

Reference:	17/01041/FUL	
Ward:	West Leigh	
Proposal:	Demolish existing bungalow, erect detached bungalow with roof extension to front and sides, boundary wall to side to form covered courtyard, form layout parking to front and install new vehicular access on to Percy Road (Amended Proposal)	
Address:	34 Percy Road, Leigh-On-Sea, Essex, SS9 2LA	
Applicant:	Mrs H Collins	
Agent:	Knight Gratrix Architects	
Consultation Expiry:	03.08.2017	
Expiry Date:	10.08.2017	
Case Officer:	Janine Rowley	
Plan Nos:	020 Revision B; 021 Revision C; 022 Revision A	
Recommendation:	REFUSE PLANNING PERMISSION	



1 The Proposal

- 1.1 Planning permission is sought to demolish the existing single storey bungalow and erect a detached bungalow with roof extensions to front and sides, a basement, a boundary wall to the side to form covered courtyard, form layout parking to front and install a new vehicular access on to Percy Road.
- 1.2 The proposed chalet bungalow is 13.1m wide x 12.4m deep x 4.1m to 7.8m high. The overall design is contemporary with an angled roof form, wrap around dormer windows to the front and rear. Two off street parking spaces are provided and a rear amenity space of 85sqm. The internal floorspace of the dwelling is 300sqm.
- 1.3 The accommodation will include a games and shower room to the basement. To the ground floor a study, living room, dining room, kitchen and utility room. To the first floor four double bedrooms, one ensuite bathroom and one family bathroom.
- 1.4 This application has been submitted following the refusal of application 16/00467/FUL, which sought planning permission to erect a pair of semi-detached dwellinghouses. The application was refused for the following reasons:
 1. *“The proposed development by reason of its scale, bulk, mass, detailed design and materials would appear incongruous and out of keeping within the streetscene to the detriment of the appearance and character and appearance of the area contrary to the National Planning Policy Framework; Policies KP2 and CP4 of the Core Strategy; Policy DM1 of the Development Management Document DPD2 and advice contained within the adopted Design and Townscape Guide (SPD1)”.*
 2. *“The proposed development due to its height and position in relation to neighbouring properties nos. 39 and 41 Westleigh Avenue would result in an overbearing dominant form contrary to the National Planning Policy Framework, Policy CP4 of the Core Strategy, Policy DM1 of the Development Management Document and the Design and Townscape Guide”.*
- 1.5 The appeal following the above application was subsequently dismissed (reference: 3153696) and will be discussed in further within the Appraisal section of this report. The main conclusions of the appeal decision by the Inspector were that:
 - The appeal buildings would appear unduly bulky and prominent within the streetscene and would as a result harm the character and appearance of the area.
 - The appeal buildings would not likely to present an overbearing form of development to existing properties in Westleigh Avenue.
- 1.6 The main change from the previously refused application and subsequent appeal decision is the proposal seeks to demolish the existing bungalow and replace it with a chalet bungalow rather than two dwellinghouses. The height of the previously refused application (16/00467/FUL) was 6.6m to 7.8m and this proposal is 7.8m. The overall width of this amended proposal is 13.1m in comparison to the pair of semi-detached dwellings previously refused (16/00467/FUL) 8m in width (16.2m width in total).

2 Site and Surroundings

- 2.1 The existing property is a single storey bungalow located on the eastern side of Percy Road. The streetscene is mixed, consisting of bungalows, chalets and two storey semi-detached houses of various designs. To the north of the site is a relatively modern chalet type dwellinghouse. The south of the site adjoins the rear gardens of properties in Westcliff Drive. Opposite the site are a number of larger, semi-detached houses. It is noted that there are a few other single bungalows in the street interspersed in between the two storey properties.

3 Planning Considerations

- 3.1 The main considerations in relation to this application are the principle of the development, design and impact on character of the area, traffic and transportation issues and impact on residential amenity and sustainable construction, CIL and whether the proposal has overcome the previous reasons for refusal of application 16/00467/FUL, and the objections raised by the Inspector at appeal.

4 Appraisal

Principle of Development

National Planning Policy Framework, Core Strategy (2007) Policies KP1, KP2, CP4 and CP8, Development Management Document (2015) policies DM1, DM3

- 4.1 This proposal is considered in the context of the Borough Council policies relating to new development and design. Also of relevance are National Planning Policy Framework Sections 56 and 64, Core Strategy DPD1 Policies KP2, CP4 and CP8. The core planning principles of the National Planning Policy Framework the need 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 Policy DM3 (4) of the Development Management Document quotes that “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.”*

- 4.3 The existing site is occupied by a small bungalow located on the east side of Percy Road. The streetscene is characterised by predominantly two storey properties and chalet bungalows. It is not considered a chalet bungalow would appear at odds with the established character of the area in principle.

