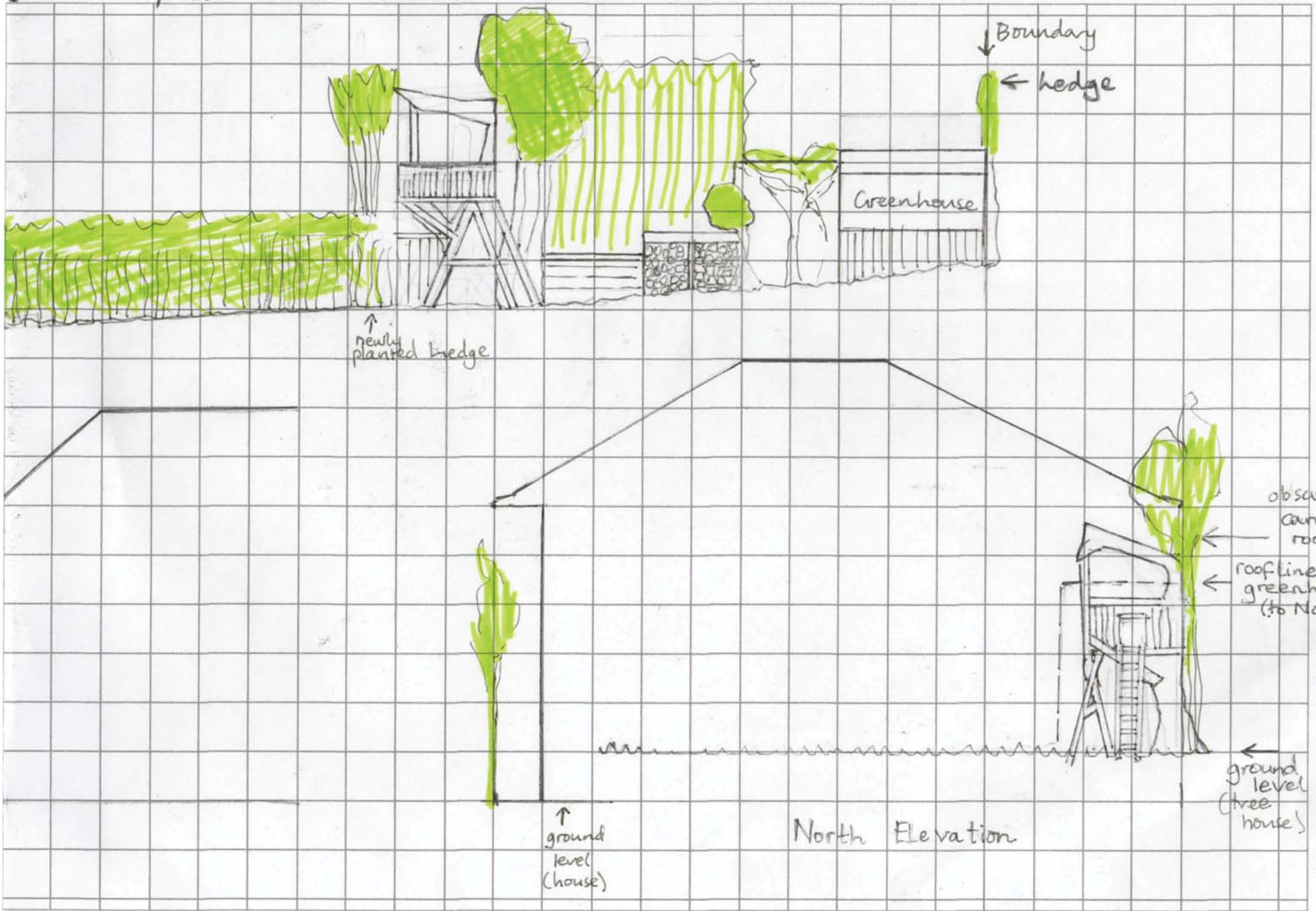
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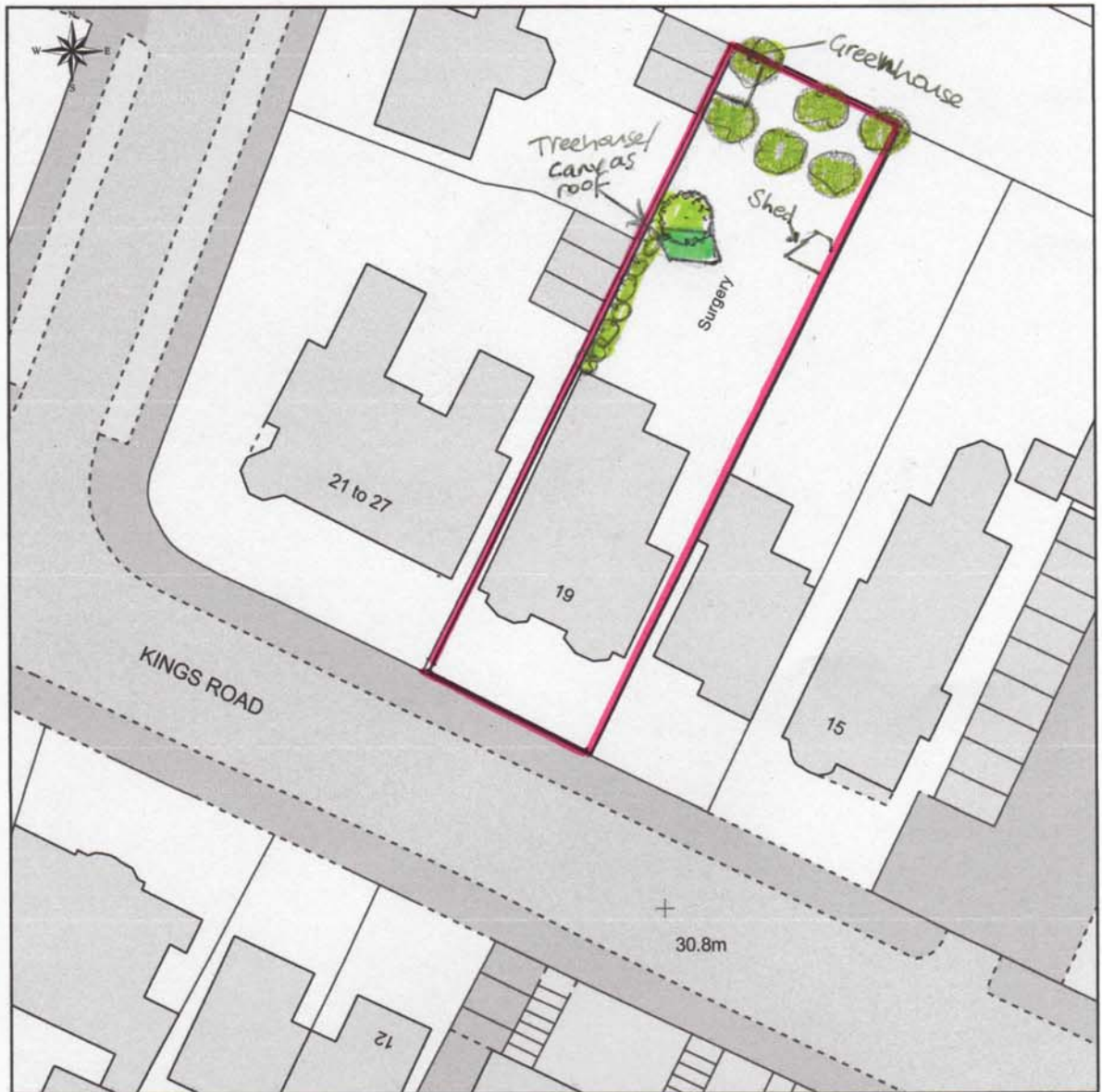
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# Tree house 19 Kings Road SS0 8LL



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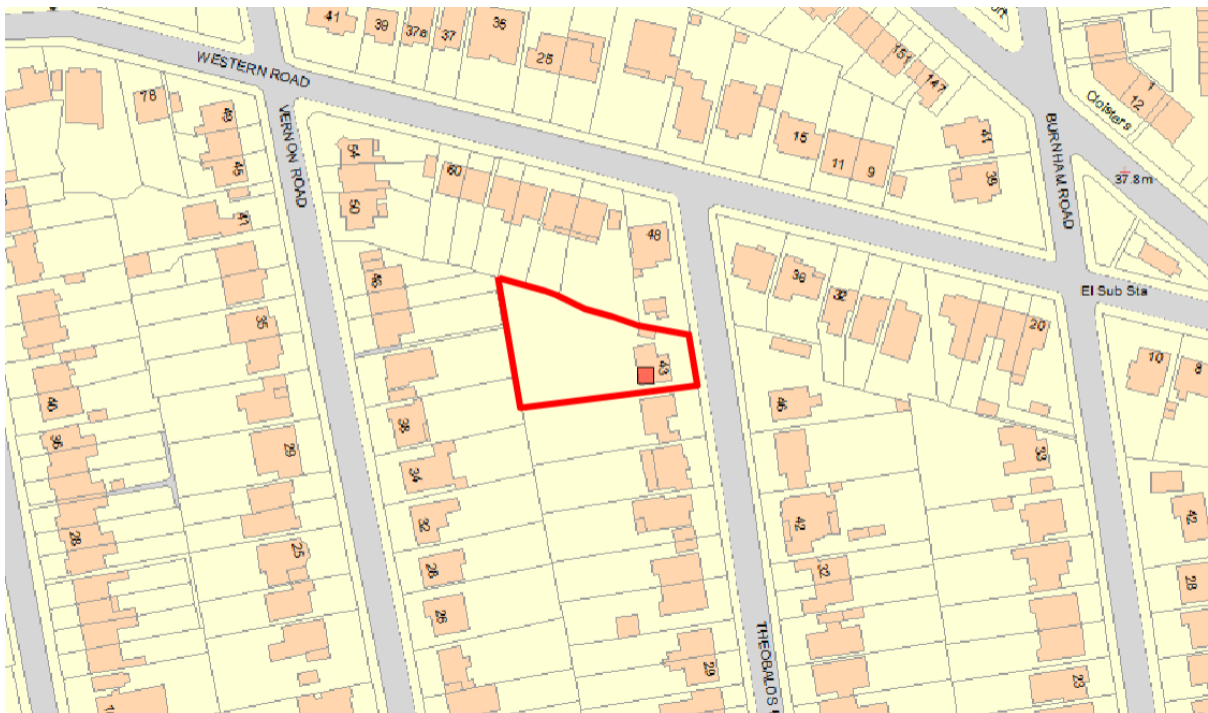
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<b>Reference:</b>	16/02040/FULH	<h1>9</h1>
<b>Ward:</b>	West Leigh	
<b>Proposal:</b>	Erect single storey outbuilding at rear to be used as a summer house.	
<b>Address:</b>	43 Theobalds Road Leigh-On-Sea Essex SS9 2NE	
<b>Applicant:</b>	Mr & Mrs Webb	
<b>Agent:</b>	Knight Gratrix	
<b>Consultation Expiry:</b>	05.01.2017	
<b>Expiry Date:</b>	12.12.2016	
<b>Case Officer:</b>	Ciara Cosgrave	
<b>Plan Nos:</b>	1057/010/F	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>	



## **1 The Proposal**

- 1.1 The application seeks permission for a detached single storey outbuilding with a flat roof located at the north-west point of the rear garden. The proposed development will be set 1 metre from the north and west boundaries with a maximum height of 3 metres and measuring 8.75 x 10.7 x 4.5 x 7.6 metres. It will replicate the quadrilateral shape of the boundary edges.
- 1.2 Materials to be used include smooth finish render and aluminium glazed windows and bi-folding doors. There is a proposed deck along the south and east elevations and a timber pergola style canopy to the south elevation.
- 1.3 The outbuilding is proposed to be used as a garden room.
- 1.4 A similar building has been granted a Certificate of Lawfulness (Ref: 16/01537/CLP). The dimensions of the outbuilding remain the same however it is proposed to be set 1m from the boundary, rather than the 2m previously approved. Two windows that were on the north and west elevations of the prior approval application have been removed and the roof is proposed to be entirely flat.

## **2 Site and Surroundings**

- 2.1 The site is located to the north of Theobald Road and is occupied by a two storey semi-detached dwellinghouse.
- 2.2 The residential area is characterised by two storey detached dwellings of similar scale.
- 2.3 The dwellings to the north have timber sheds placed against the boundary fence and have trees planted along the boundary, as do properties to the west. The site itself has trees planted along the boundary fence.
- 2.4 The property has a comparatively large garden in relation to the surrounding area. It currently has no outbuildings in the rear garden.

## **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 and the impact on residential amenity. The fact that a Certificate of Lawfulness has been issued for a similar building is also a material consideration.

## **4 Appraisal**

### **4.1 Principle of Development**

**National Planning Policy Framework 2012, Core Strategy Policies KP2 and CP4, Development Management DPD policy DM1 and SPD1.**

- 4.2 This proposal is considered in the context of the National Planning Policy Framework 2012 and Core Strategy Policies KP2 and CP4. These policies and guidance support ancillary buildings to properties in most cases but require that

they respect the existing character and appearance of the building.

There is no objection in principle to the outbuilding being built in the rear garden and therefore the principle is acceptable subject to the detailed considerations below.

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

- 4.3 The National Planning Policy Framework (NPPF) states *“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”* (Paragraph 56 – ‘Requiring good design’).
- 4.4 The Core strategy Policy KP2 states the need for all new development to *“respect the character and scale of the existing neighbourhood where appropriate and secure improvements to the urban environment through quality design”* to create sustainable urban environment.
- 4.5 In addition Core Strategy Policy CP4 stipulates *“development proposals will be expected to contribute to the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend by maintaining and enhancing 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 The Design and Townscape Guide paragraph 358 understands that *‘Detached garages and other ancillary buildings within the grounds of an existing building 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 There would be little or no visual impact from the streetscape arising from the proposed development.
- 4.8 There are neighbouring sheds, outbuildings and vegetation within adjoining gardens close to boundary fences. The proposed siting of the outbuilding is logically placed to the rear of the garden. The extent of the timber fence is broken up by the numerous trees and vegetation of the neighbouring properties.
- 4.9 The proposed garden room is of a simplistic design including a timber decking. The glass doors and windows along the east and south elevations face the garden. The design is sympathetic to its environment in terms of form and scale. The proposed outbuilding would not be out of character or of an excessive scale in relation to the existing surrounding development. The proposed garden room although different, the design respects the character of the main dwelling and therefore the proposal is considered acceptable in terms of design and impact on the character of the area.

### **Traffic and Transport Issues**

- 4.10 The proposed development does not increase the requirements for parking or raise any issues in relation to traffic and transport issues.

## **Impact on Residential Amenity:**

- 4.11 Policy DM1 of the Development Management DPD stipulates 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.*”
- 4.12 The garden room would be sited adjacent to the rear boundary of properties of 52 and 54 Western Road and 42 and 44 Vernon Road. There is a 15.8m and 17.3m separation distance from the rear of 52 and 54 Western Road respectively to the north elevation of the outbuilding. From 38, 40 and 42 Vernon Road the separation distance is considerably greater 29.4m, 21.15m and 23.9m respectively. The proposed windows and doors will face south and east onto the garden and will consist of a flat roof, these measures will eliminate any concerns of overlooking.
- 4.13 Although it is in close proximity to the boundary, there is a considerable separation between the garden room and neighbouring dwellings and the building is low level therefore it will not appear overbearing.
- 4.14 Permitted development rights allow for outbuildings to be built to a maximum of 3 metres to the eaves where they are located 2m from the boundary. Outbuildings can be 2.5 metres to the eaves where they are built within 2 metres of the boundary. The 1 metre difference in distance from the boundary between the granted prior approval scheme and the proposed development will not result in a materially greater impact on residential amenity in relation to loss of light or sense of enclosure. It must be noted as discussed above that the boundary has a sufficient separation distance from surrounding dwellings. Under permitted development rights boundary fences can be built to a maximum of two metres, the proposed outbuilding is to be built to a maximum of three metres.
- 4.15 The proposed garden room would be used for purposes ancillary to the main dwelling. There is no evidence to suggest that the proposal will be the origin of any noise and disturbance that is not already associated with the use of a rear garden.

## **5 Conclusion**

- 5.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The proposal would have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site, the street scene and the locality more widely. There is no impact on highways. This application is therefore recommended for approval subject to conditions.

## **6 Community Infrastructure Levy (CIL)**

- 6.1 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.

## 7 Planning Policy Summary

- 7.1 The National Planning Policy Framework (2012) : Section 7 (Requiring Good design)
- 7.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles) and CP4 (Environment & Urban Renaissance)
- 7.3 Development Management DPD 2015: DM1 (Design Quality) Policy DM3 (The Efficient and Effective Use of Land) and DM15 (Sustainable Transport Management)
- 7.4 Supplementary Planning Document 1: Design & Townscape Guide (2009)
- 7.5 CIL Charging Schedule 2015

## 8 Representation Summary

### Public Consultation

- 8.1 Twelve neighbours were consulted, nine letters objecting to the proposal were received, relating to the following issues:
  - The size of the building is inconsistent with surrounding garden buildings.
  - It will dominate the view from most adjoining properties/ will destroy the peaceful garden feel/ will have a detrimental aesthetic impact on the neighbourhood / severely impair the privacy of all neighbours.
  - 1m from the boundary is inappropriate.
  - The owners use their garden to entertain friends, resulting in loud music being played late into the evening.
  - The footprint of the main dwelling has increased by nearly 100% and it's difficult to understand the need for such a large and permanent garden structure.
  - Presents the possibility of a future application to convert the summer house into self-contained accommodation. **[Officer comment: Any use that is not ancillary to the main dwelling would require separate planning permission]**
  - The proposed location of the games room is closer to the six neighbours' properties affected by this than it is to the applicant's own house/ impact of the re-sited building would be pushed nearer neighbouring properties.
  - Concerned as to how this would affect the water table, flooding and flood damage. **[Officer comment: Officers are satisfied the development would not result in increased flood risk.]**
- 8.2 This application was called-in by Cllr Lamb

## **9 Relevant Planning History**

- 9.1 16/01537/CLP - Outbuilding to rear (Lawful Development Certificate - Proposed) – Grant Lawful Development Certificate

## **10 Recommendation**

- 10.1 **Members are recommended to GRANT PLANNING PERMISSION subject to the following conditions:**

- 01 **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.**

- 03 **The development hereby permitted shall be carried out in accordance with the following approved plans: 1057/010/F**

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

- 03 **The facing materials used in construction of the development must be in accordance with submitted details.**

**Reason: To safeguard the appearance of the area, in accordance with National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy CP4, policy DM1 of Development Management Document DPD2 and SPD1 (Design and Townscape Guide).**

- 04 **The outbuilding hereby permitted shall not be occupied at any time other than purposes incidental to the residential use of the dwelling known as 43 Theobalds Road.**

**Reason: To ensure the use of the building remains incidental to the main dwelling in accordance with policies DM1 and DM3 of the Development Management Document DPD2.**

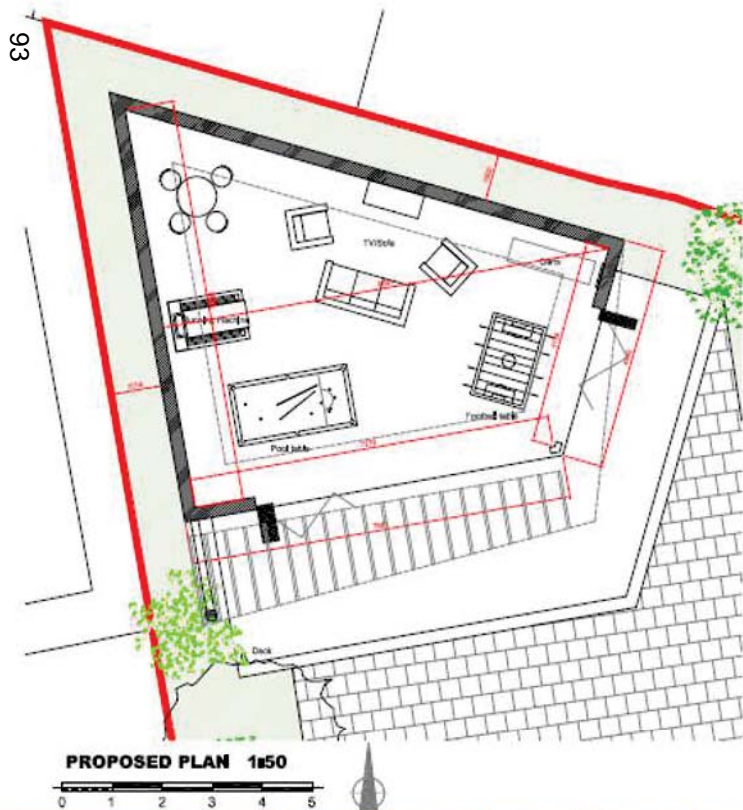
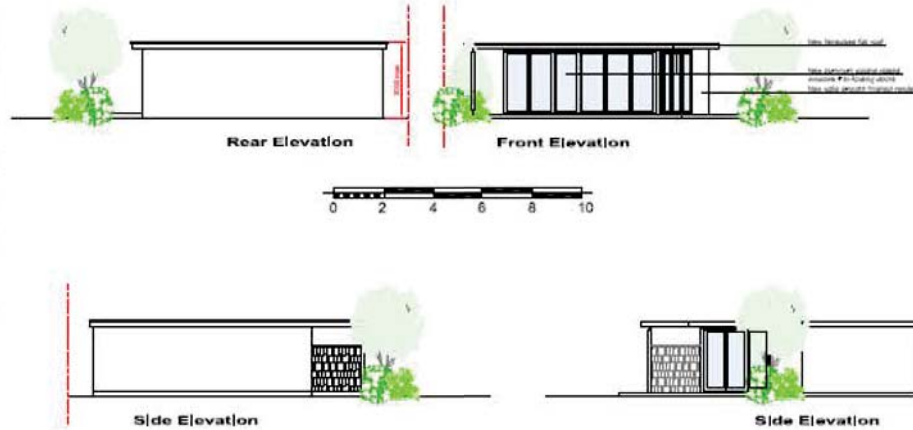
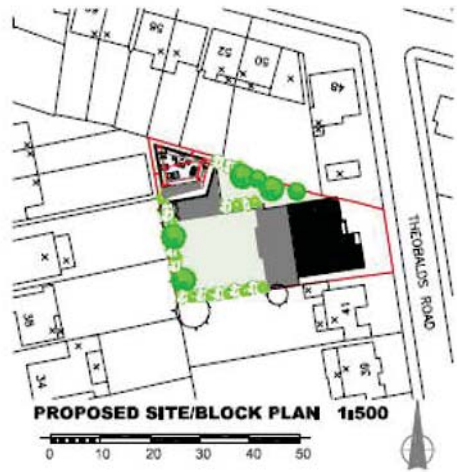




