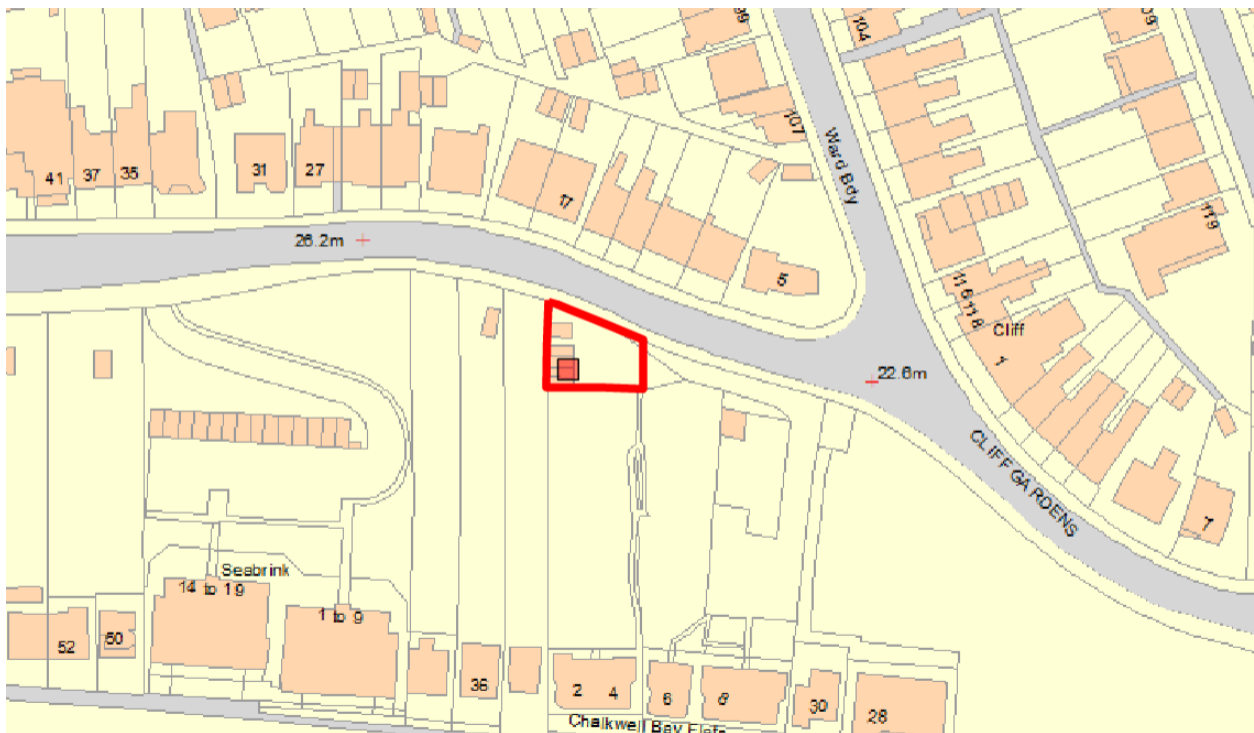


Reference:	17/01287/FUL	
Ward:	Leigh	
Proposal:	Erect additional garage to existing garage site rear of 1 to 4 Chalkwell bay flats (Amended Proposal)	
Address:	Site Of Garages Rear Of 1 to 4 Chalkwell Bay Flats, Undercliff Gardens, Leigh-On-Sea, Essex, SS9 1EA	
Applicant:	Mr Christopher Bailey	
Agent:	N/A	
Consultation Expiry:	28.08.2017	
Expiry Date:	04.09.2017	
Case Officer:	Kara Elliott	
Plan Nos:	Location Plan, PL1, Site Plan, EL1	
Recommendation:	REFUSE PLANNING PERMISSION	



1 The Proposal

- 1.1 The application seeks permission to erect a garage on land to the south of Grand Parade.
- 1.2 The application site measures a maximum of 17 metres deep and 17 metres wide, with mostly hard-surfaced land that falls from the highway of Grand Parade to the north towards the amenity land of Chalkwell Bay Flats to the south. At the west edge of the site is a line of five garages. A fence exists at the south and north boundaries of the site and a railing is observed at the east boundary of the site.
- 1.3 The application proposes a garage at the south east corner of the site that would measure 5.2 metres deep and 3.2 metres wide. The garage would have a mono-pitch roof with a maximum height of 2.25 metres at the northern end. The garage would be built from bricks with a corrugated steel roof and would have a wooden up-and-over garage door. No details of colour have been provided.
- 1.4 This application is a resubmission of a previously refused scheme which was subsequently dismissed at appeal; reference 16/01593/FUL The proposed garage was to be set within the same position as now proposed but measured 5m x 2.75m and was to be finished in reinforced concrete panels with an aggregate finish and would have a galvanised metal door.
- 1.5 The application was refused as the design, siting and the materials for the garage was considered to be detrimental to the character and appearance of the application site and the area more widely. Furthermore, the garage did not meet the minimum garage size as prescribed by the adopted Parking Standards and policy DM15 of the Development Plan; 3 metres by 7 metres. The inadequate internal dimensions of the proposed garage were considered likely to result in the loss of an existing parking space and would therefore generate addition on-street parking demand in an area already under considerable parking stress.
- 1.6 The reasons for refusal in full were as follows;
 1. The proposed development would, by reason of its design, siting and the materials used, be detrimental to the character and appearance of the application site and the area more widely. 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); Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015); and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).
 2. The proposed development would result in a reduction in the area available for parking vehicles at the application site and be likely to cause additional vehicles to park within the surround public highway, to the detriment of the free flow of traffic and highway safety conditions in the area. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework; Policy CP3 of the Southend-on-Sea Core Strategy (2007); and Policies DM3 and DM15 of the Southend-on-Sea Development Management Document (2015).