- 4.4 The applicant has submitted on drawing 021 Revision C demonstrating that the proposal will provide appropriate for the needs of older residents. The submitted information shows the proposal would meet the M4 (2) standard, which replaced the Lifetime Homes Standard. The proposal therefore satisfies Policy DM3 4 (ii) of the Development Management Document.

Design and Impact on the Street Scene

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

- 4.5 The National Planning Policy Framework requires new development to reinforce local distinctiveness. Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 and the Design and Townscape Guide advocate the need for any new development to respect the character of the area and complement the local character.
- 4.6 The existing property is a two bedroom single storey bungalow measuring 9.2m wide x 7.9m-10.4m deep x 6.4m high, with a pitched roof. A single storey garage is located to the southern boundary of the site and the existing property has an amenity area of 161sqm.
- 4.7 The proposed development is 13.1m wide x 12.4m deep x 4.1m to 7.8m high. The design of the dwelling is a chalet style.
- 4.8 Whilst it is accepted there are some variations in height in the street, and the dwelling will appear higher than the property to the north of the site and is compounded by both its width, at approximately 13m, and large asymmetrical shaped roof and it is considered that this will result in a dwelling which is harmfully greater in scale and bulk such that the overall scale of the development is considered to be excessive.
- 4.9 During pre-application discussions with the applicant the reduction from two dwellings to one was supported given the limited depth of the site but the scale of the roof was raised as an issue and it was advised that, given the width of the plot, the applicant should consider stepping or breaking the roof form to help to break up the bulk of the proposal in the streetscene. Whilst the extended roof over the basement void has now been omitted the roof remains a single form over a wide footprint and there is a concern that this may result in a bulky profile in relation to the streetscene. In addition it is noted that there are a number of awkward details within the revised roof form including where the slope meets the vertical face on the northeast and northwest corners, the splayed and inverted arrangement at the southern end which appears over complex and rather awkward and the deep overhang to the southwest corner where the building line has been set back to accommodate the parking which will result in a dark void in the frontage. It is also noted that there is a conflict in the proportions of the fenestration proportions which sees a very horizontal emphasis at first floor and a very vertical emphasis at ground floor. It is considered that this results in a rather disjointed proposal.

Therefore whilst the asymmetrical roof form and the horizontal dormer windows provide an interesting concept in isolation, as proposed they accentuate the width and scale of the development and fail to provide a well resolved design or relate satisfactorily to the streetscene. It should be noted that an appropriately scaled and well resolved innovative modern design would be supported in this location; however, it is considered that this has not yet been achieved.

- 4.10 In light of the above, the proposed development by reason of its scale, roof form, appearance and use of materials provides a harmful addition to the streetscene resulting in an incongruous form of development, out of keeping with the character and appearance of the surrounding area contrary to the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy and policies DM1 and DM3 of the Development Management Document and the Design and Townscape Guide. The proposal has therefore not addressed reason 01 of application 16/00467/FUL or overcome the objections raised by the Inspector as part of the subsequent appeal decision.

Living Conditions for Future Occupiers

National Planning Policy Framework, Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) policies DM1, DM3, DM8, The National Technical Housing Standards (2015) and Design and Townscape Guide (2009)

- 4.11 The internal size of the proposed dwellinghouse is 300sqm and complies with current policy, which requires a minimum of 130sqm for 4 bedrooms (8 people). All rooms benefit from sufficient outlook and daylight, which is welcomed.
- 4.12 Part M4(2) of the Building Regulations adopted by the National Technical Housing Standards 2015 requires the need to provide accessible and adaptable dwellings. Drawing 021 Revision C has been provided demonstrating the proposal will meet this standard.
- 4.13 One of the core planning principles of the NPPF is that the planning system should *“always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”*.
- 4.14 Policy DM8 of the Development Management Document states that all new dwellings must make provision for useable private outdoor amenity space for the enjoyment of intended occupiers.
- 4.15 Whilst the Council’s Design and Townscape Guide states:
- “Outdoor space significantly enhances the quality of life for residents and an attractive useable garden area is an essential element of any new residential development”*.
- 4.16 The existing 2 bedroom bungalow has an amenity area to the east and south equating to 161sqm. The proposed 4 bedroom dwelling will have access to 86sqm of amenity space, on balance is considered useable and sufficient for future occupiers.