# EXISTING LOCATION PLAN 1:1250



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**REVISIONS**

NO.	DESCRIPTION	DATE
1	Issue drawings	12/01/18
2	Issue drawings	12/01/18
3	Issue drawings	12/01/18
4	Issue drawings	12/01/18
5	Issue drawings	12/01/18
6	Issue drawings	12/01/18
7	Issue drawings	12/01/18



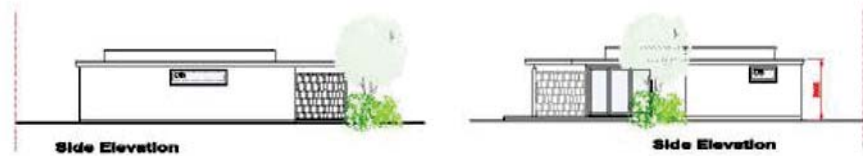
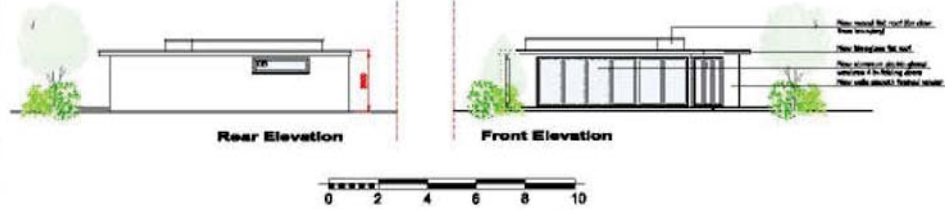
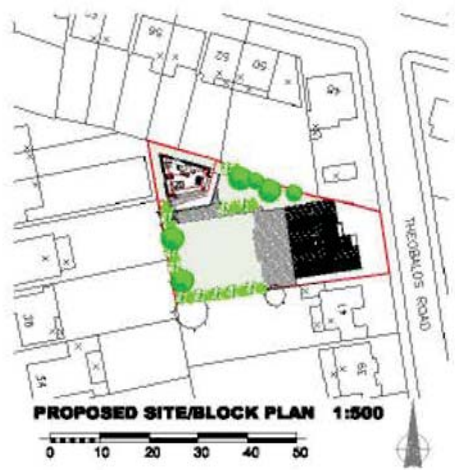
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 www.knightgratrix.com

**Mr & Mrs Webb**  
 43 Theobalds Road  
 Garden Summer House

Drawn	Checked	Date
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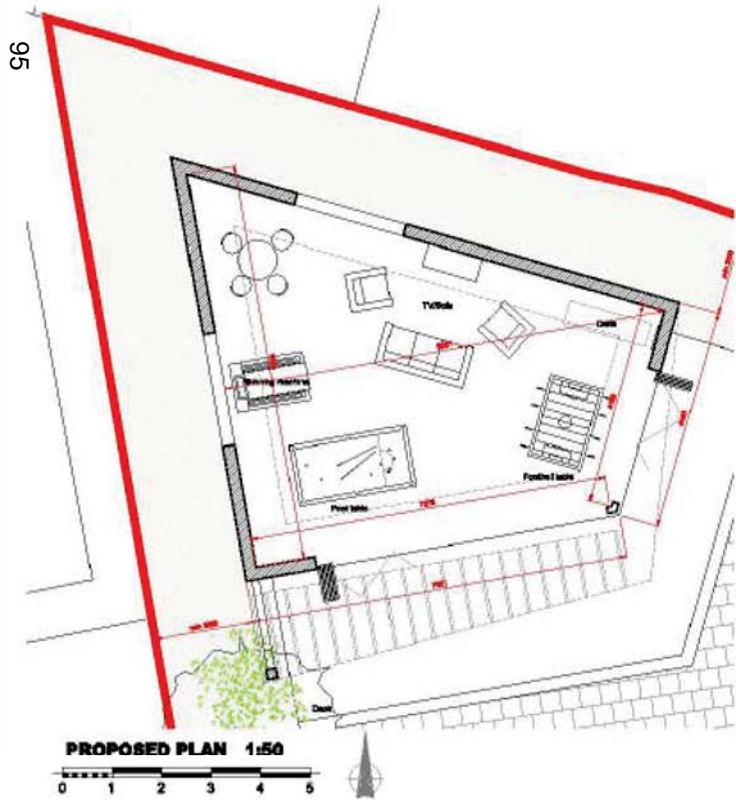
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Item	Cost
A. Minor amendments	05.07.16
B. Minor amendments	05.08.16
C. Minor amendments	06.09.16
D. Amendments to drawings	07.09.16
E. Amendments to drawings	08.11.16



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**Mr & Mrs Webb**

**43 Theobald Road**

**Walsley**

**Carton Summer House**

Project	Client	Date
<b>Plotting</b>		
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1007	010	01

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<b>Reference:</b>	16/01572/FUL	<h1>10</h1>
<b>Ward:</b>	Leigh	
<b>Proposal:</b>	Erect two storey roof extension comprising of six self-contained flats with balconies, relocate extraction flue, erect refuse and cycle stores and alter elevations (Amended Proposal).	
<b>Address:</b>	The Sarah Moore Public House, 57 - 59 Elm Road, Leigh-On-Sea, Essex	
<b>Applicant:</b>	Mr M. Thornton (Stronghold Estates)	
<b>Agent:</b>	BGA Architects	
<b>Consultation Expiry:</b>	21/10/16	
<b>Expiry Date:</b>	11/11/16	
<b>Case Officer:</b>	Ian Harrison	
<b>Plan Nos:</b>	0-001, 0-002, 0-200, 1-001, 1-002 A, 1-003, 1-050, 2-001, 2-002, and 15-001	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>	



### 9<sup>th</sup> November 2016 Deferral

*This application was deferred by Development Control Committee on the 9<sup>th</sup> November 2016, to enable further consideration to be given to the issue of parking provision at the site. In light of this the applicant has submitted a three page statement that sets out the following:*

- The planning history of the site in relation to parking. This notes that the previous applications were not refused on the grounds of lack of parking provision and that within a recent appeal decision at the site the Planning Inspector had no comments to make with respect to parking provision.*
- Recent Appeals at 53 Rectory Grove (2009), 43 Rectory Grove (Unknown to Officers), 258 Leigh Road (2011) and 3-5 High Street, Southend (2014) have allowed the formation of flats without parking.*
- A parking survey undertaken between 2000 and 2100 on 23/11/16 identified that the Elm Road car park was used at 38% and 49% capacity, the North Street car Park was used at 41% capacity and the spaces of Rectory Grove, Elm Road and Broadway West was used at 18% capacity.*
- It has been confirmed that the parking spaces at the site are let to commercial tenants and are not available for the residential purposes.*

*Following discussions with the Council's Parking Team it is understood that an additional 14 car parking spaces will be available in the Elm Road Car Park as a result of the relocation of staff from Leigh Police Station and the removal of an old store building. This would provide extralocal parking capacity which would be available to residents at the site at a cost.*

*It is recommended that the following informative is added:*

*2. Please be aware that the residents of the flats will not be eligible to apply for parking permits within nearby restricted residential parking areas.*

*A letter was reported to the last committee which was perceived to be an objection from the occupier of the first floor office accommodation. The contributor has subsequently written to highlight that this should not have been perceived as an objection to the proposal but an objection to the procedures of the Local Planning Authority. The contributor believes that Officers should have made contact to discuss parking arrangements during the course of the development but Officers do not agree that this is the responsibility of the Local Planning Authority.*

### 14<sup>th</sup> December 2016 Deferral

*The application was again deferred on the 14<sup>th</sup> December due to enable further consideration to be given to the issue of parking provision at the site. In light of this the applicant has advised that they are happy to accept a condition to require six parking spaces to be provided at the north boundary of the site, in the position of the current office car parking, to serve the proposed flats at a rate of 1 space per property. The following report has been amended to reflect this and condition 6 has been added.*



## 1 The Proposal

- 1.1 Planning permission is sought to extend the existing building to enable the creation of 6 flats and other ancillary alterations to the building and the site.
- 1.2 The site currently contains a two storey building that is used as a public house at ground floor and as offices at first floor. The existing building has a frontage width of 16 metres and a depth of between 20 metres (at the North elevation) and 23 metres (at the South elevation.) The first floor features a false façade at the South part of the front elevation. The main part of the building features a flat roof built at a height of 7.9 metres.
- 1.3 The proposed extensions to provide two additional floor of accommodation would be positioned flush with the rear elevation of the existing building and the south flank wall, except for a small indent to provide balconies at the rear elevation. The North facing elevation of the extension would be recessed from the existing North flank wall by a minimum of 1.5 metres. At second floor, the frontage would be recessed by a maximum of 2.7 metres and a minimum of 1.5 metres and at third floor the frontage would be recessed by a further 2.4 metres with the flat roof areas in front of the recess being used as terraces. In the existing open area at first floor, the building would be extended forward by 4.4 metres to provide a lift and lobby area. The extended building would feature a flat roof built to a maximum height of 14 metres with the second floor having a roof height of 10.8 metres and a slightly taller projection (to a maximum height of 14.4 metres) being provided above the lift area.
- 1.4 The proposed development would feature render and timber cladding, with two balconies provided at the north west corner of the building, two provided at the rear and two terraces being formed through the recessing of the front elevation of the top two floors from the floor below.
- 1.5 The other ancillary developments at the site include the extension of an existing extraction flue at the rear of the site to increase its height to project above the rear elevation of the extended building by 0.8 metres. The proposal would also involve the removal of the existing false façade at the frontage of the building. Single storey bin and cycle stores are proposed at the rear of the site, within an existing service area.
- 1.6 This application follows the refusal of similar application 14/01913/FUL for the following reasons:
  1. The proposed development by reason of its detailed design, scale and bulk would result in a form of development out of keeping with the character of the surrounding area contrary to the National Planning Policy Framework, Core Strategy Policies KP2 and CP4, policies C11, H5 and H7 of the Borough Local Plan and the Design and Townscape Guide, 2009 (SPD1).
  2. Insufficient evidence has been submitted to demonstrate that the commercial uses at the site could be carried out without resulting in undue noise and disturbance to the amenities of future occupiers of the proposed flats proposed.

The proposal would therefore be contrary to Core Strategy Policies KP2 and guidance contained within the NPPF.

An appeal was submitted with respect to that application and that appeal decision is included as an appendix to this report. The main findings of the Planning Inspectorate are as follow:

- The proposed development, with two additional floors of flats being provided above the existing building, should not be objected to on the grounds of the scale or appearance of the development. In summary the Inspector stated that *“the proposed development, by reason of its design, would not cause harm to the character and appearance of the area or the setting of the neighbouring heritage asset.”*
- The conclusion of the Local Planning Authority with respect to the second reason for the refusal of the application was sound. In summary, the Inspector stated that *“on balance, due to the limited survey undertaken, the evidence submitted by the appellant has not demonstrated that the commercial uses at the site could be carried on without resulting in undue noise and disturbance to the living conditions of future occupiers of the proposed flats. The proposal would therefore fail to accord with the aims of CS Policy KP2 and guidance contained within the Framework, in so far as each relates to the protection of the living conditions of residential occupiers and the need to safeguard and promote the vitality and viability of existing town and local centres.”*

## **2 Site and Surroundings**

- 2.1 The application site is located to the west of Elm Road, measuring 0.06 hectares in area. The application site is located within the Defined Shopping Centre of Leigh and is allocated as part of the Secondary Shopping Frontage as defined by the Council’s Development Management DPD.
- 2.2 The site contains a two-storey flat roofed building that is described above. The building features a mostly rendered frontage with a mix of brickwork, render and timber boarding on the north side elevation and brickwork and concrete to the rear along with metal fire escapes.
- 2.3 The surrounding buildings are used for a variety of commercial, community and residential purposes and include buildings of varied scale and architectural detailing. To the North of the site is a locally listed building that is used as a police station.

## **3 Planning Considerations**

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

## 4 Appraisal

### Principle of the Development

**The National Planning Policy Framework, DPD1 (Core Strategy) policies KP2, CP1, CP2, CP4 and CP8; DPD2 (Development Management) policies DM1, DM3, DM7, DM8 and DM15.**

- 4.1 Policy CP1 states that permission will not normally be granted for development proposals that involve the loss of existing employment land and premises. Similarly, policy CP2 states that the provision of shopping facilities and services will be maintained within the District Centre of Leigh.
- 4.2 The proposal would not result in the loss of any retail space or the public areas of the existing public house and the majority of the existing office space would be retained. It is therefore the case that the proposal would only represent the provision of additional residential units and not the material loss of any existing employment, retail or community floorspace. This is considered to be in accordance with the abovementioned policies.
- 4.3 Policy CP8 identifies that the intensification of the use of land should play a significant role in meeting the housing needs of the Southend Borough, providing approximately 40% of the additional housing that is required to meet the needs of the Borough. Policy CP8 also expects 80% of residential development to be provided on previously developed land. From this basis, it is considered that the principle of undertaking residential development at this site should be supported, subject to the following detailed considerations. This is especially the case given that one of the 12 core principles of sustainable development that are identified within the NPPF is to “promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas.” This approach is supported by Development Management DPD policy DM3.

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

**The National Planning Policy Framework; DPD1 (Core Strategy) policies KP2 and CP4; DPD2 (Development Management) policies DM1, DM3 and DM5 and the Design and Townscape Guide.**

- 4.4 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF as well as policies DM1 and DM3 of the Council’s Development Management DPD and Policies KP2 and CP4 of the Core Strategy. The Design and Townscape Guide (SPD1) also states that the Council is committed to good design and will seek to create attractive, high-quality living environments.
- 4.5 In determining an appropriate contextual relationship with surrounding development, factors such as height, scale, massing and siting are material considerations. Details such as architectural style, along with colour texture of materials, are also fundamental in ensuring the appearance of any new development is sympathetic to its surrounding and therefore wholly appropriate in its context.

- 4.6 The NPPF states that *“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”*.
- 4.7 The Design and Townscape Guide (SPD1) states that *The successful integration of any new development is dependent upon the appropriate scale, height and massing in relation to the existing built fabric. Buildings that are over scaled will appear dominant... the easiest option is to draw reference from the surrounding buildings.* It goes on to state that *“Schemes that propose buildings that are taller than their neighbours will be required to justify why an increased height is acceptable. This ranges from buildings that are one or two storeys higher to ones which are many storeys higher.”* The guidance also identifies five scenarios where increases in height are considered to be appropriate.
- 4.8 The character of the surrounding area is defined by buildings of mixed scale. To the West of the application site is a part three storey, part four storey building that measures approximately 17 metres tall. To the North is a two storey, locally listed building that measures approximately 12.5 metres tall and the buildings to the South and East are mostly two storeys. However, the wider area features several three, four and five storey buildings and it is therefore considered that there is scope to increase the height of the building without material harm to the character of the surrounding area. This opinion is consistent with conclusions that have previously been reached by the Local Planning Authority and the Planning Inspectorate with respect to proposals to add additional floors to the building.
- 4.9 The extension would be recessed from the frontage of the site by increasing amounts as the height increases and therefore the extension would have a reduced impact on the street-scene when viewed from immediately adjacent to the site. A concern was raised previously about the height of the building, which would be obvious in longer views of the site, particularly from Elm Road to the north and south but also partially from Rectory Grove to the south and from the Leigh Town Council car park. In this respect it was a concern that the top floor of the extension would be visible above the neighbouring buildings to the south and the front of the extension would be visible forward of the locally listed building to the north. It was also considered that the bulk of the built form, which would be viewed in the same context of the locally listed building of the adjacent police station, would be harmful to the character and appearance of the application site and the streetscene of Elm Road.
- 4.10 However, the recent findings of the Planning Inspector carry significant weight. In this regard it is noted that the Local Planning Authority has recently had a costs award granted against it following an appeal at Legra Grange and Brushes Warren where an earlier conclusion of the Planning Inspector was not given sufficient weight.
- 4.11 The summary of the appeal decision is set out above, but the further detail of the appeal decision, particularly paragraphs 6 and 7, highlight that the scale and appearance of the development should be found acceptable. It was stated that *“the proposed development would, on balance, overall serve to enhance the street scene as well as the character and appearance of the area while not causing demonstrable harm to the setting of the neighbouring heritage asset”*

- 4.12 The balconies that are proposed are considered to provide interest and break-up the massing of the built form without becoming unduly prominent features of the street-scene. Moreover, it is considered that the positioning of the refuse and cycle storage facilities and the extended extraction vent at the rear of the site is appropriate given that these aspects of the development would not contribute positively to the street-scene and should therefore be located discreetly. Therefore, noting that the visual impact of the development is identical to that which was previously found to be visually acceptable by the Planning Inspectorate, it is considered that the architectural detailing of the building and the scale and massing of the building would have an acceptable impact on the streetscene of Elm Road and would not cause material harm to the setting of the adjacent locally listed building and the character and appearance of the application site.

### **Traffic and Transport Issues**

#### **The National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP4; DPD2 (Development Management) policies DM3 and DM15.**

- 4.13 Policy DM15 requires that parking is provided at a rate of one parking space per flat however the policy also states that *“Residential vehicle parking standards may be applied flexibly where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport and/ or where the rigid application of these standards would have a clear detrimental impact on local character and context.”*
- 4.14 The application form that has accompanied the planning application states that there are currently 4 parking spaces at the site and that 2 additional spaces would be provided at the site as part of this development. These provisions are not shown on the submitted plans.
- 4.15 On visiting the site it is noted that there is space for the parking of 6 cars at the North part of the site and additional informal parking to the rear of the building. It is therefore considered reasonable to conclude that there is capacity at the site to park 6 cars associated with the upper floors and additional parking at the rear of the site for use in conjunction with the public house, as appears to be the current situation.
- 4.16 It is clear that the ratio to people living or working at the site and the number of parking spaces would change and this is likely to cause additional demand for parking off-site, be it within public highways or public car parks. During the course of the application, the applicant has agreed to re-allocate the existing parking area to enable its use by the six proposed flats only. The provision of one parking space per flat is in accordance with the content of the development plan, meeting the parking requirements of one space per residential property. However, this would result in the office accommodation being served by no parking.
- 4.17 The applicant makes the case that the site is particularly sustainable with good connections to local bus routes and a train station within walking distance and all other facilities required for day-to-day living within walking distance of the site. The site is therefore considered to be in a sustainable location and as such it is considered that the loss of parking to serve the office accommodation, which is the subject of a maximum parking standard rather than a minimum parking standard, is

in accordance with the policies of the development plan. Adjacent public car parking would be adequate to serve the proposed development.

- 4.18 The Highway Authority has raised no objection to the proposed development and it is therefore considered that the application should not be refused on the grounds of access or parking provision.