2 Site and Surroundings

- 2.1 The appeal site is located on the southern side of Grand Parade within a predominantly residential area. It contains a row of 5 garage structures, orientated at right angles to the road, and a parking area. The land slopes away steeply beyond the garages, to the large rear gardens of dwellings along Undercliff Gardens.
- 2.2 The buildings of the surrounding area are in residential use with dwellings and flats built to various heights and design. Ground levels change significantly from higher ground to the North to lower ground to the South.

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, the impact on residential amenity and the effect on parking provision, highway safety and whether the application has overcome the previous reasons for refusal and the Inspectors objections at appeal.

4 Appraisal

Principle of Development

National Planning Policy Framework, Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management (2015) Policies DM1, DM3, DM6 and DM15 and Design and Townscape Guide (2009)

- 4.1 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 DM3 states that *"The Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity."* In addition, policy DM6 requires additional attention to be paid to maintaining the character of the seafront which will be discussed further below.
- 4.2 No national or local planning policies provide grounds to object to the principle of providing additional garaging within an established parking and garage court. Furthermore, no objection was raised to the principle of development at the time of the previous application.

Design and Impact on the Character of the Area

National Planning Policy Framework, Core Strategy (2007) Policies KP2 and CP4, Development Management (2015) Policies DM1, DM3 and DM6 and Design and Townscape Guide (2009)

- 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 Policy of the Council's Development Management Document (DMD) which 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." 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 DM Policy DM6 specifically addresses the seafront areas of the Southend Borough and it is noted that the application site is included within Seafront Character Zone 3 (The Cinder Path – Old Leigh to Chalkwell Station including Undercliff Gardens and Grand Parade). The stated expectation is that the Local Planning Authority will "*continue to protect and enhance the open character and undeveloped, green space, frontage and estuary views.*" It is stated that; "*Development will be considered acceptable where it adds to the overall quality of Undercliff Gardens [and] Grand Parade*" and "*Development that materially changes the existing character, appearance and form of the area will be resisted.*"
- 4.5 To enable an assessment to be made in respect of these policies it is considered appropriate to establish the existing character of the site and the surrounding area. In this regard it is noted that the established pattern of development at the south side of Grand Parade is for residential buildings to be provided at lower ground level and for their gardens, parking, outbuildings and other ancillary developments to be undertaken to the north. In many instances this has led to garages and other such outbuildings being provided in close proximity to the highway of Grand Parade, albeit with most buildings being of a height that results in the roof the buildings being close to the ground level of the highway. The block of five garages at the site is therefore in-keeping with the garages at the rear of the two adjacent sites to the west and at least 12 other garages with various other forms, designs and relationships to the highway.
- 4.6 Similarly, the appeal Inspector considered that the existing garage structures within the appeal site, whilst of no particular architectural merit, are sited within the lower part of the appeal site and their roof level broadly matches the height of a fence along the frontage with Grand Parade. The front elevations of the timber garage structures, which are visible from along Grand Parade to the east, reflect the timber fencing which encloses them and they therefore appear to be well assimilated within the streetscape, conform to the prevailing pattern of development along this side of Grand Parade and contribute to the spatial qualities of the area.
- 4.7 Attempts have been made to improve the appearance of the garage by the use of brickwork walls and a timber garage door instead of the previous aggregate finish concrete panels and metal door. However, whilst the use of incongruous materials was a contributing factor to the previous refusal, this does not overcome the demonstrable harm from the siting of the structure in this position due to its visual prominence. It is also noted that the proposed materials do not match those of the other garages.

Furthermore, orientation of the building coupled with the proposed use of brickwork at a depth of 5.2 metres, would result in a large expanses of blank brickwork walls clearly visible from the east and west, further increasing its harmful prominence.

- 4.8 The Inspector considered that the siting of a garage in this location would considerably erode the spatial qualities of the site. Crucially, the proposed garage subject of this resubmitted application is bigger than previously refused. Therefore, the proposed development is considered to result in significant harm to the character and appearance of the streetscape and area.
- 4.9 The proposed development would not cause a loss of views towards the estuary to the south. However, the visual impact of the garage as a result of its size, scale, bulk, use of materials and siting, would result in demonstrable harm to the character and appearance of the site and the wider area.
- 4.10 The proposal would be contrary to the relevant local policies, national guidance and the guidance of the Southend on Sea Townscape and Design Guide 2009 which advises that development must have a positive relationship to its context, reinforce local distinctiveness and seek to enhance the character of an area.

