



## **1 The Proposal**

- 1.1 The application seeks planning permission for the erection of a detached bungalow on land between 79 Orchard Grove and 85 Orchard Grove.
- 1.2 The application site, as coloured red on the Site Location Plan, includes the existing bungalow of 79 Orchard Grove and the land to the north of that bungalow that has been used as garden land in association with the occupation of that dwelling.
- 1.3 The application proposes the sub-division of the plot to enable the creation of a residential development site that would measure 12.5 metres deep and 12.5 metres wide. On the created plot it is proposed to erect an 'L' shaped single storey dwelling that would measure 4.8 metres wide at the front elevation, 8.2 metres wide at the rear elevation and a maximum of 9.9 metres deep. The proposed dwelling would feature a pitched roof built to an eaves height of 2.6 metres and a ridge height of 4.8 metres. During the course of the application, amended plans have been submitted to reduce the height of the dwelling by 0.4 metres.
- 1.4 One parking space would be provided for the proposed dwelling. A 41 square metre garden area would be provided for the proposed dwelling, leaving the existing dwelling with a 88 square metre garden. The proposed dwelling would have an internal floor area of 53 square metres and one bedroom which would measure 13.7 square metres in area.

## **2 Site and Surroundings**

- 2.1 The application site measures 39 metres deep and 13.9 metres wide. The site contains a single storey dwelling that faces the south frontage of the site, with gardens to the rear and a partitioned area of the site to the rear.
- 2.2 The character of the area is residential typified by two storey dwellings to the north and west and bungalows to the south and east. A conifer tree exists immediately to the east of the application site.

## **3 Planning Considerations**

- 3.1 The main considerations in the determination of this application are the principle of the development, design and impact on the streetscene, impact on residential amenity of neighbouring residents, the standard of accommodation for future occupiers, traffic and highways issues.

## **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 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.”* 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.”*
- 4.2 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.
- 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. Notwithstanding this the principle of providing a new dwelling at the site is considered to be acceptable subject to the considerations set out below.

## **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 proposed dwelling would be of similar scale to the existing dwelling at the south and the other bungalows to the north of Orchard Grove, east of the application site. It is therefore considered that the dwelling would be suitably in-keeping with the scale and appearance of the dwellings of the surrounding area.
- 4.9 The forward projection of the proposed dwelling would extend beyond the building line of the buildings to the north, but would align with the side elevation of the dwelling to the south. Given the staggered building line of the dwellings it is considered that the positioning of the dwelling would not be harmful to the character of the streetscene.

- 4.10 The proposed dwelling would be positioned close to the north and west boundaries of the site, with 1 metre and 0.8 metre gaps between the dwelling and the respective boundaries. However, a gap of 3.3 metres would be provided to the south side of the dwelling and the dwelling would be set well back from the site frontage. It is therefore considered that the proposal would not have a cramped appearance. Moreover, due to the turn in the highway which enables the proposed dwelling to have a frontage onto the public domain, it is considered that the development does not cause harm to the established grain of development within the vicinity of the site.
- 4.11 For these reasons it is considered that the visual impact of the proposed dwelling would not be harmfully at odds with the character or appearance of the site or the streetscene of Orchard Grove. The proposal is therefore considered to be in accordance with those aspects of the abovementioned policies that relate to design.

### **Impact on Residential Amenity.**

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

- 4.12 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.”
- 4.13 The neighbouring dwelling to the north (85 Orchard Grove) features three ground floor windows in the ground floor, one which aligns with the rear of the proposed dwelling, one which aligns with the rear boundary and one which faces the shed at the rear of the property of 77 Orchard Grove. The impact of the development on the outlook from the neighbouring property would reduce in relation to each of these windows respectively due to the positioning of the dwelling. The proposed dwelling would be visible from within the ground floor windows, but due to the height of the dwelling and the changing ground levels it is considered that only the roof of the dwelling would be significantly visible above the boundary fence. The proposed dwelling would have some impact on the light, sense of enclosure and outlook within the neighbouring property, but as the dwelling would be single storey, set at slightly lower ground level and have a pitched roof that rakes away from the neighbouring dwelling, it is considered that the impact would not be harmful to an extent that would justify the refusal of the application, particularly given that the affected windows are side facing windows that already have a restricted outlook due to the presence of the boundary fence.
- 4.14 The neighbouring property to the south is within the applicant’s control and therefore any impacts of the proposed development would be self-imposed. The south elevation of the proposed dwelling would be 10.6 metres from the rear elevation of the neighbouring property and would be of a low height due to the proposed dwelling being a bungalow. It is therefore considered that the proposal would not have an unduly imposing impact on the outlook of the neighbouring property or cause a sense of enclosure to an extent that would justify the refusal of the application on those grounds. The property to the south is also found to retain an adequate area of amenity space under the proposal.