**Impact on Residential Amenity:**

**The National Planning Policy Framework; DPD2 (Development Management) Policy DM1 and SPD1 (Design and Townscape Guide).**

- 4.19 The proposed development would result in the height of the building being increased. As commercial properties abut the site on three sides, it is considered that the consideration of amenity for occupiers of these properties is largely irrelevant, although it is noted that there are two first floor residential properties to the South and South West of the application site, above existing shops.
- 4.20 To the East of the site is a string of residential properties that face the application site. The front garden of those properties and the highway land between the properties and the application site ensure that there is a minimum separation distance between buildings of 25 metres.
- 4.21 The proposed balconies at the frontage of the site would face the neighbouring properties and be at an elevated level. Whilst there would be an increase of overlooking from the proposed development, it is considered that the separation distance ensures that the impact would not be harmful to an extent that would justify the refusal of the application on the grounds of the impact on the privacy of neighbouring residents.
- 4.22 The proposal would have some impact on the outlook from within the neighbouring properties, but would not cause an unreasonable sense of enclosure to be formed. As the properties are located to the East and North and separated by at least 25 metres, it is considered that the impact on direct sunlight would be minimal. Any impacts would be limited to the late afternoon in winter and the late evening in summer.

Moreover, due to the separation distances, it is considered that the proposal would not cause an unacceptable loss of daylight within the neighbouring properties.

- 4.23 The first floor flats to the south and south west have windows and doors that face the proposed extension, but the main outlook and source of light for those properties appears to be to the south. As such it is considered that the proposed extensions, which would be separated by approximately 10 metres in the case of the flat to the south, would not have a harmful impact on residential amenity to an extent that would justify the refusal of the application on those grounds. There would be no windows in the side elevation that face those properties and therefore there would be no impact on privacy.

4.24 Notwithstanding the comments of the owner of the neighbouring property that were raised with respect to the previous application at this site and repeated in relation to this application, there are no planning policies within the Development Plan that require the amenity of officer buildings to be maintained in the same way as residential buildings. The increase in height of the building would have an impact on outlook from within the neighbouring offices and there would be some impact on daylight, but this does not provide a basis for the refusal of the application, especially as the office space is served by other windows and the recessed first floor frontage would be retained.

### **Living Conditions for Future Occupiers**

#### **National Planning Policy Framework 2012, DPD2 (Development Management) Policies DM1 and DM8 and SPD1**

4.25 Paragraph 17 of the NPPF states that “*planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*”. It is considered that most weight should be given to the Technical Housing Standards that have been published by the government which are set out as per the below table:

- Minimum property size for a 1 bedroom (2 person bed space) flat shall be 50 square metres, a 2 bedroom (3 person bed space) flat shall be 61 square metres and a 2 bedroom (4 person bed space) flat shall be 70 square metres.
- Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5m<sup>2</sup> for a single bedroom with a minimum width of 2.15m; and 11.5m<sup>2</sup> for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.
- Floorspace with a head height of less than 1.5 metres should not be counted in the above calculations unless it is solely used for storage in which case 50% of that floorspace shall be counted.
- A minimum ceiling height of 2.3 metres shall be provided for at least 75% of the Gross Internal Area.

Weight should also be given to the content of policy DM8 which states the following standards in addition to the national standards.

- Provision of a storage cupboard with a minimum floor area of 1.25m<sup>2</sup> should be provided for 1-2 person dwellings. A minimum of 0.5m<sup>2</sup> storage area should be provided for each additional bed space.
- Amenity: Suitable space should be provided for a washing machine and for drying clothes, as well as private outdoor amenity, where feasible and appropriate to the scheme.
- Storage: Suitable, safe cycle storage with convenient access to the street frontage.

- Refuse Facilities: Non-recyclable waste storage facilities should be provided in new residential development in accordance with the Code for Sustainable Homes Technical Guide and any local standards. Suitable space should be provided for and recycling bins within the home. Refuse stores should be located to limit the nuisance caused by noise and smells and should be provided with a means for cleaning, such as a water supply.
- Working: Provide suitable space which provides occupiers with the opportunity to work from home. This space must be able to accommodate a desk and filing/storage cupboards.

- 4.26 With respect to amenity space, each flat would be served by a balcony of sizes ranging between 4.5 square metres and 23 square metres. Two flats would be well served with amenity space, two would be reasonably well served and two would be poorly served. The smallest balcony would be enclosed by the proposed building on three sides and would be in close proximity to the taller building to the West and as such it is considered that the light reaching the balcony would be restricted and the outlook from the balcony would be limited. However, it is considered that the balcony would be adequate to ensure that the occupants of that flat have some outside amenity space and therefore it is considered that this should not form a reason for the refusal of the application. This was not raised as a concern previously and it is noted that the Planning Inspector raised no concerns with respect to this matter.
- 4.27 The flats and bedrooms are shown to be of sizes that comply with the abovementioned standards. Half of the units would include storage cupboards and it is considered that there would be ample space within the other flats to provide such storage although this has not been shown on the submitted plans. Cycle and refuse storage is also indicatively provided within the service area at the rear of the site.
- 4.28 It has previously been a concern that the commercial use of surrounding properties, particularly the ground floor public house, may cause noise and disturbance to the detriment of living conditions for future occupiers and it was previously concluded (in 2003) that the applicant had not demonstrated that the residential use of the upper floors of the site would not be harmfully affected by the use of the ground floor. Similarly, the previous applications were refused on the grounds that the Local Planning Authority was not able to guarantee that the living conditions would not be unacceptable and this was supported at appeal by the Planning Inspector.
- 4.29 The applicant's submissions to accompany this application include a Noise Assessment that includes a far more robust assessment of noise than that which has been undertaken previously, including noise recordings taken across a particularly active weekend that included the FA Cup Final and music event and from four recording positions. This represents a material change in comparison to the content of the previous applications. In summary, this report identifies and discusses the relevant noise-related policies of the National Planning Policy Guidance and noise assessment methodology, undertakes monitoring of noise levels at the site and reaches the conclusion that the use of appropriate glazing and sound insulation between floors would be sufficient to ensure that the occupants of the proposed residential units are not subjected to undue noise.



- 4.30 It is considered that this noise assessment is far more robust than that which was submitted with previous application, which only took readings on a Thursday night and therefore did not fully assess the worst-case scenario.
- 4.31 Officers and the Planning Inspector have previously assessed that a 30dB standard should be applied and met for a development to be acceptable at this site. The applicant's submissions, which allows for significant mitigation to be achieved through the provision of sound insulation between floors, demonstrates that a 20dB standard would be achieved which is considered to be above and beyond the reasonable expectations of the Local Planning Authority.
- 4.32 From this basis, noting that no objection has been raised to the application by the Council's Environmental Health Officer, it is considered that the previous concerns have been satisfactorily addressed and it is therefore considered that no objection should be raised on those grounds. Also any future occupant would be well aware of the presence of the public house before occupying the property and would therefore have the choice to occupy the property or not.
- 4.33 For these reasons, it is considered that the previous reason for the refusal of the application has been overcome.
- 4.34 National and local planning policies emphasise the importance of supporting community facilities. It was previously a concern that the provision of six additional residential units in close proximity to a public house would be likely to pose an additional constraint on the operations of the public house and this may affect the ability of the public house to continue to contribute to the evening economy of Leigh. As set out above, it is considered that the noise submissions suitably address this matter and therefore there is no reason to consider that the proposed residential properties would prevent or unduly restrict the use of the ground floor public house.

#### **Sustainable Construction:**

#### **The National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP4 and CP8.**

- 4.35 Policy KP2 of the Core Strategy states; "*All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources*" and that "*at least 10% of the energy needs of a new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)*". The provision of renewable energy resources should be considered at the earliest opportunity to ensure an integral design
- 4.36 No details have been provided by the applicant to demonstrate how this matter will be addressed. It would however be possible to secure the submission and agreement of details of sustainable construction under the terms of a condition.

## **Community Infrastructure Levy**

- 4.37 This application is CIL liable and there will be a CIL charge payable. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions. The proposed development will result in a net increase in gross internal area of 516 square metres. The CIL chargeable rate for residential units in this location is £60 per square metre. Therefore, this equates to £30,960.

## **5 Conclusion**

- 5.1 The proposed development would enable the creation of six additional residential units without causing material harm to the amenities of neighbouring residents. It is considered that the provision of six parking spaces to serve the residential properties and no parking for the existing office accommodation and the public house is compliant with the Council's adopted parking standards.
- 5.2 As set out above, it is considered that the proposal should not be objected to on the grounds of the scale or appearance of the development, particularly given that no objection was raised to the previous application on those grounds by the Planning Inspectorate. Moreover, it is considered that previous concerns about the compatibility of the residential uses with surrounding commercial uses have been satisfactorily addressed and this should no longer represent a reason for the refusal of the application.

## **6 Planning Policy Summary**

- 6.1 National Planning Policy Framework.
- 6.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP4 (The Environment and Urban Renaissance), and CP8 (Dwelling Provision).
- 6.3 Supplementary Planning Document 1: Design & Townscape Guide (2009)
- 6.4 Development Management DPD policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM5 (Southend-on-Sea's Historic Environment), DM8 (Residential Standards) and DM15 (Sustainable Transport Management).
- 6.5 Community Infrastructure Levy Charging Schedule

## **Representation Summary**

### **Highway Authority**

- 7.1 The site is considered to be in a sustainable location with regard to public transport with good links in close proximity. 6 secure cycle parking spaces have been provided. It should be noted that future occupiers will not be eligible for any parking permits within the local area. No objection is raised.

## **Environmental Health Officer**

- 7.2 No objection has been received.

## **London Southend Airport**

- 7.3 No objection has been raised to the proposal.

## **Public Consultation**

- 7.4 27 neighbouring properties were notified of the application and a notice was posted at the site. 1 neighbour response has been received which raises the following ground of objection:

- The proposed development would block a north facing window within the neighbouring office property.

## **Leigh Town Council**

- 7.5 Leigh Town Council has objected to the application on the grounds that the proposed building would be too tall and dominant of the street scene. It is also considered that the provision of no parking should be found unacceptable and the application form shows insufficient information on how the waste water will be disposed of. It is considered that the proposal is no different to the previously refused developments at this site.

## **8 Relevant Planning History**

- 8.1 This application follows the refusal of application 14/01913/FUL, which proposed two additional storeys of residential development, for the reasons that are discussed above. Subsequent application 15/00993/FUL proposed a similar development with just one additional floor and three flats. That application was refused for similar reasons to application 14/01913/FUL.
- 8.2 Planning application SOS/97/0694 was allowed at appeal with permission thereby being granted for the provision of five one bedroom flats within a single additional floor of built form. The built form would have had a mansard style roof that would have been slightly taller than the neighbouring building to the South. In the appeal decision the Inspector concluded that adding an additional floor of accommodation to the building would enhance the appearance of the building. Application 00/01133/OUT sought permission to extend the time for the submission of reserved matters. That application was approved.
- 8.3 Application 03/01652/OUT sought a further extension to the time for the submission of reserved matters. That application was refused for the following reason:
- “The proposal to extend the time for submission of reserved matters is unacceptable because circumstances have changed, in that the ground floor of the building is now used as a public house and no evidence has been submitted to establish that occupiers of the proposed dwellings will not experience an unacceptable level of disturbance by reason of noise, extract ventilation and general activity from the ground floor use, to the detriment of residential amenity and contrary to Policy U2 of the Borough Local Plan.”

- 8.4 The existing building has been the subject of various applications relating to the change of use of the building, minor alterations to the building and alterations to restrictive planning conditions. That planning history is considered to be of little relevance to this application other than to note that the provision of an additional floor of accommodation, for use as offices or residential purposes, has been supported on a number of occasions.

## **9 Recommendation**

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

**01 The development hereby permitted shall be begun not later than 3 years beginning with the date of this permission.**

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

**02 The development hereby permitted shall be carried out in accordance with approved plans 0-001, 0-002, 0-200, 1-001, 1-002 A, 1-003, 1-050, 2-001, 2-002, and 15-001**

**Reason: To ensure that the development is carried out in accordance with the policies outlined in the Reason for Approval.**

**03 No development shall take place until samples of the materials to be used on the external elevations including walls, roof, windows, and balustrading shall be submitted to and approved in writing by the local planning authority. The works must then be carried out in accordance with the approved materials unless otherwise agreed 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 National Planning Policy Framework, DPD1 (Core Strategy) 2007 policy KP2 and CP4, Development Management DPD Policy DM1 and SPD1 (Design and Townscape Guide).**

**04 The acoustic mitigation installations recommended within the submitted Noise Assessment (prepared by Sharps Redmore and dated 09/06/16) shall be installed prior to the first occupation of the flats hereby approved and retained in perpetuity.**

**Reason: In the interests of residential amenity for future occupants as set out in the National Planning Policy Framework, DPD1 (Core Strategy) 2007 policy KP2 and CP4, and Development Management DPD Policy DM1.**

**05 Prior to the commencement of the development hereby approved, full details of refuse and bicycle storage facilities at the site shall be submitted to and approved in writing by the Local Planning Authority. Subsequently,**

refuse and bicycle storage facilities shall be provided at the site in accordance with the approved details prior to the first occupation of any of the flats hereby approved.

**Reason:** In the interests of residential amenity for future occupants, the provision of adequate parking and visual amenity as set out in the National Planning Policy Framework, DPD1 (Core Strategy) 2007 policy KP2 and CP4, and Development Management DPD Policies DM1, DM8 and DM15.

**06** Prior to the occupation of the flats a scheme shall be submitted to and agreed in writing by the Local Planning Authority for the construction and laying out of six parking spaces to the north of the building at the application site. The parking spaces shall be provided in accordance with the approved details and made available for use by the occupants of the flats hereby approved from the time that they are first occupied and thereafter shall be retained and used for no other purpose than to serve the flats hereby approved.

**Reason:** To ensure that adequate residential parking is provided at the site. In accordance with the National Planning Policy Framework, policies KP2, CP3 and CP4 of the Southend-on-Sea Core Strategy (2012), policies DM1, DM3 and DM15 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Council's Design and Townscape Guidance (SPD1)

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.

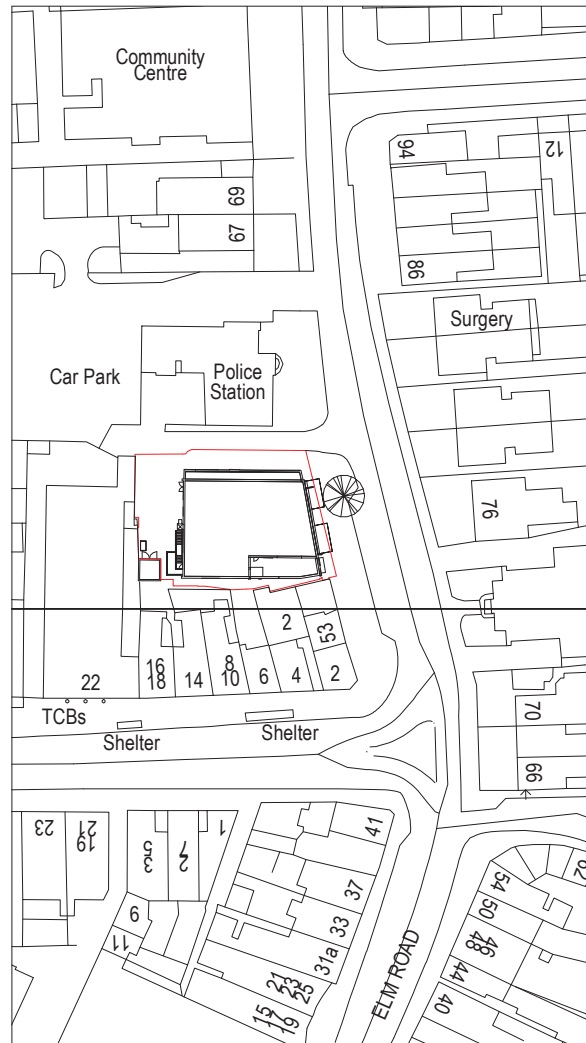
#### **Informative**

1. Please note that the proposed development subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). Enclosed with this decision notice is a CIL Liability Notice for the applicant's attention and any other person who has an interest in the land. This contains details of the chargeable amount and how to claim exemption or relief if appropriate. There are further details on this process on the Council's website at [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil) .

2. Please be aware that the residents of the flats will not be eligible to apply for parking permits within nearby restricted residential parking areas.

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Rev	By/Chk	Date	Description

Contractors are to check dimensions of all issued drawings and to notify the Architect immediately of any discrepancy

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QCV1

Client:  
Stronghold Estates Ltd

Project Description  
57/59 Elm Road  
Leigh on Sea  
Essex

Drawing Title:  
Location Plan

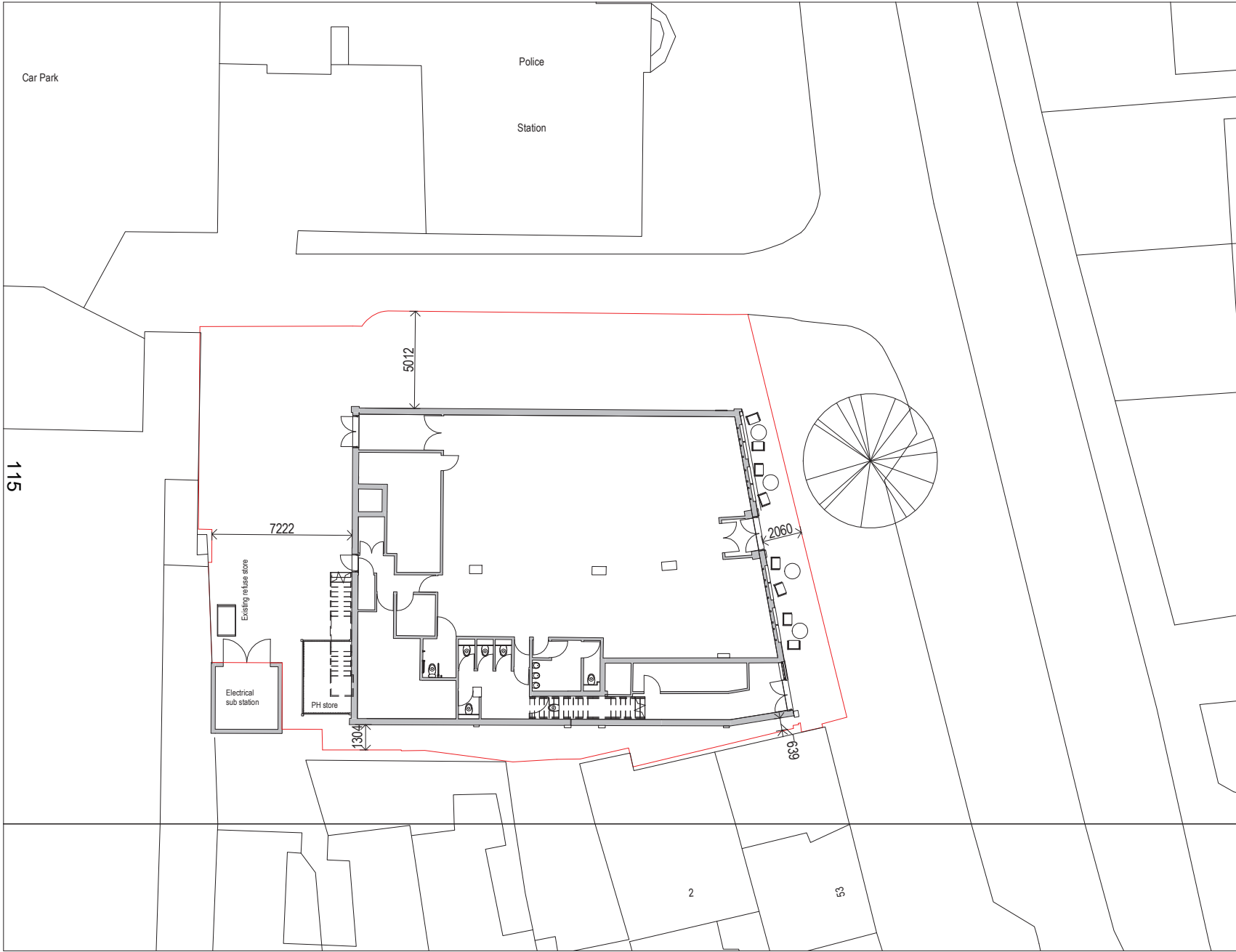
Project No.: 14-133C	Dwg No.: 0-001	
Date: 11/25/14	Drawn By: PH	Chk By: PH
Scale: 1 : 1250	Revision	

TOWN PLANNING

1 Existing Location Plan  
1 : 1250

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1 Existing Site Plan  
1 : 200