Impact on Residential Amenity:

NPPF; DPD 1 (Core Strategy) Policies KP2 and CP4; DPD2 (Development Management Document (2015) Policy DM1 and Design & Townscape Guide (2009)

- 4.11 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. Similarly, policy DM1 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.*”
- 4.12 The building would be positioned on the opposite side of Grand Parade from the dwellings to the north and at a much lower ground level and would be a significant distance from the residential properties to the south (50 metres). It is therefore considered that the proposal would not cause a loss of light, privacy or outlook to any neighbouring properties to an extent that would justify the refusal of the application on those grounds.

Traffic & Transport

The National Planning Policy Framework; Core Strategy (2007) policies KP2, CP3; Development Management Document (2015) Policy DM15

- 4.13 The Council’s Adopted Parking Standards state that a garage space should measure 3 metres by 7 metres in order for it to be considered as a parking space. The preamble to policy DM15 (Paragraph 7.12) states that “*Garages that have an internal dimension below 7.0m x 3.0m will not be considered or counted as a parking space.*”

- 4.14 The previously refused garage measured 5m x 2.75m and the reason for refusal was upheld by the appeal Inspector who considered that due to its size lesser than the required standard, it would be likely to result in the loss of an existing parking space and would generate additional on-street parking demand in an area already under considerable parking stress.
- 4.15 The proposed garage would measure 5.2m x 3.2m, which is still less than the minimum standard as prescribed by adopted policy DM15 and the adopted Parking Standards. The applicant considered the minimum garage size to be excessive and has provided a list of 'popular modern cars' and their sizes to demonstrate that the proposed garage would accommodate them. However, at the time of the previous appeal, the Inspector was clear that whilst the proposed garage (at 5m x 2.75m) may be able to accommodate a normal car, the supporting text of Policy DM15 states that garages need to be large enough to accommodate some storage also, hence the required internal dimensions. It was concluded that on this basis, the required dimensions of the adopted standard were deemed reasonable. The above finding holds significant material weight in the determination of this application.
- 4.16 Therefore, the previous reason for refusal has not been resolved; the proposed garage would not meet with minimum garage size and would cause a net-loss of usable parking space at the application site, contrary to policies CP3, DM3 and DM15.

4.17 Community Infrastructure Levy

National Planning Policy Framework; Community Infrastructure Levy Charging Schedule

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.

This application is CIL liable. However, as the proposed development 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 For the reasons set out above it is considered that the size, scale, bulk, use of materials, siting and the prominence of the proposed structure would result in demonstrable harm to the character and appearance of the site and the wider area from a dominant and harmful visual impact. It is also considered that the proposed development, due to its failure to meet the adopted standards for garage sizes, would represent a net loss of usable parking at the site; thereby likely to cause an increased demand for on-street parking, within an area of parking stress.
- 5.2 The application has failed to overcome the previous reasons for refusal and the Inspectors appeal decision and is therefore unacceptable.

6 Planning Policy Summary

6.1 National Planning Policy Framework

6.2 Core Strategy (2007) Policies KP2 (Spatial Strategy), CP3 (Transport and Accessibility) and CP4 (Development Principles)

6.3 Development Management Document (2015) Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), DM6 (The Seafront) and DM15 (Sustainable Transport Management).

6.4 Community Infrastructure Levy Charging Schedule.

6.5 Design and Townscape Guide (2009)

7 Representation Summary

Leigh-on-Sea Town Council

7.1 No comments received

Design and Regeneration Team

7.2 No comments received

Parks

7.3 No comments received

Transport and Highways

7.4 No comments received

Society for the Protection of Undercliff Gardens

7.5 No comments received

Public Consultation

7.6 18 neighbouring properties were notified of the application and a site notice was posted at the site. 1 letter of objection has been received.

Summary of objection;

- *Concerns in relation to obscuring views from Grand Parade*

Member Representations

7.7 The application has been called-in to be determined by the Development Control Committee at the request of Councillor Mulroney and Councillor Evans.

8 Relevant Planning History

- 8.1 16/01593/FUL - Erect additional garage to existing garage site rear of 1 to 4 Chalkwell bay flats. REFUSED 04.11.2016, APPEAL DISMISSED 04.04.2017.

9 Recommendation

- 9.1 **Members are recommended to;**

REFUSE PLANNING PERMISSION for the following reasons;

1. **The proposed development, by reason of its size, scale, bulk, use of materials, siting and the prominence of the proposed structure, would be detrimental to the character and appearance of the application site and the area more widely. 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); Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015); and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).**
2. **The proposed development would result in a reduction in the area available for parking vehicles at the application site and be likely to cause additional vehicles to park within the surround public highway, to the detriment of the free flow of traffic and highway safety conditions in the area. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework; Policy CP3 of the Southend-on-Sea Core Strategy (2007); and Policies DM3 and DM15 of the Southend-on-Sea Development Management Document (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. The Local Planning Authority is willing to discuss the best course of action in respect of any future application for a revised development.

Informative

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