- 4.15 The neighbouring property of 77 Orchard Grove has been the subject of a single storey rear extension and it is therefore the case that the proposed dwelling would be approximately 6.5 metres from the rear elevation of that dwelling. Although the rear elevation of the proposed dwelling and the roof would be visible from within the neighbouring property to the east, the separation distance between properties and the single storey form of the proposed dwelling, ensures that the dwelling would not cause a loss of light or outlook or cause an increased sense of enclosure that would justify the refusal of the application. It is noted that since the application was first presented to the Council's Development Control Committee, the height of the dwelling has been reduced by 0.4 metres to a height of 4.8 metres in an attempt to partially address some of the concerns of the neighbouring resident.
- 4.16 It is noted that a tree exists within the neighbouring property of 77 Orchard Grove, but this tree is not statutorily protected and is not a specimen that would justify such protection. However a condition has been proposed to limit the impact of the proposal on this tree, subject to which the development is found to be acceptable.
- 4.17 No other properties would be materially affected by the proposed development to an extent that would justify the refusal of the application on those grounds.

**Standard of Accommodation:**

**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.**

- 4.18 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) dwelling shall be 50 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.

- 4.19 The proposed residential unit is shown to have one bedroom, with two bed spaces and would measure 53 square metres, which would comply with the abovementioned standards. Furthermore, the bedroom would be of adequate size and the amenity space provision for the proposed and existing dwellings is considered to be adequate
- 4.20 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. The applicant's submissions include a statement to demonstrate that the proposal would comply with these standards. As it appears that the dwelling would be able to accord with the standards of Part M4(2) of the Building Regulations it is considered that the proposed development should not be refused on those grounds and a condition should be imposed to require that the development accords with Part M4(2) of the Building Regulations.

## **Highways and Transport Issues:**

### **National Planning Policy Framework, Policy KP2, CP3, CP4 and CP8 of the Core Strategy, Development Management DPD Policies DM1, DM3 and DM15 and the Design and Townscape Guide.**

- 4.21 Policy DM15 states that the proposed dwelling should be served by one parking space. The proposal does comply with these requirements it is therefore considered that adequate parking is provided at the site to comply with the requirements of the development plan. It is noted that an on-street parking space would be lost to enable the provision of a dropped kerb, but it is considered that this is not an area of significant parking stress and it would remain possible for a number of cars to continue to park within the public highway. No objection should be raised to the application on the grounds of the impact on parking availability.
- 4.22 Subject to the imposition of a condition to limit the width of the proposed dropped kerb to 4.8 metres to accord with the expectations of the Highway Authority, the proposal would not cause a reduction of highway safety at the site or within the surrounding area and it is therefore considered that no objection should be raised to the application on those grounds.

## **Sustainability**

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

- 4.23 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.

Although the applicant has provided details to show that the dwelling would be of significantly enhanced energy efficiency, no details have been submitted to demonstrate this proposal would provide 10% of the energy needs through on site renewable energy. It is considered this could be required by condition if permission is granted.

- 4.24 It is also required 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**

- 4.25 This application is CIL liable. 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 the erection of a building that measures 53 square metres in internal area. The proposed development would therefore require a CIL payment of £1,166.00.

## **Conclusion**

- 4.26 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 provide adequate amenities for future occupiers, 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 CP3 (Transport and Accessibility), CP4 (Environment & Urban Renaissance) and KP2 (Development Principles), CP8 (Dwelling Provision)
- 5.3 Development Management DPD Policies DM1, DM2, DM3, DM7, DM8 and DM15
- 5.4 Community Infrastructure Levy Charging Schedule
- 5.5 Design & Townscape Guide 2009 (SPD1).