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QC/V1

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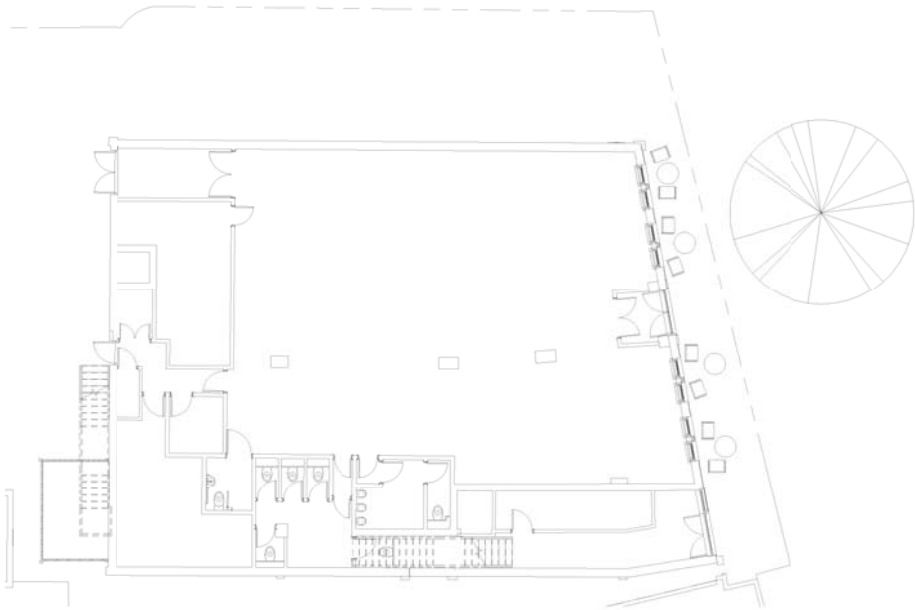
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57/59 Elm Road  
Leigh on Sea  
Essex

Drawing Title:  
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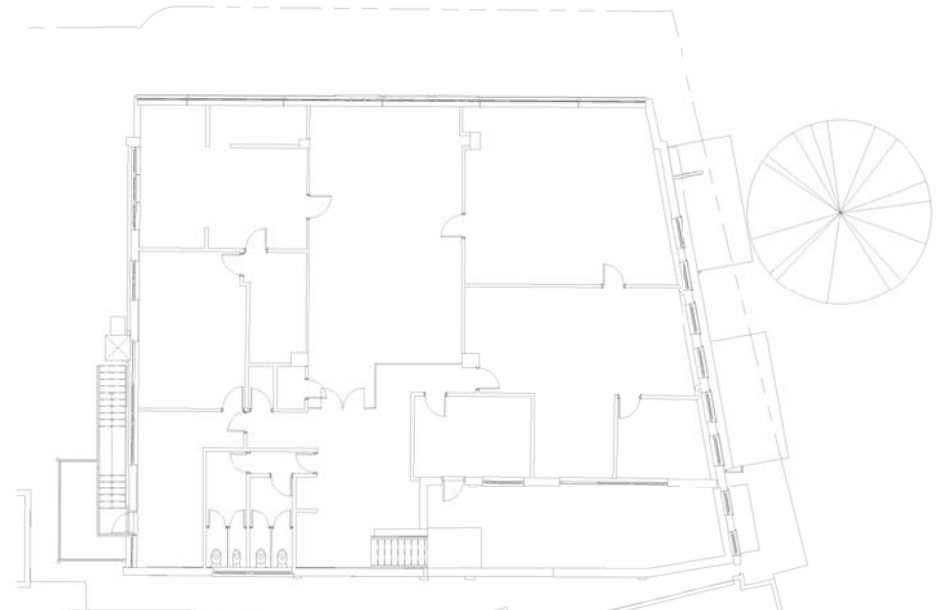
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Date: 10/31/14	Drawn By: PH
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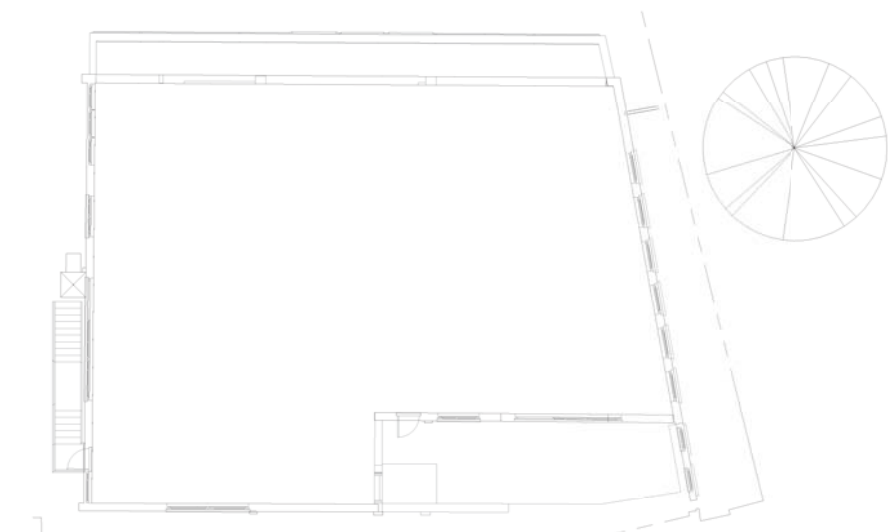
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① Ground Floor - Existing (Public House)  
1 : 100



② First Floor - Existing (Offices)  
1 : 100



③ Roof Plan - Existing  
1 : 100

117

Rev.	By/Date	Description

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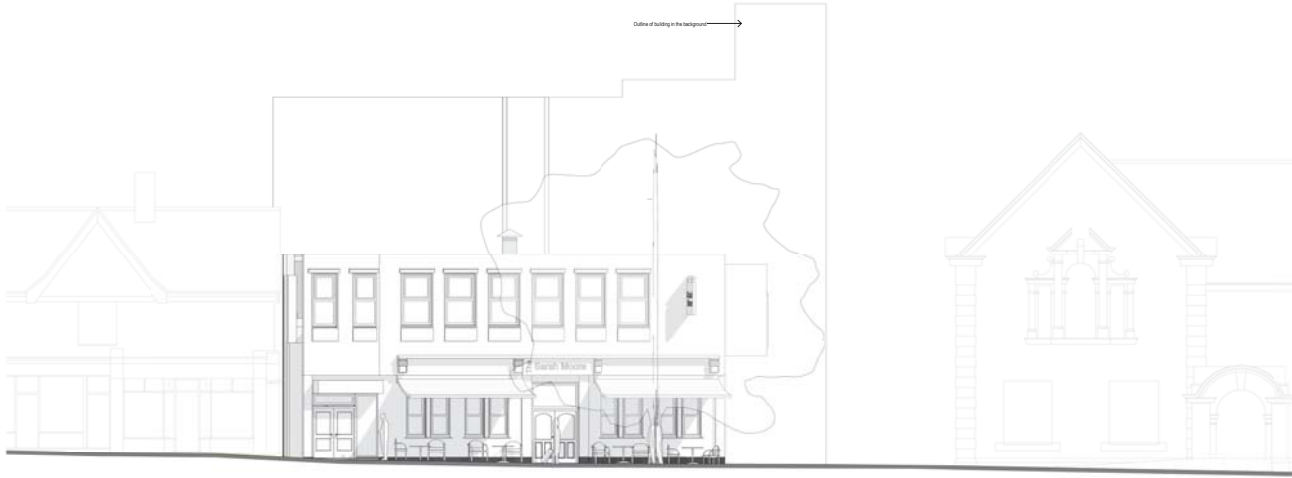
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Drawing Title: Existing Floor Plans

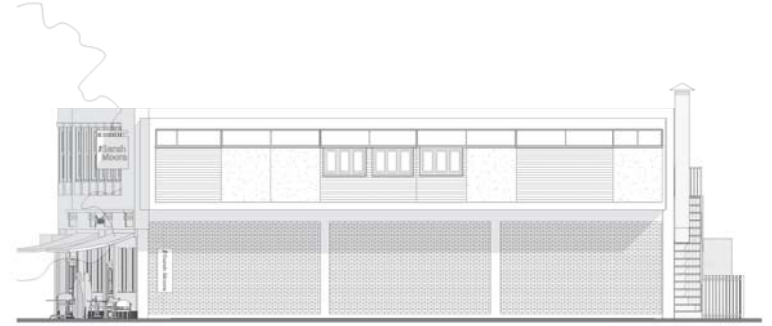
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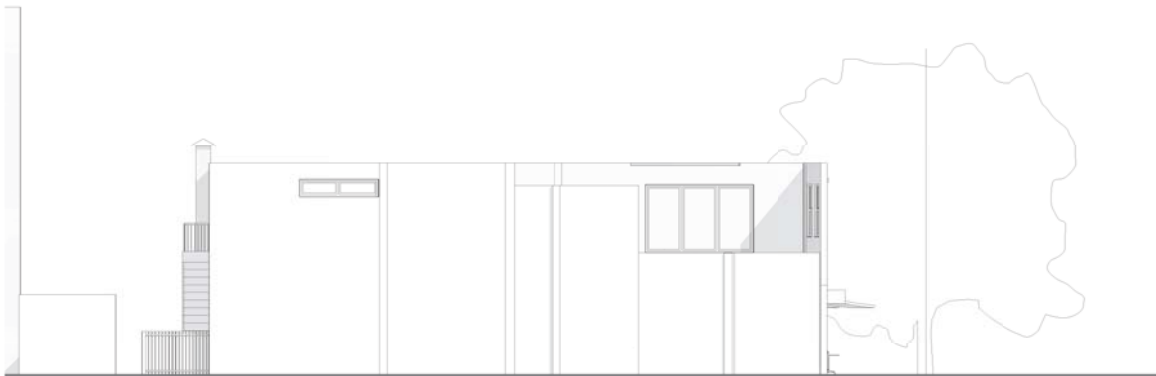


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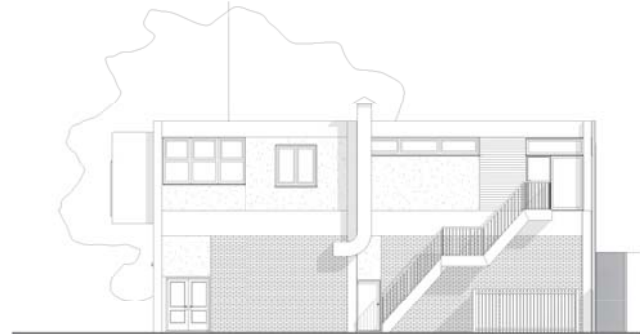


2 Existing Elevation - North  
1 : 100

119



3 Existing Elevation - South  
1 : 100



4 Existing Elevation - West  
1 : 100

No.	By/Date	Issue	Description

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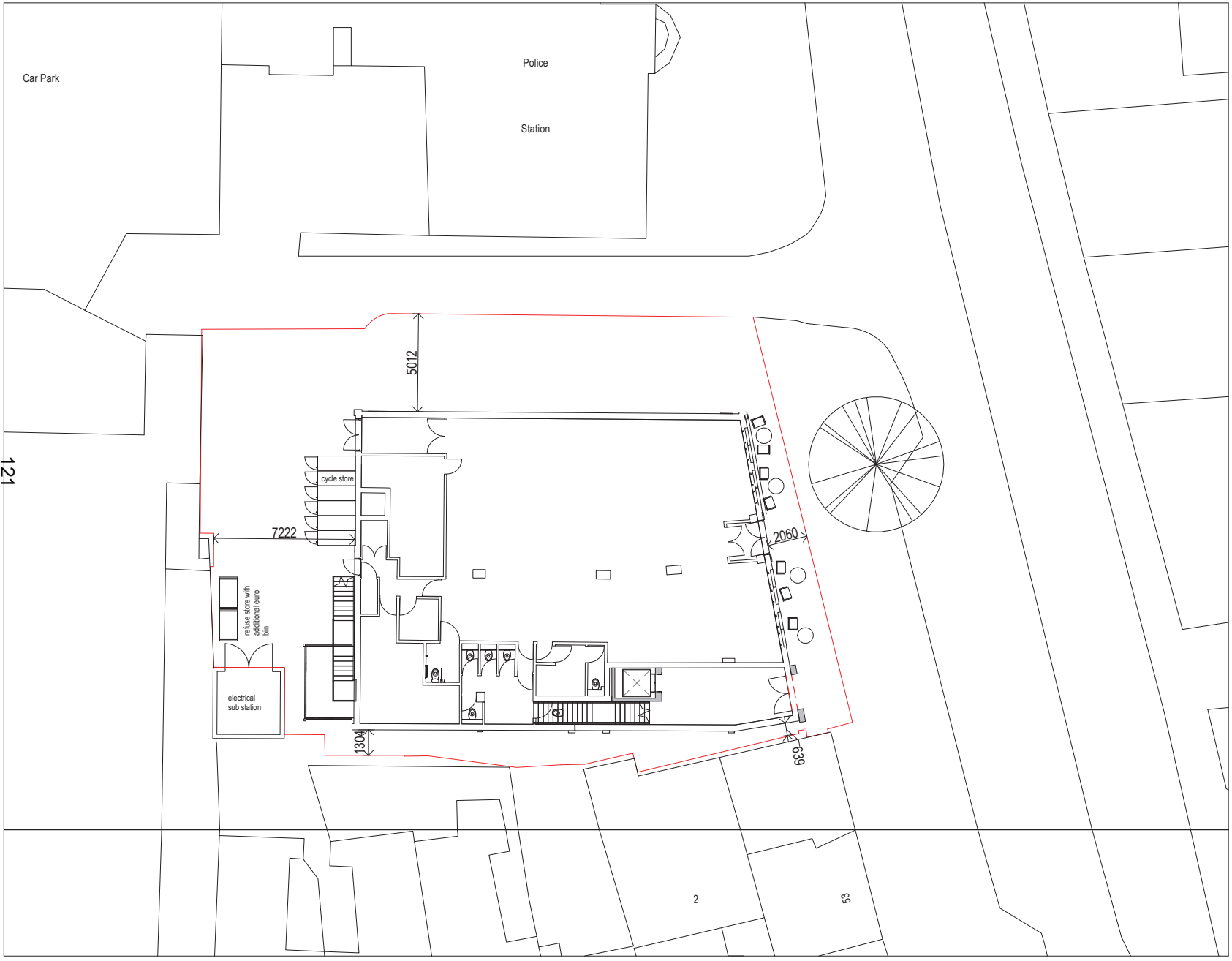
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Essex

Drawing Title:  
Existing Elevations

Project No. 14-133	Draw No. 2-001
Date: 10/02/14	Drawn By: PH
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1 Proposed Site Plan  
1 : 200

Rev	By/Chk	Date	Description

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Project Description  
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Leigh on Sea  
Essex

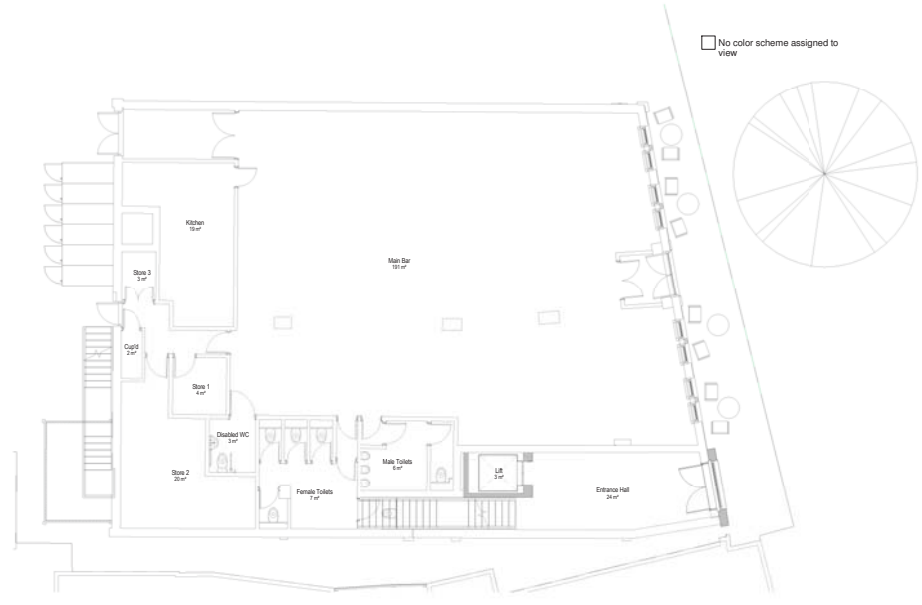
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Proposed Site Plan

Project No.: 14-133C	Dwg No.: 0-200
Date: 10/31/14	Drawn By: PH
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Revision	

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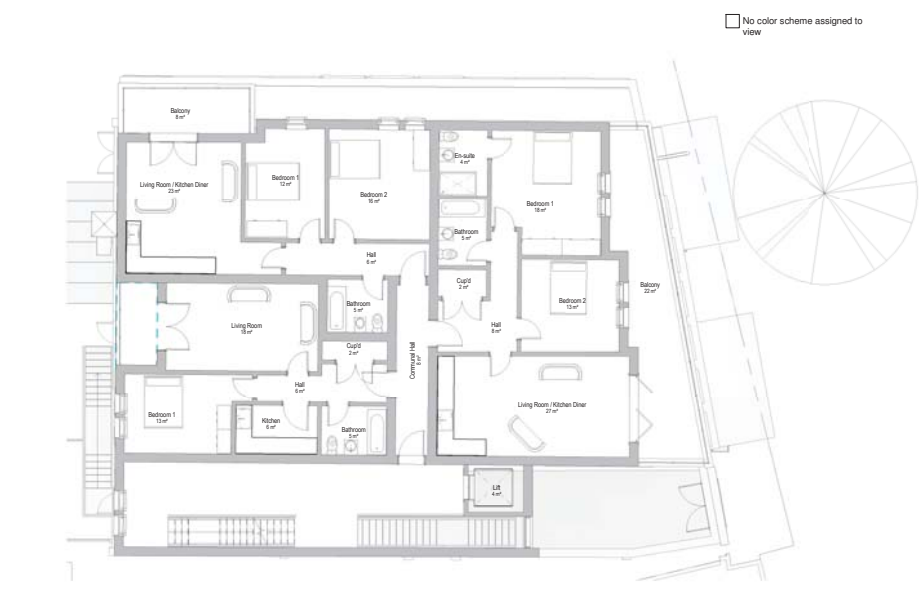


1 Ground Floor - Proposed  
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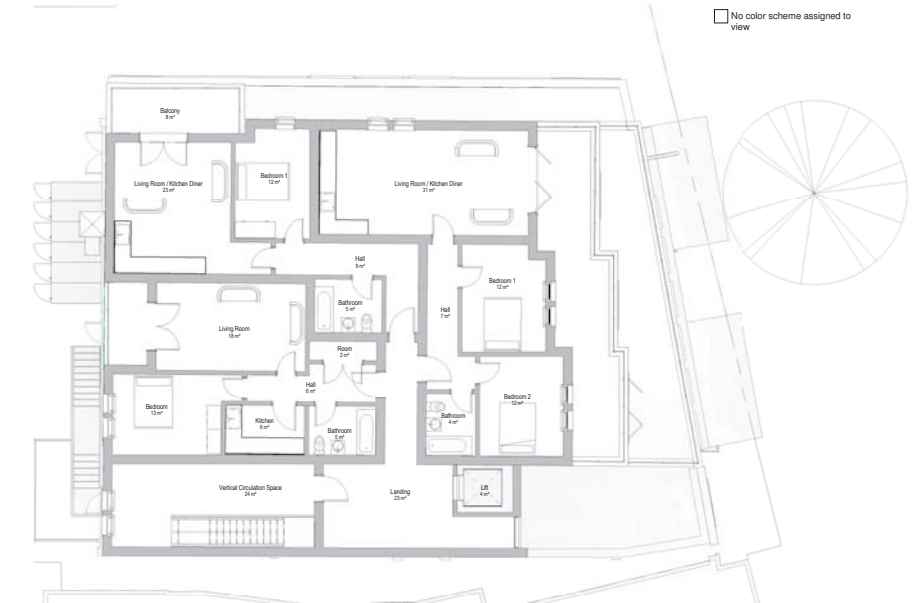
123



2 First Floor - Proposed  
1 : 100



3 Second Floor - Proposed  
1 : 100



4 Third Floor - Proposed  
1 : 100

Rev	By/Date	Description
A	PH/PH	Initial Approval for Floor
B	PH/PH	Final Approval for Floor

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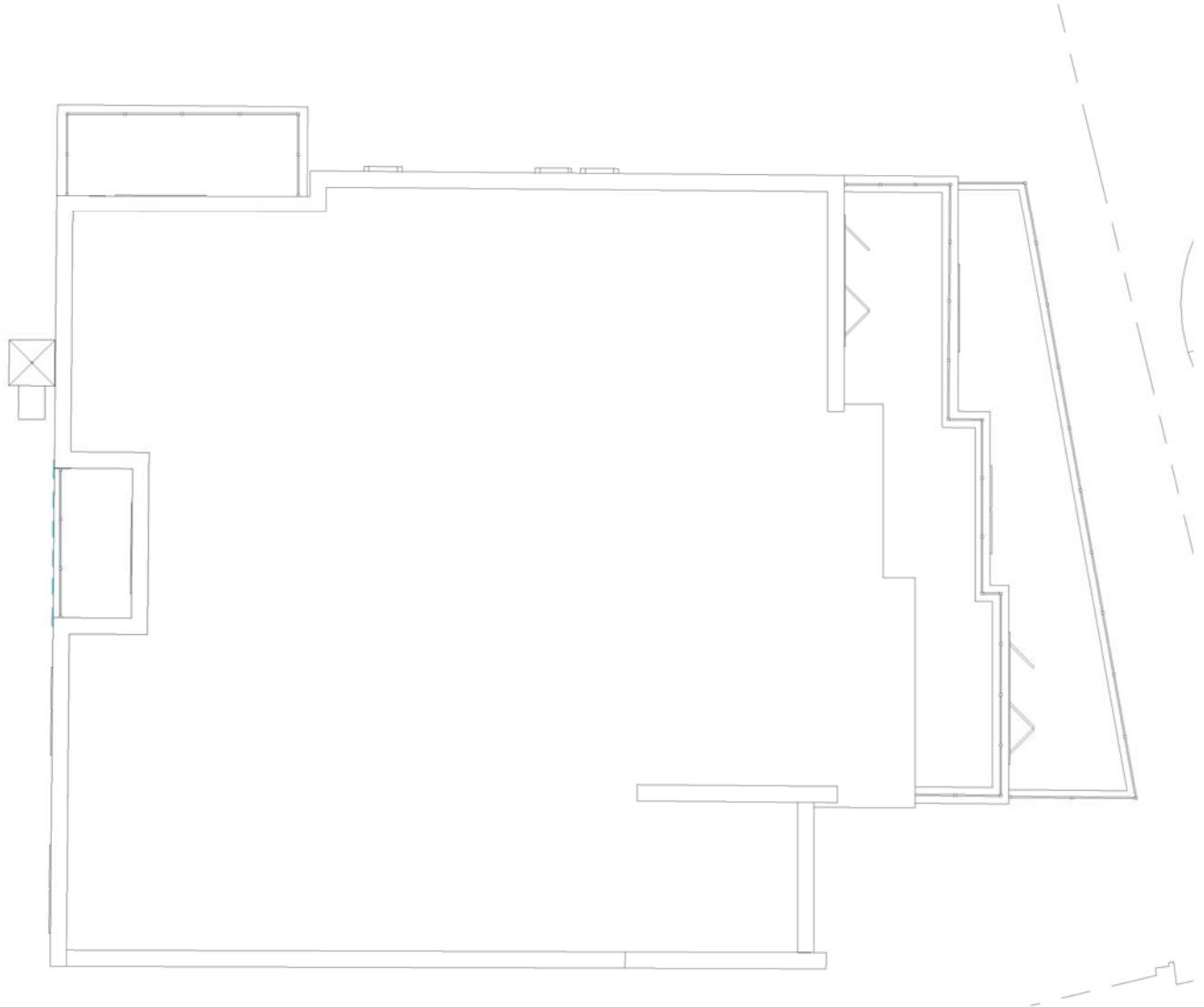
  

Client	
Stronghold Estates Ltd	
Project Description	
57/59 Elm Road, Leigh-on-Sea, Essex	
Drawing Title	
Proposed Floor Plans	
Project No.	Draw No.
14-139C	1-002
Date	Client Ref.
10/13/14	PH RM
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125




**1** Roof Plan - Proposed  
1 : 100

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Project Description  
57/59 Elm Road  
Leigh on Sea  
Essex

Drawing Title:  
**Proposed Roof Plan**

Project No.: <b>14-133C</b>	Dwg No.: <b>1-003</b>
Date: <b>10/13/14</b>	Drawn By: <b>PH</b>
Scale: <b>1 : 100 @ A3</b>	Chk By: <b>RM</b>
Revision	

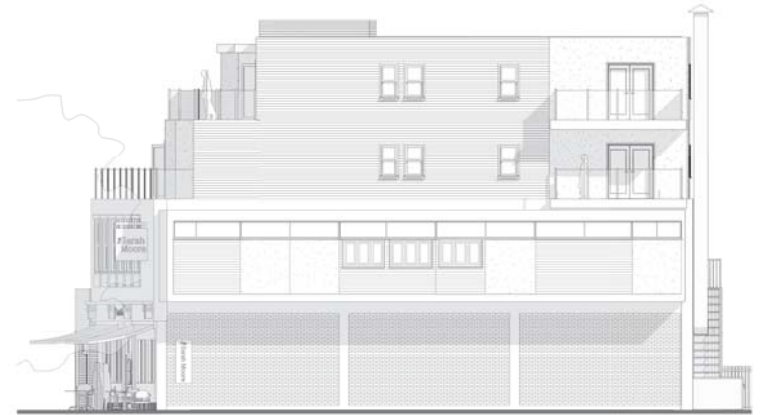
TOWN PLANNING

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① Proposed (True) Elevation - Street Scene  
1:100

127



② Proposed Elevation - North  
1:100



③ Proposed Elevation - South  
1:100



④ Proposed Elevation - West  
1:100

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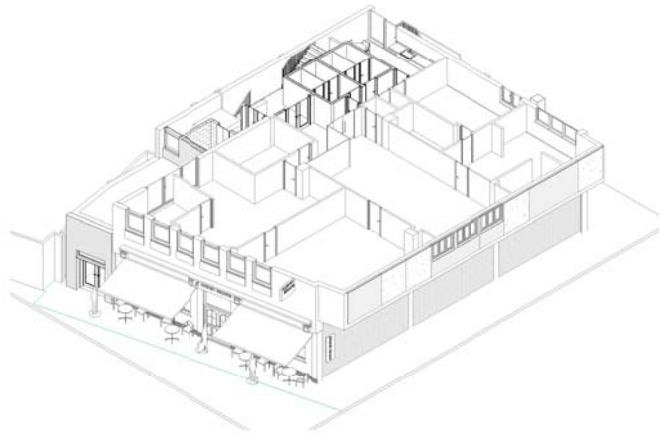
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 57/59 Elm Road  
 Leigh on Sea  
 Essex

Drawing Title:  
 Proposed Elevations

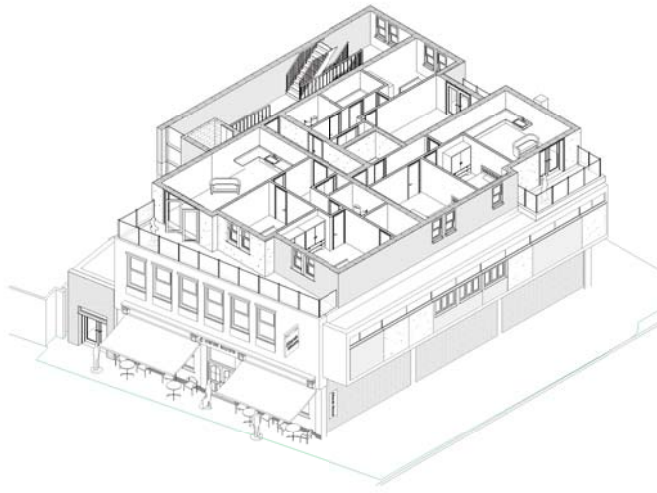
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	Revised: RM

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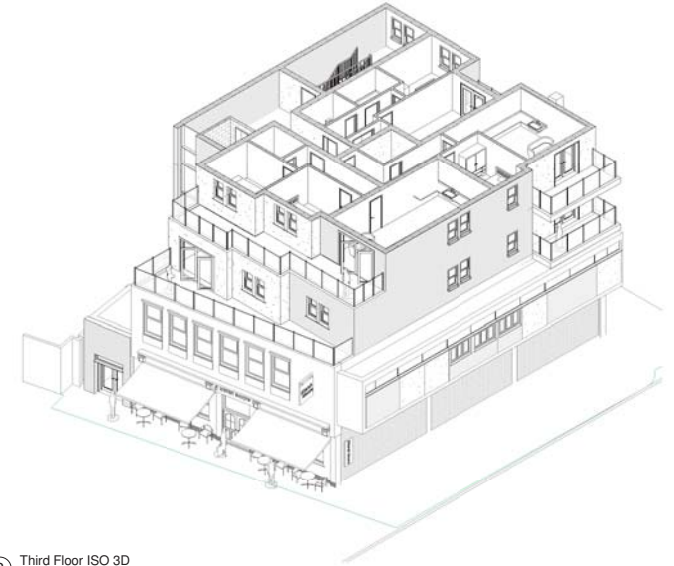
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① First Floor ISO 3D



② Second Floor ISO 3D



③ Third Floor ISO 3D





④ Street View 1



⑤ Street View 2

129

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Project Description:			
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Drawing Title:			
Proposed 3D Illustrations			
Project No:		Draw No:	
14-133C		15-001	
Date:	Drawn By:	Chk. By:	
10/13/14	PH	RM	
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TOWN PLANNING

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<b>Reference:</b>	16/02097/AMDT	<h1>11</h1>
<b>Ward:</b>	West Leigh	
<b>Proposal:</b>	Replace plan no. 30/16/A/Rev01 and 30/16/B with 1620 TP-01 to amend footprint of single storey rear projection (Application for variation of condition to planning permission 16/01126/FUL dated 14.9.2016)	
<b>Address:</b>	50 Vernon Road, Leigh-On-Sea, Essex, SS9 2NG	
<b>Applicant:</b>	Mr & Mrs Smith	
<b>Agent:</b>	Metson Architects LTD	
<b>Consultation Expiry:</b>	29.12.16	
<b>Expiry Date:</b>	11.01.17	
<b>Case Officer:</b>	Anna Tastsoglou	
<b>Plan Nos:</b>	1620 TP-01; 1620 BC-01-A & 1620 BC-02-A	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>	



## **1 The Proposal**

1.1 Planning permission is sought to vary condition 2 (the development to be carried out only in accordance with the approved plans) of permission 16/01126/FUL which proposed to demolish an existing garage and erect a dwellinghouse adjacent to No. 50 Vernon Road, layout amenity space and parking and extend existing an vehicle crossover onto Vernon Road, dated 19.09.2016. The details of the condition and reason are set out below:

1.2 *Condition 2: The development hereby permitted shall be carried out in accordance with the approved plans: 30/16/A/REV 1, 30/16/C/REV 1, 30/016/B.*

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

1.3 The application site is an irregularly shaped area of land that currently comprises of the gardens of 46 and 50 Vernon Road. The frontage onto Vernon Road measures 6.5 metres wide and the site measures 185 square metres in area.

1.4 The application proposes the erection of a three storey dwelling (two storeys with rooms in the roof), the main part of which would measure 7.6 metres deep and 6 metres wide with a pitched roof built to an eaves height of 5.3 metres and a ridge height of 8.5 metres. The proposed dwelling would include a two storey bay projection to the front. At the rear, the dwelling would have a box dormer with a Juliet balcony. The single storey rear projection following amendments would measure 2.6 metres deep and a maximum of 5.9 metres wide with a flat roof built to a height of 3.3 metres.

1.5 The proposed dwelling would have an internal floor area of 117 square metres, with three bedrooms that would measure 13.6, 10.5 and 15.6 square metres. The dwelling would be served by two parking spaces and two parking spaces would be provided to serve the existing dwelling of 50 Vernon Road. A private amenity area of 80 square metres would be provided at the rear of the dwelling.

1.6 This application simply proposes to alter the footprint of the previously approved, single storey, rectangular, rearward projection to a trapezium shaped single storey projection, extended parallel with the boundary line to the east. No other changes are proposed to the previously approved development (ref. 16/01126/FUL).

## **2 Site and Surroundings**

2.1 The site is located to the east of Vernon Road and consists of garden land between two dwellings, two sheds and an attached garage at the side of the dwelling of 50 Vernon Road. The land is currently divided by the fence that distinguishes between the curtilages of 50 and 46 Vernon Road.

2.2 The area is residential in character, comprising mainly two storey houses which vary in terms of style, mass and form. The site is not the subject of any site specific planning policies.

### 3 Planning Considerations

- 3.1 The principle of the development, the design and impact on the character of the area, the impact on neighbouring occupiers, standard of accommodation for future occupiers, highways and transport issues and sustainability have been already assessed and accepted. The main consideration of the current application is the impact of the changes of the rear extension.

### 4 Appraisal

#### Principle of Development

#### **National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP4, CP8; Development Management DPD Policies DM1, DM3, DM7, DM8 and DM15 and the Design and Townscape Guide SPD1 (2009)**

- 4.1 This proposal is considered in the context of the Borough Council policies relating to housing and design. Also of relevance are National Planning Policy Framework Sections 56 and 64, Core Strategy DPD Policies KP2, CP4 and CP8. Amongst the core planning principles of the NPPF include to:

“encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value”.

Paragraph 56 of the NPPF states; *“the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”*

- 4.2 Policy KP2 of the Core Strategy requires that new development contributes to economic, social, physical and environmental regeneration in a sustainable way through securing improvements to the urban environment through quality design, and respecting the character and scale of the existing neighbourhood. Policy CP4 requires that new development be of appropriate design and have a satisfactory relationship with surrounding development. Policy CP8 requires that development proposals contribute to local housing needs.
- 4.3 Policy CP8 of the Core Strategy identifies that the intensification of the use of land should play a significant role in meeting the housing needs of the Southend Borough, providing approximately 40% of the additional housing that is required to meet the needs of the Borough. Policy CP8 also expects 80% of residential development to be provided on previously developed land.
- 4.4 As part of its Strategic Housing Land Availability Assessment (SHLAA) update, the Council has published information on its potential housing supply (5 year supply of housing plus an additional 5% buffer as required by the NPPF). This demonstrates that the Council has a 6 year housing land supply against its adopted targets and therefore, meets the requirements of the NPPF in terms of housing delivery. Thus the authority is able to meet its housing needs targets without recourse to allowing development which would otherwise be unacceptable.



- 4.5 The development of the side with a dwelling has been previously accepted in principle on this site.

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

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

- 4.5 In the Council's Development Management DPD, policy DM1 states that development should "add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features."
- 4.6 Policy DM3 states that "*all development on land that constitutes backland and infill development will be considered on a site-by-site basis. Development within these locations will be resisted where the proposals:*
- (i) Create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents; or*
  - (ii) Conflict with the character and grain of the local area; or*
  - (iii) Result in unusable garden space for the existing and proposed dwellings in line with Policy DM8; or*
  - (iv) Result in the loss of local ecological assets including wildlife habitats and significant or protected trees."*
- 4.7 Paragraph 201 of SPD1 states that "*Infill sites are development sites on the street frontage between existing buildings. These areas are usually spaces left over after earlier development or the redevelopment of small industrial units or garages. The size of the site together with an analysis of local character and grain will determine whether these sites are suitable for development. In some cases the site may be too small or narrow to accommodate a completely new dwelling (including usable amenity space and parking) and trying to squeeze a house onto the site would significantly compromise its design quality and be detrimental to neighbouring properties and local character. In these circumstances, unless an exceptional design solution can be found, infill development will be considered unacceptable."*
- 4.8 The design of the dwelling has previously been found acceptable. As noted above, the current proposal purely relates to the alterations to the rear extension.
- 4.9 The surrounding area is residential in character and features a variety of two storey dwellings of comparable scale to those dwellings in this part of the street. The dwellings in the area are of similar height, but are not of uniform or consistent characters. A number of properties, particularly the older dwellings in the area, include similar architectural features such as two storey bays and rendered elevations, but there is significant variety in the appearance and materials of the dwellings within the surrounding area.

- 4.10 The ridge, eaves and roof pitch are representative of the terrace and the window detailing matches the adjacent property. It has been previously assessed and considered that the proposed development will successfully integrate into the streetscene.
- 4.11 The dwelling has been positioned with the front elevation matching the building line of 46 Vernon Road. By positioning the dwelling in line with the terraced properties to the south, it is considered that the proposed dwelling would not be prominent within the streetscene. No objection was previously raised to the siting of the building.
- 4.12 It is noted that a gap of 1.8 metres would be retained to the south of the existing dwelling and a gap of 0.8 metres would be retained between the proposed dwelling and the garages to the south. The surrounding area features a variety of detached, semi-detached and terraced dwellings and as such there is not a uniform spacing between properties. The spaciousness that is caused by the low level of built form at the application site is considered to contribute positively to the character of the area and give a relatively low density character to this part of Vernon Road. However, as there are no other examples of comparable gaps between properties within Vernon Road, the loss of this gap is not objected to and it is considered that the gaps retained dwellings would suitably replicate the grain of properties within surrounding area.
- 4.13 The proposed dormer at the rear of the dwelling would be visible from Western Road and from the rear of a number of properties. It is however noted that dormers of comparable scale exist on the properties of Western Road to the east of the application site and such dormers can often be formed under the terms of permitted development rights. The dormer was previously found to be acceptable.
- 4.13 The proposed rear extension would be only marginally larger in width than the previously approved extension. It is therefore the case that the visual impact of the single storey rear extension would not have a materially greater visual impact than could be built at neighbouring properties without planning permission. No objection is therefore raised to the design and appearance of the marginally larger rear extension currently proposed.
- 4.14 The previous consultation response from the Design Officer was raised concerns with respect to the dominance of hardstanding at the frontage of the site as is required to enable the provision of adequate parking. Notwithstanding the concerns that were raised, it is noted that hardstanding already dominates the frontage of the application site and it was previously accepted that the proposal would not cause visual harm that is materially different to the existing situation in that respect.
- 4.15 The overall design of the proposed dwelling, with the exception of the changed rear extension, was previously assessed and found acceptable. The change of the extension is a minor nature in relation to the previously approved proposals and it is not materially harmful to the character and appearance of the approved dwelling or the wider area.

## Impact on Neighbouring Occupiers

### National Planning Policy Framework, Policy CP4 of the Core Strategy, Development Management DPD Policy DM1 and Design and Townscape Guide

- 4.16 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 DM1 of the Development Management DPD also states that development should;
- “Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight.”
- 4.17 The proposed dwelling would be built between the neighbouring properties of 46 and 50 Vernon Road. The impact of the proposed dwelling on the neighbouring properties was previously assessed and found acceptable. Although full assessment of the impact on neighbours from the approved proposals is given below, the main consideration of the current application is whether the proposed amended extension would have a detrimental impact on the neighbouring properties.
- 4.18 It is noted that both of these properties are within the applicant’s control and therefore any impacts on residential amenity would be self-imposed. The side elevation of 46 Vernon Road is 4.8 metres from the side elevation of the proposed dwelling which widens to 5.9m to the front given the siting of the proposed dwellinghouse. That neighbouring property includes no windows in the side elevation and it is noted that garages exist at the side of the dwelling which are not used for habitable accommodation. Due to the orientation of that property, it’s positioning to the south of the proposed dwelling and the gap that would be retained between the properties, it is considered that the proposed development and would not cause material harm to the amenities of 46 Vernon Road. The projection to the rear would not be amended at its part adjacent to the south and thus, no additional impact would be caused to the adjoining neighbours by the minor amendments to the previously approved rearward projection.
- 4.18 The proposed dwelling would be positioned 1.8 metres from the south elevation of 50 Vernon Road. The two storey part of the dwelling would align with the rear elevation of a single storey rear projection at the neighbouring property, 2.8 metres deeper than the two storey part of that dwelling. The currently amended single storey rear extension would project by 2.6 metres, but would be positioned 2 metres from the south east corner of the neighbouring dwelling (1 metre less than was originally approved). Due to the lack of first floor windows in the side elevation of the neighbouring property, the orientation of that dwelling and the fact that the proposed dwelling would not project beyond a notional 45 degree line from the windows of the neighbouring property, it is considered that the impact on light and outlook would not be unduly harmful. No windows are proposed in the side elevation and it is considered that oblique views from the rear facing windows would not cause a harmful loss of privacy to the neighbouring property.

- 4.19 The two storey part of the proposed dwelling would be positioned 9.3 metres from the East boundary of the application site which is shared with the rear garden of 60 Western Road. The rear elevation of that property faces South West and therefore towards the rear elevation of the dwelling proposed by this application. Although the proposed dwelling would be 9.3 metres from the shared boundary, it would be 15 metres from the closest built form. Due to these separation distances it is considered that the proposed dwelling would not have an impact on light or outlook within the neighbouring dwelling or its garden to an extent that would justify the refusal of the application. The proposed rear facing windows would be 4 metres closer to the shared boundary than the first floor windows of the existing dwelling of 50 Vernon Road, but as the dwelling would be further South, they would be of comparable distance to the neighbouring dwelling. Even allowing for views from the proposed Juliet balcony, it is considered that the proposed dwelling would not overlook the neighbouring property to an extent that is materially worse than overlooking which would be possible from within neighbouring dwellings. Therefore, whilst the proposal would represent an additional source of potential overlooking, the gap between properties and the angle of the inter-visibility between properties would be such that the proposal would not cause a loss of privacy that would justify the refusal of the application on those grounds.
- 4.20 Due to the gap of 20 metres between the proposed dwelling and the dwellings to the West of Vernon Road and the public domain between properties, it is considered that the dwellings to the west would not be materially affected.
- 4.21 In light of the above, the proposed amended rear extension would not result in any greater or unacceptable impact on the amenities of the nearby neighbours.