## **6 Representation Summary**

### **Traffic & Highways Network**

- 6.1 There are no highway objections to this proposal 1 car parking space has been provided for the 1 bedroom dwelling which is considered acceptable and would not be detrimental to the public highway within the local area.

### **Public Consultation**

- 6.2 12 neighbours were notified of the application and a site notice was posted at the site. 3 letters of objection have been received which object on the following grounds:

- The plans are incorrect as they do not show a tree and an extension.
- The dwelling is too tall.
- The proposal will have sewerage implications.
- It is questioned if building on gardens is allowed.
- The proposal represents overdevelopment.
- Parking (on site and surrounding area)
- The proposal would result in the loss of two on-street parking spaces.
- Narrow (restricted) width of the road.
- The proposal would affect the ability of a resident to access their driveway.

These concerns are noted and they have been taken into account in the assessment of the application. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case.

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

## **7 Relevant Planning History**

- 7.1 The conversion of the garage and the alteration of the elevations of the existing dwelling was granted a Lawful Development Certificate under the terms of application 16/00886/CLP.

## **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 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: 79A/002/2017, Site Location Plan and Block/Site Plan**

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

- 03 The development shall be implemented only using the materials listed within the Materials Palette submitted with the application unless otherwise agreed in writing by the Local Planning Authority, before it is occupied.**

**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 A scheme detailing how at least 10% of the total energy needs of the dwelling 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 dwelling. 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).**

- 05 Prior to the first occupation of the dwelling hereby approved the car parking area shown on the plans hereby approved shall be provided and made available for use by the occupants of the proposed dwelling and be retained as such in perpetuity.**

**Reason: To ensure the provision of adequate car parking in accordance with policies DM8 and DM15 of DPD2 (Development Management)**

- 06** Prior to occupation of the dwelling 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 to be included in the scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall subsequently be undertaken in accordance with the approved details before it is occupied and retained in perpetuity.

**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).

- 07** Prior to the first occupation of the dwelling approved, details shall be submitted of the provision of cycle parking and refuse storage at the site. The approved cycle parking and refuse storage shall be provided in full and made available for use by the occupants of the proposed dwelling prior to the first occupation of the dwelling hereby approved and be retained as such in perpetuity.

**Reason:** To ensure the provision of adequate cycle parking and refuse storage in accordance with policies DM8 and DM15 of DPD2 (Development Management)

- 08** The development hereby approved shall be carried out in a manner to ensure the dwelling complies fully with Building Regulation M4 (2) 'accessible and adaptable dwellings' before it is occupied.

**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).

- 09** Notwithstanding the provisions of Classes A, B, D and E 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 or outbuildings shall be erected at the site unless otherwise agreed in writing by the local planning authority.

**Reason:** To safeguard the amenity of neighbours and the character and appearance of the surrounding area in accordance with policies DM1 of the Development Management DPD and policies KP2 and CP4 of the Core Strategy

- 10 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the vehicle crossover installed at the site shall not measure more than 4.8 metres wide.**

**Reason: In the interests of highway safety in accordance with Policy CP3 of the Core Strategy, Policies DM1, DM3 and DM15 of the Development Management Document and the Design and Townscape Guide, 2009.**

- 11 Prior to the first occupation of the dwelling approved, details shall be submitted of the means of enclosing the application site/boundary treatments. The approved means of enclosure/boundary treatments shall be installed in accordance with the approved details prior to the first occupation of the dwelling hereby approved and be retained as such in perpetuity.**

**Reason: To ensure the provision of appropriate means of enclosure at the site in accordance with policies DM1 and DM3 of DPD2 (Development Management)**

- 12 Prior to the commencement of the development hereby approved, details shall be submitted to and approved in writing by the Local Planning Authority of the means of protecting the retained trees at neighbouring sites. This shall include the details of the means of undertaking and foundation/piling works at the site and measures to ensure the protection of the trees when undertaking such works. The agreed tree protection measures shall be fully implemented prior to the commencement of the development and the development shall be implemented in full accordance with the details approved under this condition throughout the construction process.**

**Reason: To ensure the appropriate protection of trees at the site, 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**

**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).**