### **Standard of Accommodation for Future Occupiers**

#### **National Planning Policy Framework, Policy KP2 and CP4 of the Core Strategy, Development Management DPD Policies DM1, DM3 and DM8 and the Design and Townscape Guide.**

- 4.21 Paragraph 17 of the NPPF states that “*planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*”. It is considered that most weight should be given to the Technical Housing Standards that have been published by the government which are set out as per the below table:
- Minimum property size for a 3 bedroom (6 person bed space) dwelling shall be 108 square metres.
  - Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5m<sup>2</sup> for a single bedroom with a minimum width of 2.15m<sup>2</sup> ; and 11.5m<sup>2</sup> for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.
  - Floorspace with a head height of less than 1.5 metres should not be counted in the above calculations unless it is solely used for storage in which case 50% of that floorspace shall be counted.
  - A minimum ceiling height of 2.3 metres shall be provided for at least 75% of



the Gross Internal Area.

Weight should also be given to the content of policy DM8 which states the following standards in addition to the national standards.

- Provision of a storage cupboard with a minimum floor area of 1.25m<sup>2</sup> should be provided for 1-2 person dwellings. A minimum of 0.5m<sup>2</sup> storage area should be provided for each additional bed space.
- Amenity: Suitable space should be provided for a washing machine and for drying clothes, as well as private outdoor amenity, where feasible and appropriate to the scheme.
- Storage: Suitable, safe cycle storage with convenient access to the street frontage.
- Refuse Facilities: Non-recyclable waste storage facilities should be provided in new residential development in accordance with the Code for Sustainable Homes Technical Guide and any local standards. Suitable space should be provided for and recycling bins within the home. Refuse stores should be located to limit the nuisance caused by noise and smells and should be provided with a means for cleaning, such as a water supply.

Working: Provide suitable space which provides occupiers with the opportunity to work from home. This space must be able to accommodate a desk and filing/storage cupboards.

- 4.22 The proposals were previously assessed against the internal floorspace standards and it has been found acceptable. The size of the dwelling would be marginally increased and thus, the proposals would still comply with the internal floorspace standards, as it would measure 117 square metres (5sqm more than the previous proposal).
- 4.23 The amenity space provision of approximately 80 square metres for the proposed dwelling would not be altered. It is considered to be adequate and although the rear garden is of shallow depth, it is considered that the 7 metre deep garden is adequate to provide usable outdoor amenity space for the benefit of the proposed dwelling. 78 square metres of amenity space would be retained for the existing dwelling which is considered to be acceptable, as per the previous application.
- 4.24 Policy DM8 states that developments should meet the Lifetime Homes Standards unless it can be clearly demonstrated that it is not viable and feasible to do so. Lifetime Homes Standards have been dissolved, but their content has been incorporated into Part M of the Building Regulations and it is considered that these standards should now provide the basis for the determination of this application.
- 4.26 The previously submitted plans have satisfactorily demonstrated that Part M4(2) has been met and will accord with these standards.

## **Highways and Transport Issues**

### **National Planning Policy Framework, Policy KP2, CP4 and CP8 of the Core Strategy, Development Management DPD Policies DM1, DM3 and DM15 and the Design and Townscape Guide.**

- 4.27 The existing vehicular access point to the site is not proposed to be extended. Although an objection was previously raised from the Highway Authority to the length of the crossover, it is considered necessary that a crossover should be formed to the front of the property to give access to the proposed off-street parking. It is however noted that there is a solution which would enable this matter to be resolved and therefore this matter could be addressed through the imposition of a condition as set out under the previous application.
- 4.28 Policy DM15 states that each dwelling should be served by two parking spaces. The proposal complies with these requirements and for these reasons it is considered that adequate parking is provided at the site to comply with the requirements of the development plan and the proposal would therefore not cause a reduction of parking spaces at the site or within the surrounding area to an extent that would justify the refusal. However, it is noted that the details of the extended crossover should be submitted and agreed in writing prior to the commencement of the development, in order to avoid any unacceptable impact on the highway safety caused by vehicles driving over a pavement.

## **Sustainability**

### **Core Strategy Policies KP2, CP4 and CP8, Development Management DPD Policy DM2 and SPD1**

- 4.29 Policy KP2 of the DPD1 and the SPD1 require that 10% of the energy needs of a new development should come from on-site renewable resources, and also promotes the minimisation of consumption of resources. No details have been submitted to demonstrate this proposal would provide 10% of the energy needs; it is considered this could be required by condition if permission is granted as set out in the previous report.
- 4.30 Policy DM2 states that developments should achieve compliance with Level 3 of the Code for Sustainable Homes. It is also stated that water efficient design measures should be incorporated into development. Changes to legislation means that these standards have now been incorporated into Building Regulations and as such it is considered that it is reasonable and necessary to impose conditions to any permission granted at this site to require development to achieve the 'enhanced standard' of building regulations.

## **Community Infrastructure Levy**

### **Community Infrastructure Levy Charging Schedule, 2015**

- 4.31 This application, made pursuant to Section 73 of the Town and Country Planning Act 1990, is CIL liable. As there is an increase in floorspace since the original permission, and therefore a change in the amount of CIL payable, CIL Regulation 9(7) applies. The chargeable development is the most recently commenced chargeable development; hence a new CIL Liability Notice has been issued that supersedes CIL Liability Notice ref. 16/01126/FUL/0001.

### **Conclusion**

- 4.32 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The proposal would have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site, the street scene and the locality more widely. The highways impacts of the proposal are not considered to be such that a refusal of planning permission would be justified. This application is therefore recommended for approval subject to conditions.

## **5 Planning Policy Summary**

- 5.1 National Planning Policy Framework.
- 5.2 DPD1 Core Strategy Policies CP4 (Environment & Urban Renaissance) and KP2 (Development Principles), CP8 (Dwelling Provision).
- 5.3 Development Management DPD Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards) and DM15 (Sustainable Transport Management).
- 5.5 Design & Townscape Guide 2009 (SPD1).
- 5.6 Community Infrastructure Levy Charging Schedule, 2015.
- 5.7 Department for Place Vehicle Crossing Policy & Application Guidance, November 2014.

## **6 Representation Summary**

### **Design & Regeneration**

- 6.1 Vernon Road has a mixed character of mainly two storey houses of various but mainly traditional designs. It appears to have been developed on a piecemeal basis over a long period. Some properties are Edwardian but these are interspersed with more modern houses. There is a mix of short terraces, semis and detached properties often separated by detached or attached garages giving the street a more open character than found in other areas to the east.

The properties are united by their mostly consistent building line with generous, often planted frontages and common use of red/brown tile and white render.

Number 50 is one of a short terrace of 3 original Edwardian properties. These are among the most attractive in the street with feature two storey feature bays with well-proportioned windows and distinctive decorative boarding. Number 54 at the northern end is splayed to address the junction with a feature corner bay which adds further interest to the streetscene.

Number 50, the application property, is at the southern end and has an original integral single storey garage to the southern end which helps terminate the terrace in the streetscene and maintain openness to the neighbour. Unlike the other properties in the street, this short terrace is slightly angled to the street bringing it closer to the pavement at number 50. This does provide further distinction in the streetscene between the Edwardian terrace and the 1970s terrace adjacent (42-46).

The proposal is seeking to demolish the attached garage of number 50 and erect a detached 2 storey house. The site also includes a small strip of land to the side of number 50 which is currently part of the amenity space. The proposal is seeking to draw reference from the character of the Edwardian properties but is set back from the terrace, more in line with the 1970s houses to the south, because of the need to accommodate parking spaces on the frontage and the irregular site boundary. It is set 0.9m and 08.m from the side boundaries and at a slight angle to the street.

The design is an amended proposal following a refusal earlier in the year for a similar detached house. This was refused because it failed to successfully replicate key features such as ridge height, pitch and detailing of the adjacent terrace which it was trying to emulate. The amended design is more successful in this respect. The ridge, eaves and pitch are more representative of the terrace and the window detailing has been amended to better match the adjacent property. This is a noticeable improvement and should help to integrate the proposal into the streetscene.

The building line and parking arrangements remain as previously proposed however it is noted that options for dwelling placement are limited for this site. It will be important therefore to achieve a high quality landscaping scheme so that the frontage arrangement does not appear contrived and makes a positive contribution to the streetscene. The landscape division (hedge) suggested would be preferable to a solid wall or fence to separate the parking areas as this would be a more attractive and subtler solution and should not appear out of place in the streetscene. Steps should also be taken to ensure that the resultant vehicular crossovers do not appear over scaled in the street - there should be 2 distinct crossovers rather than one over scaled one.

**[Officer Comment: It is noted that the above comments have been submitted during the course of the previous application. No additional comments have been submitted for the current minor nature of amendments to the previously approved application.]**

## Traffic & Highways Network

- 6.2 The applicant has shown a vehicle crossover measuring approximately 10m. The maximum size vehicle crossover allowed is 4.8m so a highway objections is raised. However, if the applicant amended the drawing to show a small gap between each 4.8m crossover this would be acceptable in highway terms and the objection removed.

**[Officer Comment: It is noted that the above comments have been submitted in relation to the previously approved application. However, the abovementioned regarding the width of a double crossover still apply.]**

## Leigh Town Council

- 6.3 No objection.

## Public Consultation

- 6.4 A site notice was displayed and 8 neighbours were notified of the application. One letter of objection has been received which objects to the proposal on the following grounds:

- The previous application should never have been granted permission. It is clearly in breach of the Council's planning policies. **[Officer Comment: It is noted that the application was presented before and granted permission according to the democratic processes. The Committee have considered that the application on the basis of the Council's policies and they have found it acceptable.]**
- Concerns are raised regarding the type of application submitted. **[Officer Comment: It is noted that the applicant have correctly submitted an application for variation of condition 2 (in accordance with the plans), which allows minor amendments.**
- The development was already large and the current proposal is to increase its size further and come closer to the neighbour's property. **[Officer Comment: The increase in floorspace is no more than 5sqm and the impact that has to the appearance and character of the area and the impact that it has on the neighbours is assessed above to the relevant sections.]**
- Overlooking and loss of light. **[Officer Comment: Please refer to section 'Impact on neighbouring occupiers'.]**
- The size of the balcony doors has been increased. **[Officer Comment: It is noted that the width of the doors and Juliet balcony has not been amended.]**
- The neighbour was not notified about the previous committee meeting. **[Officer Comment: It is noted that this comment/complaint is dealt by a separate procedure, as not a material planning consideration. However, it is noted that the neighbours comments and previous objections have been taken into consideration for the assessment of the application.]**

6.5 The application has been called into committee by Cllr Mulronee.

## 7 Relevant Planning History

7.1 16/01126/FUL - Demolish existing garage and erect dwellinghouse adjacent to No. 50 Vernon Road, layout amenity space and parking, extend existing vehicle crossover onto Vernon Road (Amended Proposal). Planning permission granted.

7.2 16/00338/FUL: Demolish existing garage and erect dwellinghouse adjacent to No. 50 Vernon Road, layout amenity space and parking, extend existing vehicle crossover onto Vernon Road – Refused planning permission on 16<sup>th</sup> May 2016 for the following reasons:

*“01. The proposal, by virtue of the scale of the proposed dwelling, would be harmfully out-of-keeping with the character and appearance of the surrounding area and cause harm to the streetscene of Vernon Road. The proposal is therefore contrary to the NPPF, policies KP2 and CP4 of DPD1 (Core Strategy) policies DM1 and DM3 of DPD2 (Development Management) and the advice within the Design and Townscape Guidance (SPD1).*

*02. It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed residential unit would accord with the standards of Part M4(2) of the Building Regulations. The proposal would therefore fail to create a flexibly designed house to respond to the future occupiers changing physical and social requirements over their lifetime contrary to the NPPF and policies DM1 and DM8 of DPD2 (Development Management).”*

7.3 15/00869/FULH: Demolish existing garage, erect single storey rear extension and two storey side extension – Refused; appeal dismissed.

7.4 14/00480/CLP: Single storey rear extension (Lawful Development Certificate-Proposed) – Certificate granted.

## 8 Recommendation

**GRANT PLANNING PERMISSION subject to the following conditions:**

**01. The development hereby permitted shall begin not later than three years from the date of the original permission (19.09.2016).**

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

**02. The development hereby permitted shall be carried out in accordance with the approved plans: 1620 TP-01; 1620 BC-01-A & 1620 BC-02-A.**

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

**03. No development shall take place until samples of the materials to be used on the external elevations of the dwellings, on any screen/boundary walls, fences and gates, and on any driveway, access road, forecourt or parking area have been submitted to and approved by the Local Planning Authority. Details of the proposed boundary treatments shall be provided. The development shall only be carried out in accordance with the approved details.**

**Reason: To safeguard character and appearance of the area and amenities of neighbouring occupiers in accordance with Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Development Management Document and the Design and Townscape Guide, 2009 (SPD1).**

**04. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping. This shall include details of all the existing trees and hedgerows on the site and details of any to be retained, together with measures for their protection in the course of development; details of the number, size and location of the trees and shrubs to be planted together with a planting specification, details of the management of the site, e.g. the uncompacting of the site prior to planting, the staking of trees and removal of the stakes once the trees are established; details of measures to enhance biodiversity within the site and details of the treatment of all hard and soft surfaces (including any earthworks to be carried out). The landscaping shall be implemented in accordance with the agreed details, unless otherwise first agreed in writing by the Local Planning Authority.**

**Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy, Policy DM1 of the Development Management Document and the Design and Townscape Guide, 2009.**

**05. All planting in the approved landscaping scheme shall be carried out within the first available planting season following the completion of the development. Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority.**

**Reason: In the interests of visual amenity and to ensure a satisfactory standard of landscaping, pursuant to Policy CP4 of the Core Strategy DPD1 and Policy DM1 of the Development Management Document.**

**06. A scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources shall be submitted to and agreed in writing by the Local Planning Authority and implemented in full prior to the occupation of the dwellinghouses. This provision shall be made for the lifetime of the development.**

**Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy, the Design and Townscape Guide (SPD1) and Development Management Document Policy DM2.**

**07. Prior to the first occupation of the dwellinghouse, two car parking spaces for the dwellinghouse hereby approved and for no. 50 Vernon Road shall be provided and permanently retained in accordance with the approved plans. The car parking spaces shall be permanently retained for occupants and visitors of the application site and be used for no other purpose unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: To provide satisfactory off-street parking for the dwellinghouses, in accordance with Policy DM15 of the Development Management Document.**

**08. Notwithstanding conditions 02 and 07 above, prior to the first occupation of the dwellinghouse, an amended site plan shall be submitted to and agreed in writing by the Local Planning Authority which shows the size of the crossover to measure no wider than 4.8m. The development shall only be carried out in accordance with the agreed site plan.**

**Reason: In the interest of highway and pedestrian safety in order to overcome the concerns of the Highway Authority in accordance with Policy DM15 of the Development Management Document and the Department for Place Vehicle Crossing Policy & Application Guidance.**

**09. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, or any Order revoking or re-enacting that Order with or without modification, no development shall be carried out within Schedule 2, Part 1, Classes A, B, C, D or F of those Orders.**

**Reason: To safeguard the design and appearance of the dwellinghouses, in the interest of the standard of accommodation and to ensure that satisfactory amenity space remains for the amenities of future occupiers, in accordance with Development Management Document Policies DM1, DM3 and DM8 and the Design and Townscape Guide, 2009 (SPD1).**

**10. The flat roof to the dwellinghouses hereby approved shall not be used as a balcony, roof garden or similar amenity area or for any other purpose unless otherwise agreed in writing by the Local Planning Authority. The roof can however be used for the purposes of maintenance.**

**Reason: To protect the privacy and environment of people in neighbouring residential properties in accordance with Policy CP4 of the Core Strategy and Policy DM1 of the Development Management Document.**

**11. Demolition or construction works shall not take place outside 07:30 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays or Bank Holidays, unless otherwise agreed in writing with the Local Planning Authority.**

**Reason: To protect residential amenity and general environmental quality in accordance with Core Strategy Policies KP2 and CP4 and Policy DM2 of the Development Management Document.**



**12. No burning of construction or demolition waste is to take place on the site.**

**Reason: To protect the amenities of neighbouring properties and general environmental quality in accordance with Core Strategy Policies KP2 and CP4 and Policy DM1 of the Development Management Document.**

**13. Prior to first occupation of the development hereby approved details of the water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting.**

**Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management Document) policy DM2 and SPD1 (Design and Townscape Guide).**

**14. The development hereby approved shall be carried out in a manner to ensure the proposed dwellinghouse comply with building regulation M4(2) 'accessible and adaptable dwellings'.**

**Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management Document) policy DM2 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.**

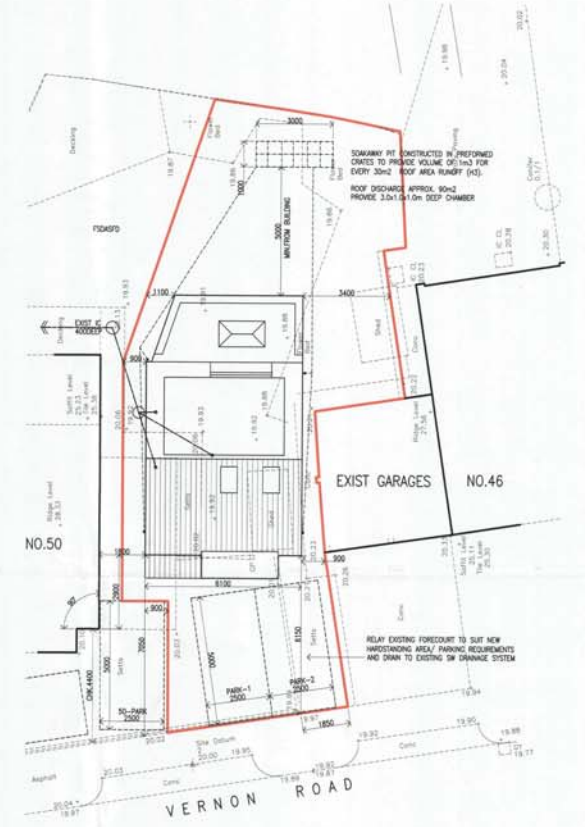
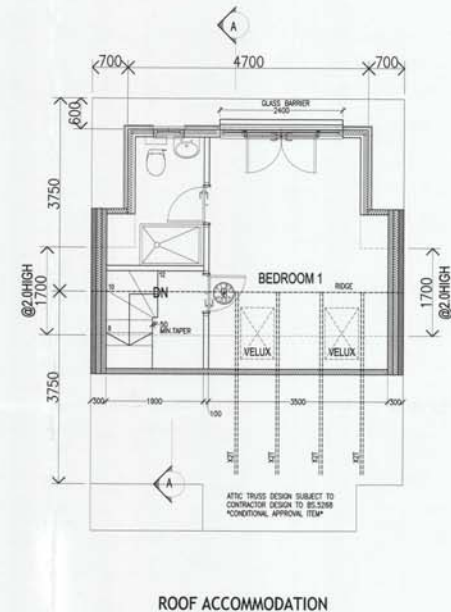
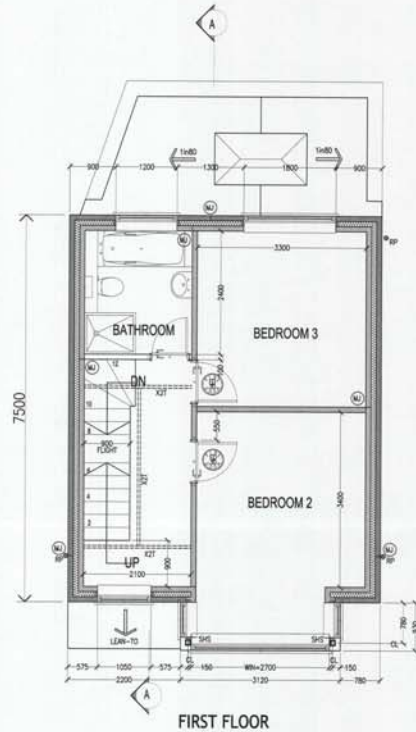
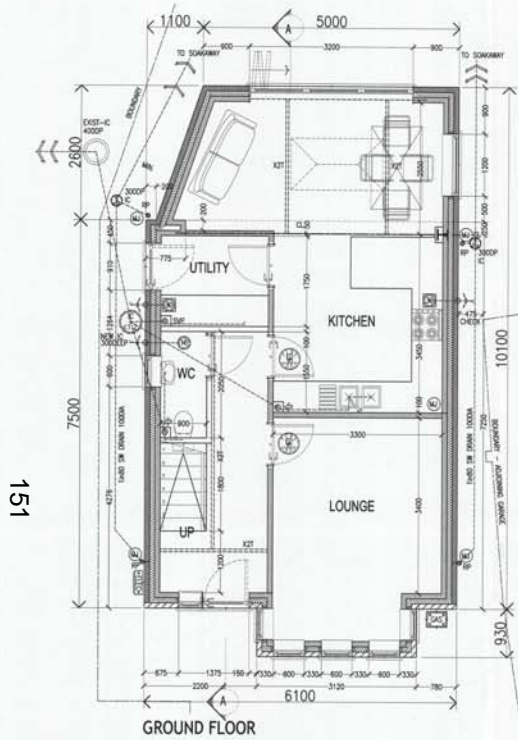
### **Informatives**

**01. Community Infrastructure Levy (CIL): This application, made pursuant to Section 73 of the Town and Country Planning Act 1990, is CIL liable. As there is an increase in floorspace since the original permission, and therefore a change in the amount of CIL payable, CIL Regulation 9(7) applies. The chargeable development is the most recently commenced chargeable development; hence a new CIL Liability Notice has been issued with this permission that supersedes CIL Liability Notice ref. 16/01126/FUL/0001.**

**02. Notwithstanding condition 08 above, the applicant is advised that separate consent of the Local Highways Authority would be required for works to extend the existing vehicular crossover.**



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KEY

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|---|---|---|
| <p><b>MASONRY CONSTRUCTION</b></p> <ul style="list-style-type: none"> <li>100mm THICK 3.5 N/m<sup>2</sup> AERATED CONCRETE BLOCKS TO BS.6073 (1)</li> <li>100mm 7 N/m<sup>2</sup> MEDIUM DENSITY LIGHTWEIGHT AGGREGATE CONCRETE BLOCK TO BS.6073 (2)</li> <li>FACE BRICKS - TYPE TBA</li> <li>Cavity insulation 100x25mm/100mm FULL FILL 100mm CHROM DRETHEN 32 ULTIMATE</li> <li>21 N/m<sup>2</sup> ENGINEERING BRICKWORK</li> <li>MORTAR DESIGNATION MIX C, 1.5 ABOVE OPC (2) MORTAR DESIGNATION MIX A, 1.5 BELOW OPC (3)</li> <li>VERTICAL MOVEMENT JOINTS, BLOCKWORK AT 7.0m MAX CRS, BRICKWORK AT 12.0m MAX CRS (1)</li> <li>12mm JOINT-FILL TO WITH EXPANDING SLEEVES+FORM RUBBER FILLER (4)</li> <li>FOR EXTERNAL TIE OR PLASTER FINISH TO CLIENT'S REQUIREMENTS</li> </ul> <p><b>ORIGINAL CONSTRUCTION</b></p> <ul style="list-style-type: none"> <li>INTERNAL 100x60 STEEL PARTITION+50 QUILT INSULATION+7/2.5 PLASTERBOARD+9MM EACH SIDE*</li> <li>* FOR BATHROOMS FLOOR FINISHED WITH 12.5mm HD BOARD OR AQUAPANEL BOARDS TO SUIT EITHER TILE OR PLASTER FINISH TO CLIENT'S REQUIREMENTS</li> <li>140x38 C24 STUDS@400mm 140x38 HEAD/TOE/LATHES, ALL TRACED THROUS (1)+0.20m (2)+0.20m</li> <li>100mm CELLULOSE GYPSUM WETLATHES, ALL TRACED THROUS (1)+0.20m (2)+0.20m</li> <li>12mm FET SCOR TO EXTERIOR SUBSTRATE, INTERNAL 12.5mm GYPSUM BOARD+50MM (1)</li> <li>** FOR EXTERNAL, TAMBER FRAME+HANGGREEN CAVITY+CLADDING - SEE SECTION DWG + +</li> </ul> <p><b>STRUCTURAL FRAME (4)</b></p> <ul style="list-style-type: none"> <li>SEE REFER TO ORIGINAL DESIGNER DRAWING AND CALCULATION FOR ALL DESIGN DETAILS</li> <li>STEEL BEAMS+COLUMNS ALL TO ENGINEERS DESIGN (4) - INDICATIVE USE ONLY</li> <li>THINWY/ ACC JOIST SPANS ALL TO ENGINEERS DESIGN - INDICATIVE USE ONLY</li> <li>X27 - WALLS/TIE THROUS BOLT W/O OVERLAP WORKERS AT 450 500 CRS</li> </ul> | <p><b>WASTE DISPOSAL</b></p> <ul style="list-style-type: none"> <li>RAINWATER DOWNPIPE</li> <li>FLAT ROOF DRAINAGE OUTLET</li> <li>SOIL &amp; VENT PIPE</li> <li>STUB STACK</li> <li>BACK SILET DULLEY</li> <li>PLUMBING/PYPP/KORV/DUCTWORK</li> <li>FLUE EXHAUST</li> <li>30L/SEC EXTRACT FAN</li> <li>15L/SEC EXTRACT FAN+CHIMNEY</li> <li>PRE-CAST INSPECTION CHAMBER INT.AODDA USE UPD 1.2m DEEP IN GARDENS</li> <li>ACO FLOOR MULTI-DRAIN CHANNEL, PPG GRATING, SUMP-OUTLET LEVEL, THRESHOLD</li> </ul> <p><b>FIRE SAFETY</b></p> <ul style="list-style-type: none"> <li>SMOKE DETECTOR</li> <li>MANS OPERATED/WATERLAMP HEAT DETECTION UNIT</li> <li>MANS OPERATED CARBON MONOXIDE SENSOR</li> <li>FRAM - 30 MINUTE FIRE RESISTING DOORSET WITH SMOKE SEAL TO BS.478 part 2(1)</li> </ul> | <p><b>ENERGY</b></p> <ul style="list-style-type: none"> <li>GAS FIRED CONDENSING BOILER</li> <li>MANS OPERATED CO2 DETECTOR ADJACENT</li> <li>MANS GAS METER</li> <li>MANS ELECTRICITY METER</li> </ul> |
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REV: 4 10-11-18 REAR SINGLE STOREY NORTH-BOUNDARY/WALL ALIGNMENT

**BUILDING REGULATIONS**

**metson ARCHITECTS**

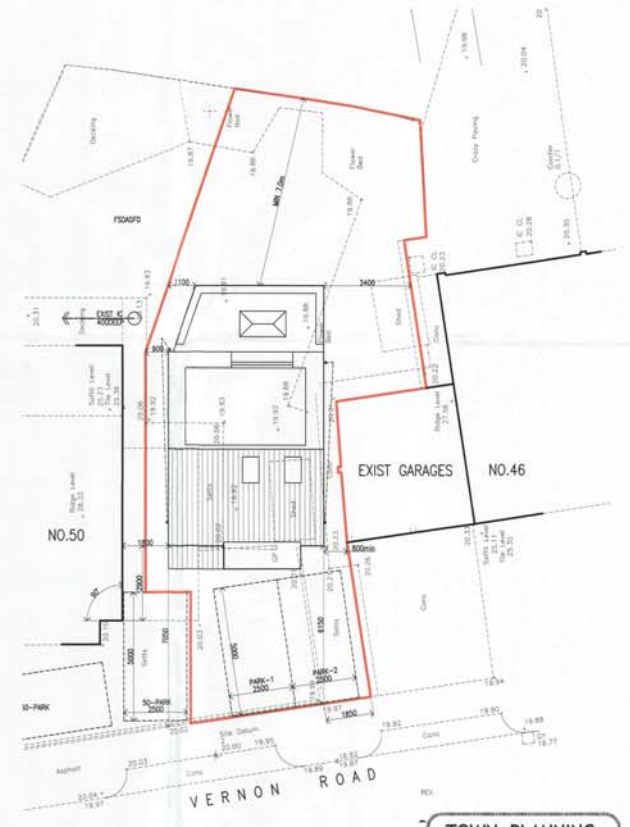
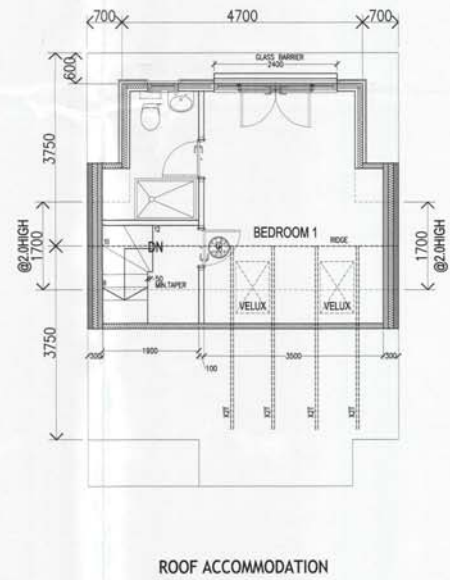
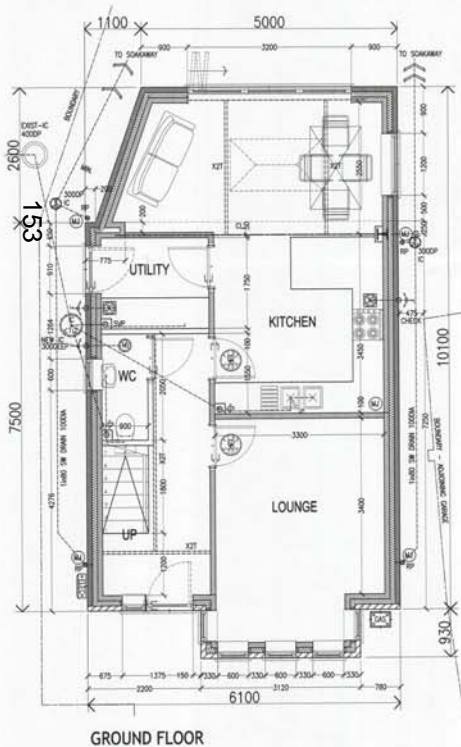
9 T O D I Y www.metsonarchitects.co.uk  
 LEIGH PARK ROAD LEIGH ON SEA ESSEX S39 2DU  
 01702 472714 info@metsonarchitects.co.uk

SCALE: B11  
 DATE: NOVEMBER 2018  
 CLIENT: MR+MS C SMITH  
 JOB: LAND ADJACENT 50 VERNON ROAD, LEIGH  
 JOB NO. 1620 DRAWING NO. BC-01-A

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PROJECT : NEW DWELLING LAND ADJACENT 50 VERNON ROAD, LEIGH-ON-SEA



TOWN PLANNING



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a@metsonarchitects.co.uk

SCALE: 0/11  
DATE: NOVEMBER 2016  
CLIENT: MR & MRS C SMITH  
JOB: LAND ADJACENT 50 VERNON ROAD, LEIGH

JOB NO. 1620 DRAWING NO. TP-01

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<b>Reference:</b>	16/02036/FULH	<h1>12</h1>
<b>Ward:</b>	Leigh	
<b>Proposal:</b>	Install cladding to elevations (Retrospective)	
<b>Address:</b>	The Old Coach House, 2A Lymington Avenue, Leigh-On-Sea, Essex, SS9 2AU	
<b>Applicant:</b>	Mr Bryant	
<b>Agent:</b>	Mr Howell	
<b>Consultation Expiry:</b>	22/12/16	
<b>Expiry Date:</b>	12/01/17	
<b>Case Officer:</b>	Ian Harrison	
<b>Plan Nos:</b>	3308/10/16/01	
<b>Recommendation:</b>	<b>GRANT Planning Permission</b>	



## **1 The Proposal**

- 1.1 The application seeks retrospective planning permission for the installation of cladding to the elevations of the existing dwelling at the abovementioned property.
- 1.2 The existing two storey dwelling measures 7 metres deep and 6.2 metres wide with a single storey rear projection that forms a balcony at first floor. Until summer 2016 the building featured white painted, rendered elevations. Photographs provided by the applicant demonstrate that the render was in poor condition.
- 1.3 The applicant has clad the building with grey and white cement weatherboarding that masks insulation boarding that has been applied to the external elevation of the dwelling. The applicant has stated that these works were undertaken to address issues of poor insulation and ventilation which were causing condensation and rising damp within the building which has been evidenced through the submission of photographs. It is stated that this is a reflection of the manner in which the former coach house was converted.
- 1.4 The applicant states that they were unaware that planning permission was required and that this represents an honest mistake. It is considered relevant to note that until permitted development rights were changed in 2008, the installation of cladding to buildings outside of conservation areas was always deemed to be permitted development. It has only been through the publication of more recent clarification documents from the DCLG that it has been widely interpreted to be the case that such developments require planning permission where the appearance of the materials is substantially different.

## **2 Site and Surroundings**

- 2.1 The site is located to the east of Lymington Avenue. The site contains a two storey detached dwelling.
- 2.2 The surrounding buildings of the Lymington Avenue are mostly in residential use, with the exceptions being the single storey plumbers office opposite the site and the commercial properties of Rectory Grove further to the south.
- 2.3 It is considered relevant to note that surrounding properties feature various materials including render painted in various different colours, buff brick, red brick, painted brick work, pebble dashing and modern tile cladding on Rectory Grove. In the wider area it is noted that the recently constructed building in the comparable position within Southsea Avenue features buff brickwork and hanging tiles to the elevations and as such represents a departure from the character of the other properties of the surrounding area.

## **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, Development Management Policy DM1 and DM3 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 is Development Management DPD Policy DM1 which relates to design quality. These policies and guidance support extensions and alterations 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 alterations to the dwelling can be considered to be acceptable in principle.
- 4.2 Section 73A of the Town and Country Planning Act 1990 and Planning Practice Guidance (paragraph 12) combine to set out that a local planning authority can invite a retrospective application and approve development after the works have already been undertaken. Therefore, the fact that the application has been submitted retrospectively should not be a reason to object to the application.

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

#### **National Planning Policy Framework 2012, Core Strategy Policies KP2 and CP4, Development Management Policy DM1 and SPD1**

- 4.3 Good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in Policy DM1 of the development management DPD 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.”*
- 4.4 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.”* In the Council’s Development Management DPD, policy DM1 states that development should “add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features.”
- 4.5 Paragraph 375 of SPD1 states that *“In a few cases it may be possible to extend a property upward by adding an additional storey however this will only be appropriate where it does not conflict with the character of the street.”* Paragraph 366 of SPD1 states that *“Dormer windows, where appropriate, should appear incidental in the roof slope (i.e. set in from both side walls, set well below the ridgeline and well above the eaves). The position of the new opening should correspond with the rhythm and align with existing fenestration on lower floors. It goes on to state that “the materials should be sympathetic to the existing property.”*

*The space around the window must be kept to a minimum. Large box style dormers should be avoided, especially where they have public impact, as they appear bulky and unsightly. Smaller individual dormers are preferred.”*

- 4.6 The surrounding buildings are mostly of two storey form and many of the surrounding dwellings feature similar architectural detailing. However, as set out above, the materials used on the facing elevations of the surrounding buildings vary substantially and create a mixed environment.
- 4.7 It appears that the building at the application site was converted at a different time and as such the dwelling was already of a materially different appearance to most surrounding properties. The first floor bay windows, the roof form, the mock Tudor detailing to the front gable and the window proportions are all significantly different from all other properties of the surrounding area and as such it is considered that the dwelling was already a departure from the surrounding properties even before the works that have been undertaken that are the subject of this application.
- 4.8 In this instance it is considered that the cladding that has been added has enhanced the appearance of the dwelling. The white painted render that formerly existed was in a poor condition and was failing in places. It is acknowledged that this could have been repaired or maintained, but for the reasons set out above, the applicant undertook to clad the building in order to improve its thermal and structural condition. It is considered that the cladding that has been installed improves the appearance of the dwelling and makes a better contribution to the streetscene.
- 4.9 As set out above, it is considered that the relationship of the dwelling at the site is comparable to the first dwelling on the east side of Southsea Avenue and as that dwelling is of materially different materials and appearance it is considered that this approach to the application site is not out-of-keeping with the general pattern of development of the wider area.

#### **Impact on Residential Amenity:**

#### **NPPF; DPD 1 (Core Strategy) Policies KP2 and CP4; Development Management DPD Policy DM1 and SPD 1 (Design & Townscape Guide (2009))**

- 4.10 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 DM1 of the Development Management DPD also states that development should “Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight.”
- 4.11 The addition of cladding to the building adds to the size of the building by the smallest of amounts, 50mm according to the submitted plans. It is therefore the case that the development does not materially affect the light, privacy or outlook of any neighbouring property. It is noted that the neighbouring property to the north has no windows in the side elevation.

- 4.12 No other properties would be significantly affected by the proposed developments.
- 4.13 Objections have been received on the grounds that the cladding overhangs the right of way that runs between 2 and 2A Lymington Avenue. The overhanging of land or building on the land of another person is a matter relating to land ownership that the Local Planning Authority and the Council more generally have no scope, remit or control over. This has been explained to the owner of the neighbouring property. This is a civil matter that the Local Planning Authority has no grounds to intervene in and should not be a matter that is given any consideration or weight in the assessment of this planning application.
- 4.14 It should be noted that objections have been received on a large number of other grounds that are set out below. In most respects the comments received are not relevant to the assessment of a planning application but where they are, it is considered that they have been addressed above.

### **Community Infrastructure Levy**

- 4.15 As the development creates no new floorspace at the application site, the development is not CIL liable.

## **5 Conclusion**

- 5.1 The development constitutes minor works of alteration to an existing dwelling. It is considered that the proposed alteration of the appearance of the dwelling does not cause harm to the character or appearance of the existing building or the surrounding area and therefore planning permission should be retrospectively granted. The proposal would not impact on the amenities of any neighbouring residential properties in a manner that would justify the refusal of the application.

## **6 Planning Policy Summary**

- 6.1 National Planning Policy Framework

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

Development Management DPD Policies DM1 (Design Quality) and DM3 (Efficient and Effective Use of Land)

Design and Townscape Guide SPD (adopted December 2009)

Community Infrastructure Levy Charging Schedule.

## **7 Representation Summary**

### **Leigh-on-Sea Town Council**

- 7.1 No objection

## Public Consultation

7.2 11 neighbouring properties were notified of the application. Letters of objection have been received from 3 neighbouring properties which have objected on the following grounds:

- If Ownership Certificate B had not been completed correctly, the owner of 2 Lymington Avenue would not have had opportunity to comment on the application. [Officer Note – There are no grounds to believe that the most recently submitted ownership certificate is incorrect and comments have been received which are identified as being from the owners and the occupants of the 2 Lymington Avenue].
- The Planning Portal sets out that materials should match the existing dwelling. [Officer Note – This is true in relation to permitted development rights, but different materials can be approved under the terms of a planning application].
- The surrounding properties feature brick and render and therefore cladding should not be approved as it is out-of-keeping with the character of the surrounding area.
- The surrounding properties have been painted different colours and therefore have a ‘more understated visual natural look.’
- The overhang of the cladding has restricted the use of the adjacent private right of way by 10%. [Officer Note – This relates to a private right of way and is therefore a civil matter between parties that the Local Planning Authority has no grounds to intervene in. It is not considered that the situation found would warrant a refusal of planning permission.]
- The gate post was removed at the shared boundary of the site and the gate no longer closes. The adjacent gate should be shown on the submitted plans. [Officer Note – As above, the gate is not a matter for assessment under the terms of this application. That gate is not shown on the plan, but can be seen in photos that will be presented to the Council’s Development Control Committee and all parties are aware of the presence of the gate. Therefore, it not being shown on the submitted plans does not give grounds to refuse or delay the determination of the application].
- The dark colour of the cladding is imposing, daunting and overpowering. The white walls created a sense of openness.
- Wires are protruding from below the cladding. [Officer Note – As above, this is a civil matter relating to the overhang of a boundary not a planning matter. The Local Planning Authority has no role in the assessment of the safety of a site or a property]
- Rain flowing from the roof flows onto the passageway to the north of the application site which causes flooding. [Officer Note – As above, this is a civil matter relating to the overhang of a boundary not a planning matter. It is not found that the impacts of this water are such that a refusal of planning permission would be justified in this instance.]

- Rain flowing from the roof causes noise disturbance that has disrupted the sleep of the neighbours children. [Officer Note – The noise impact of rainfall and flowing water would not be at a level that would justify the refusal of a planning application].
- The water is causing damp. [Officer Note – Civil Matter. Not a ground to refuse planning permission in this case.]
- Metal trim has been used at the corners of the dwelling which provides a route for water to flow. [Officer Note – Civil Matter. Not a ground to refuse planning permission in this case.]
- The neighbouring resident has set out the history of communications between officers, landowners and neighbours in relation to the submission of this application.
- The neighbouring resident has highlighted that the name of the property was changed in 2011. The objector relates this to the fact that original features of the building have not been retained as has been suggested by the applicant. [Officer Note - Not Relevant].
- Cladding was not an original feature as it has not overhung the boundary before. [Officer Note – Not a ground to refuse planning permission in this case.]
- The type of cladding and the manner in which it has been applied is not in-keeping with the traditional form of timber cladding that exists within some parts of Leigh and is not in-keeping with the period in which the existing building was built.
- The application is retrospective.
- The cladding has been cut around the existing boundary wall.
- Comments have been made about the procedures relating to the submission of the application with it being noted that the applicant or their agent made some mistakes that had to be corrected. [Officer Note – the problems, very minor problems which are not uncommon were corrected. This has not prejudiced the neighbouring landowner from making their opinions of the development known to the Local Planning Authority].
- The children at the neighbouring property can no longer wheel their bikes along the adjacent alleyway.
- The cladding should only have been put on half of the building.

7.3 Three letters of support has been received which states that the cladding is a vast improvement to the appearance of the dwelling.

7.4 One letter has been received which raises no objection. The respondent states that they also share the access to the north side of the application site and that the cladding causes no obstruction.

7.5 The public consultation period runs until 22/12/16 and as such it may be the case that further responses will be received. These will be reported to the Council's Development Control Committee in the

7.6 The application has been called-in to the Council's Development Control Committee by Cllr Mulroney.

## **8 Relevant Planning History**

8.1 Planning permission was granted under the terms of application 05/01677/FUL to convert the integral garage at the site to living accommodation and alter the front elevation.

## **9 Recommendation**

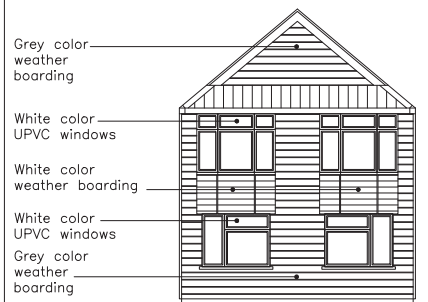
**9.1 GRANT PLANNING PERMISSION.** As the development has already been undertaken it is considered that it is not necessary to impose conditions.

**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.**

### **Informative**

**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](http://www.southend.gov.uk/cil) for further details about CIL.**





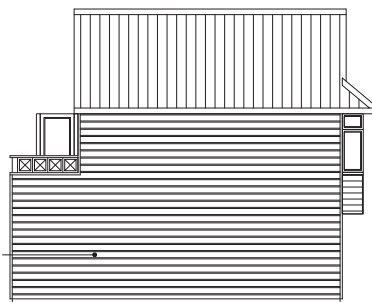
Grey color weather boarding  
 White color UPVC windows  
 White color weather boarding  
 White color UPVC windows  
 Grey color weather boarding

PROPOSED FRONT ELEVATION

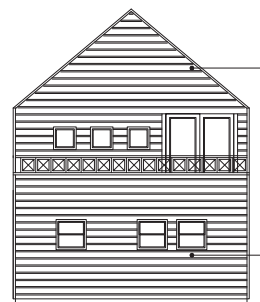


Grey color weather boarding

PROPOSED SIDE ELEVATION

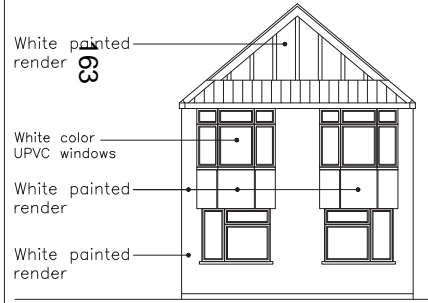
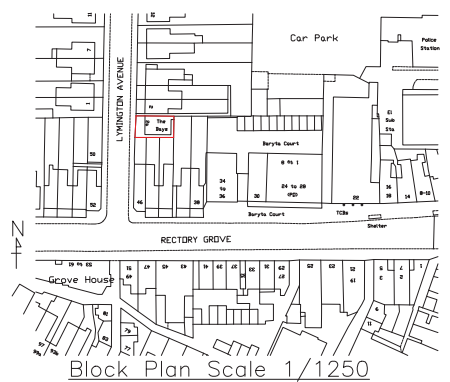


PROPOSED SIDE ELEVATION



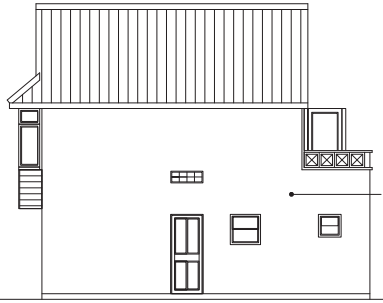
Grey color weather boarding  
 Grey color weather boarding

PROPOSED REAR ELEVATION



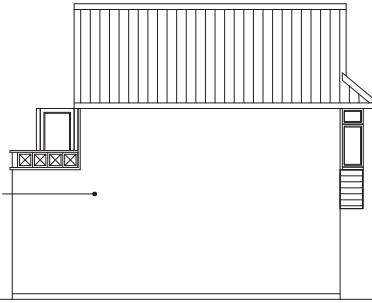
White painted render  
 White color UPVC windows  
 White painted render  
 White painted render

EXISTING FRONT ELEVATION

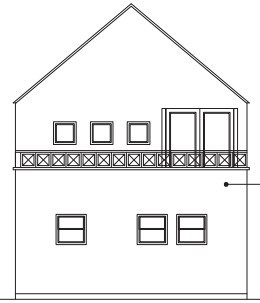


White painted render

EXISTING SIDE ELEVATION

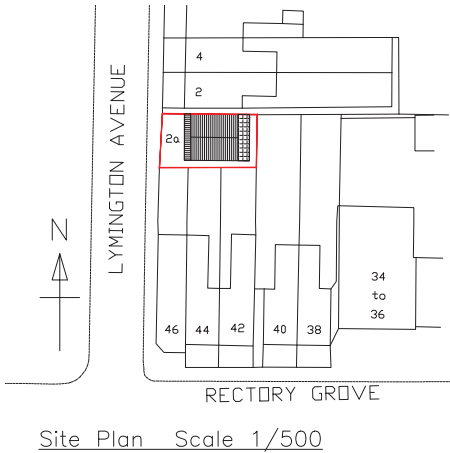


EXISTING SIDE ELEVATION

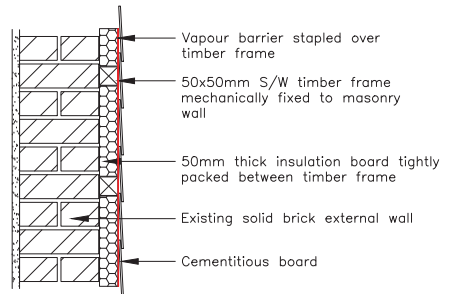


White painted render

EXISTING REAR ELEVATION



External wall finish Detail Not to scale

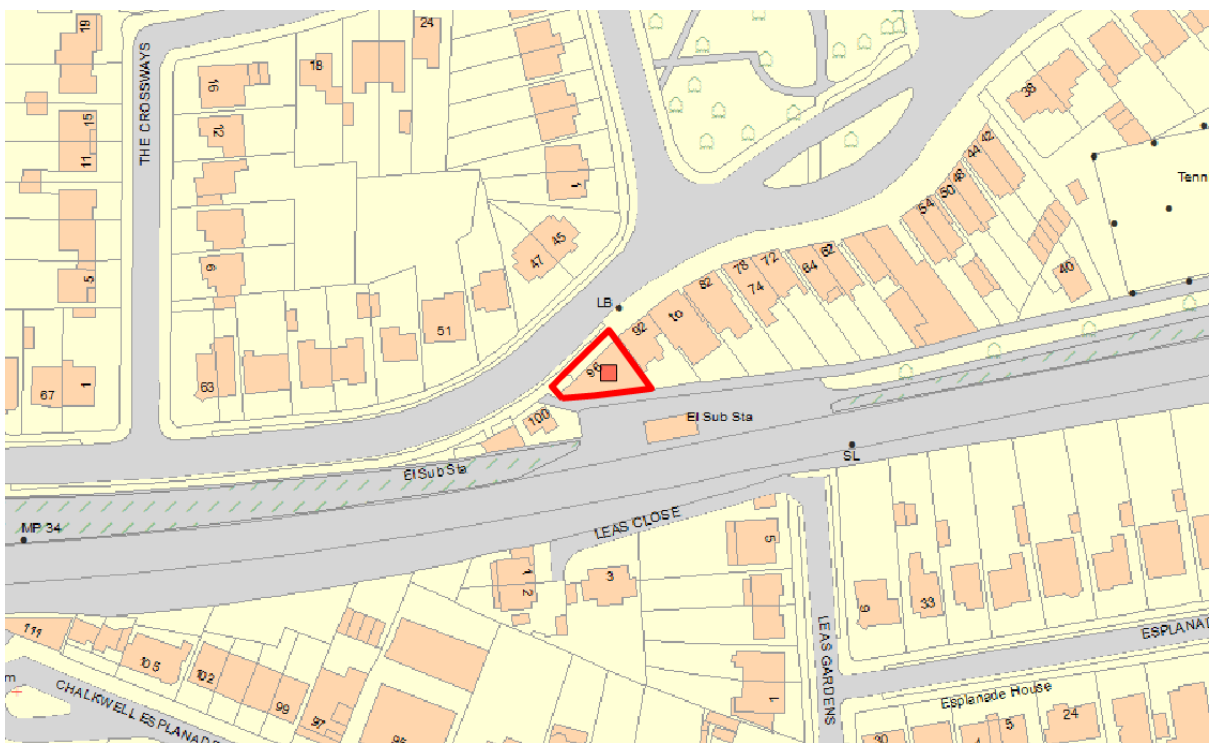


Vapour barrier stapled over timber frame  
 50x50mm S/W timber frame mechanically fixed to masonry wall  
 50mm thick insulation board tightly packed between timber frame  
 Existing solid brick external wall  
 Cementitious board

Rev	Description	by	date
00			
Project			
2A LYMINGTON AVENUE LEIGH ON SEA ESSEX SS9 2AU			
Drawing Title			
Existing / Proposed Elevations			
Client			
Mr. & Mrs C BRYANT			
Issue			
PLANNING			
Scale	Paper	Drawn	Checked
1:50@A1	JAH	JAH	11/16
Dwg No.	Rev		
3308/10/16/01	Rev 00		

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<b>Reference:</b>	16/00189/UNAU_B	<h1>13</h1>
<b>Ward:</b>	Chalkwell	
<b>Breach of Control</b>	Without planning permission erection of canopies and other alterations to the frontage of the application site.	
<b>Address:</b>	96 The Ridgeway, Westcliff-On-Sea, Essex, SS0 8NU	
<b>Case Opened:</b>	08/11/15	
<b>Case Officer:</b>	Ian Harrison	
<b>Recommendation:</b>	<b>AUTHORISE Enforcement Action</b>	



## **1 Site and Surroundings**

- 1.1 The application site is located to the South of The Ridgeway within an area of mixed residential and commercial properties. The site contains a three storey building that is used as a restaurant.
- 1.2 The site is allocated as part of a secondary shopping frontage in the Council's Development Management DPD.

## **2 Lawful Planning Use**

- 2.1 The most recent known use of the site has been as a restaurant falling within Use Class A3.

## **3 Present Position**

- 3.1 The site was previously used as a restaurant falling within Use Class A3 and has been the subject of refurbishment works to enable its use for the same purposes.
- 3.2 Planning permission has been granted under the terms of applications 16/00406/FUL and 16/00919/FUL for alterations to the external elevations of the property and the erection of a porch.
- 3.3 Planning permission was refused for the erection of retractable canopies at the frontage of the application site. The application (16/01529/FUL) was refused for the following reasons:

*1. The installation of the canopies as proposed would lead to an intensification in the use of the external area at the front of the restaurant and create additional noise and disturbance, which is detrimental to the amenities of the occupiers of nearby residential properties. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007); and Policy DM1 of the Southend-on-Sea Development Management Document (2015).*

*2. The proposed canopies would, by reason of their size, design and siting, fail to integrate with the existing building and be out of keeping with and detrimental to the character and appearance of the existing building and the area more widely. The proposal is therefore contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015); the advice contained within the Southend-on-Sea adopted Design and Townscape Guide (2009).*

- 3.4 Following the refusal of the application, an appeal was submitted in relation to the refusal and the unauthorised canopies were erected. Although submitted, the appeal has not formally started and therefore the public notification exercise that will be undertaken in relation to that appeal has not commenced. The erection of the canopies at the site was brought to the attention of the Local Planning Authority on 08/11/16. This occurred after the determination of the application.

3.5 Having regard to the permissions that have been granted, it is considered that the following alterations, extensions and works at the site do not benefit from planning permission or are not in accordance with the approved plans:

- The unauthorised canopies that were the subject of application 16/01529/FUL have been installed.
- The installation of outdoor heaters underneath the canopies.
- Low walls and railings between brick piers have been erected at the frontage of the site which measure 0.9 metres tall. On the brick piers are elaborate flower pots that measure a maximum of 1.65 metres tall. The combined height therefore exceeds 1 metre.
- A bronze 'ram' head has been affixed to the entrance.
- Additional gates formed of railings have been created at the main entrance.

#### **4 Appraisal**

4.1 The landowner has undertaken extensive works to alter the appearance of the building, largely in accordance with planning permissions that have been granted. In respect of the additional works that have been undertaken and the variations to the approved plans it is considered appropriate to undertake an assessment of the planning merits of the works and also the expediency of taking enforcement action.

##### Canopies

4.2 The retractable canopies were refused planning permission under the terms of application 16/01529/FUL for the two reasons that are set out above. The position of the Local Planning Authority must be that the development is unacceptable for the stated reasons and there are no known grounds to reach a different conclusion at this time. It would therefore be appropriate to take enforcement action.

4.3 Notwithstanding this, it should be noted that an appeal was submitted on 08/11/16 and the Planning Inspectorate's targets would be to determine such an appeal within 19 weeks of its validation.

4.4 Taking enforcement action, which would be in the form of serving an enforcement notice, requires the resources of officers of Southend-on-Sea Borough Council, both within the planning and legal departments. There is a possibility that the appeal against the refusal could be successful and as such officers would suggest that the potential for poorly spent resources is weighed against the urgency of enforcement action. In this regard it is considered relevant to note that an enforcement notice would have to give a time for the enforcement notice to come into effect and time for compliance and as such, cannot bring about an immediate resolution to the breach of planning control.

##### Outdoor Heaters

4.5 There is no basis to object to outdoor dining at the frontage of the site. The long standing use of the site is as a restaurant and the forecourt area at the frontage of the site can be used for any purpose that is ancillary to the use of the site. It is however noted that the intensified use of the outdoor area would be a possibility as a result of the erection of the canopies and it is acknowledged that heaters have been provided underneath the canopies. The heaters do not benefit from planning

permission and due to their number and as they are fixed to the building it is considered that the heaters constitute development that requires planning permission as they materially change the external appearance of the building.

- 4.6 When the canopies are extended, they mask the heaters and they therefore have very little impact on the character of the area. When the canopies are retracted, the heaters would be much more conspicuous. The heaters are inherently linked to the canopies as their visual acceptability is dependent on them being screened (for the majority of the time) by the canopies and their use would enable the same intensified use of the outdoor seating area as the canopies. As that intensified use was found to be unacceptable previously, it is considered that the same conclusion should be reached in relation to the outdoor heaters in terms of how they would facilitate such use.

#### Enclosures

- 4.7 Under the terms of permitted development rights, it is possible for the landowner to erect walls, fences, railings or other such enclosures to a height of 1 metre without planning permission. In this instance the main part of the enclosures have been erected to a height of 0.9 metres, which does not exceed the limitations of permitted development rights and does not therefore require planning permission.
- 4.8 The most striking features of the enclosure are the 0.5 and 0.75 metre tall pots that have been affixed to the brick piers. As they have been fixed it is considered that they constitute part of the enclosure. It is arguable that these decorative additions are a matter of taste which is subjective. However, it is considered that the bulk and shape of the additions result in them having a significant visual impact that causes visual harm to the character and appearance of the existing building.

#### Decorative Ram's Head

- 4.9 Minor works of decoration to a building can be deemed to be 'de minimis' i.e. of such a small scale that they are deemed to not constitute development. Fixing a small ram's head above the entrance door does not constitute an advert and due to its small scale it is considered that this piece of decoration at the entrance can reasonably be considered to be de minimis. It is noted that the enforcement case that has been raised only related to the canopies and as such the ram's head has not caused sufficient harm to justify being the subject of an enforcement case.

#### Additional Gates

- 4.10 Within the approved porch an additional pair of gates have been erected, which take the form of black metal railings with gold painted tips that measure approximately 2 metres tall. These gates were not shown on any previously approved plans and therefore represent a variation to the approved development.
- 4.11 However, the gates are contained within the porch area and are of a design that suitably integrates with the host building and the railings that have been erected at the frontage of the site. The gates are considered to have an acceptable visual impact and cause not harm to the amenities of neighbouring residents. It is therefore considered that this addition to the approved porch does not cause harm that would warrant enforcement action. It is noted that the enforcement case that

has been raised only related to the canopies and as such these gates have not caused sufficient harm to justify being the subject of an enforcement case.

## **5 Planning History**

- 5.1 Application 15/01038/FUL proposed a single storey front extension with a retractable roof and the alteration of the front elevation. That application was refused. The extension proposed was of no similarity to the canopies that have been erected.
- 5.2 Planning permission has been granted for the renovation of the existing building at the application site under the terms of applications 15/01274/FUL, 16/00406/FUL and 16/00919/FUL. The refurbishment works include alterations to the front elevation, the replacement of windows, the alteration of the elevations of the building, the replacement of the former porch with a porch to the west side of the front elevation and the provision of raised planting beds. The approved works have commenced and some works have been completed.
- 5.3 Planning permission was refused for the erection of retractable canopies at the frontage of the application site as set out above.
- 5.4 Other planning history at the site is considered to be of little relevance to the works that have been undertaken.

## **6 Planning Policy Summary**

- 6.1 National Planning Policy Framework and National Planning Policy Guidance.
- 6.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance)
- 6.3 Development Plan Document 2: Development Management Policies DM1 (Design Quality), DM3 (The Efficient and Effective Use of Land) and DM13 (Shopping Frontage Management outside the Town Centre).
- 6.4 Supplementary Planning Document 1: Design & Townscape Guide (2009)
- 6.5 Community Infrastructure Levy Charging Schedule.

## **7 Recommendation**

- 7.1 **Members are recommended TO AUTHORISE ENFORCEMENT ACTION** for the removal of the unauthorised canopies, heaters and the planters that have been affixed to the boundary enclosure at the frontage of the site.

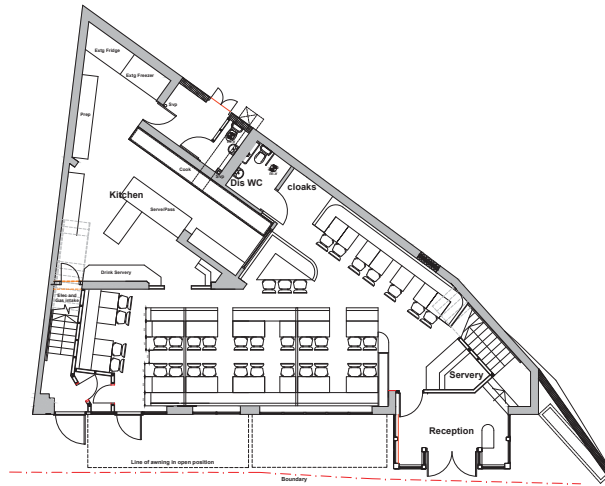
This is because the use of the canopy covered part of the site, aided by the addition of outdoor heaters, would be intensified and create additional noise and disturbance, which would be detrimental to the amenities of the occupiers of nearby residential properties. The development is therefore unacceptable and contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007); and Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015).

It is also considered that the canopies, heaters and the elevated planters would, by reason of their size, design, siting and number, fail to integrate with the existing building and be out of keeping with and detrimental to the character and appearance of the existing building and the area more widely. The developments are therefore contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM13 of the Southend-on-Sea Development Management Document (2015); the advice contained within the Southend-on-Sea adopted Design and Townscape Guide (2009).

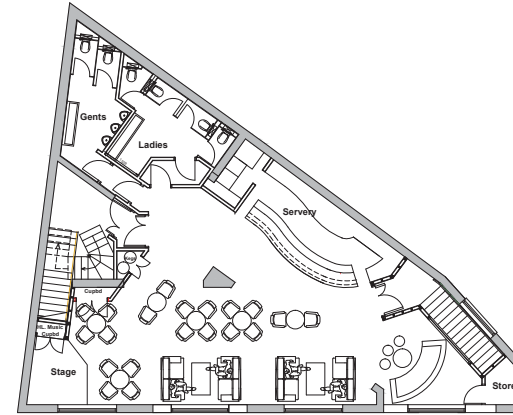
- 7.2 **The Enforcement Action should only be taken after and depending on the outcome of the determination of the appeal against the refusal of application 16/01529/FUL.**
- 7.3 The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the 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.

When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. It is considered that a one month compliance period is reasonable in these circumstances.





**PROP. GROUND FLOOR**  
SCALE 1:100



**PROP. FIRST FLOOR**  
SCALE 1:100

171



**PROP. NEIGHBOURING ELEVATION**  
SCALE 1:100



**PROP. FRONT ELEVATION**  
SCALE 1:100



**PROP. SIDE ELEVATION**  
SCALE 1:100



REV.	DATE	BY	AMENDMENT:
			1:100

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Drawing: RETRACTABLE AWNING

Date: 15.08.2016 Scale: 1:100 @ A1

Project No.: Drawing No.: 1576 36



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