Traffic and Transportation

National Planning Policy Framework; Core Strategy (2007) policies KP2, CP4, CP3; policy DM15 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

- 4.17 The proposed development will provide two spaces for the dwelling complying with policy DM15 of the Development Management Document and no objections have been raised by the Councils Highway Officer. The proposal is found to be acceptable on parking and highway grounds.

Impact on residential amenity

National Planning Policy Framework; Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) policies DM1 and DM3 and the Design and Townscape Guide (2009).

- 4.18 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. 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.
- 4.19 The proposed dwelling will be set 3.9m away from the southern boundary and a further 18m-21m from the rear elevations of numbers 43 and 47 Westcliff Drive, which is sufficient to mitigate against any harm in terms of being overbearing or loss of light. While windows are to mitigate any potential harm in terms of overlooking and loss of privacy.
- 4.20 The overall height of the development is 4.4m to 7.8m and will be set 4.9m to 5.1m away from the rear boundaries of 39 and 41 Westleigh Avenue at ground floor and total of 7.7m at first floor. The previously refused application (16/00467/FUL) was set 5.7m at ground floor and 7m at first floor. There is a further 15m-17m to the rear of nos. 39 and 41 Westleigh Avenue respectively. It is not considered the proposed development will be overbearing or detrimental to the amenities of existing occupiers surrounding the site nor will the proposal result in loss of light, overlooking or loss of privacy taking into account the overall separation distance to the rear of properties in Westleigh Avenue. The effect on the living conditions of occupiers of adjoining dwellings in respect of outlook was not objected to by the Planning Inspectorate under reference 3153696 whereby the Inspector stated in paragraphs 8 and 9:

8. The appeal buildings would back on to nos. 39 and 41 Westleigh Avenue. As a pair of two storey buildings replacing a single bungalow they would inevitably be more prominent in views from the rear of these premises. However, they would not project any further to the rear of the site than the existing bungalow, while the gardens of nos. 39 and 41 are relatively long and the appeal buildings would be set at a distance from the rear of these houses which would be sufficient to retain a reasonable visual separation.

9. *As a result, therefore, the appeal buildings would not be likely to present an overbearing form of development to these properties, and would not therefore have a harmful effect on the living conditions of occupiers of these properties. They would not therefore conflict with Policy DM1 of the DM, which seeks development which protects the amenity of immediate neighbours with respect to outlook, nor with Policy CP4 of the CS which seeks development which maintains and enhances the amenities of residential areas.*

4.21 In relation to the dwellings to the west of the site directly opposite the proposals site, there is a 21m separation distance between the development and nos. 35, 37 and 39 Percy Road. It is not considered the proposed development would result in a perceived overlooking.

Sustainable Construction

National Planning Policy Framework; Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM2 and the Design and Townscape Guide (2009)

4.22 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. This applies during both construction and the subsequent operation of the development. At least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources), such as those set out in SPD 1 Design and Townscape Guide”.

4.23 The provision of renewable energy resources should be considered at the earliest opportunity to ensure an intrinsic design in this instance no details have been submitted for consideration. However, if this application is deemed acceptable this can be dealt with by condition.

4.24 Policy KP2 of the Core Strategy requires the need for all new development to incorporate SUDs to enable surface water attenuation for the site. No details have been submitted at this time however, if the application is deemed acceptable a suitable condition can be imposed.

4.25 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 (lpd) (110 lpd 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, this can be dealt with by condition if the application is deemed acceptable.

Community Infrastructure Levy (CIL) Charging Schedule.

4.26 This application is CIL liable. If the application had been recommended for approval, a CIL charge would have been payable. If an appeal is lodged and allowed the development will be CIL liable. Any revised application may also be CIL liable.

Conclusion

- 4.27 Having taken all material planning considerations into account, it is found the proposed development by reason of its scale, design and in particular height, roof form, appearance and materials would appear out of keeping with and detrimental to the character and appearance of the site, streetscene and wider area. The proposal is considered unacceptable and contrary to development plan policy in each of these regards. The proposal does not provide any benefits which would outweigh these conflicts with development plan policy.

5 Planning Policy Summary

- 5.1 National Planning Policy Framework
- 5.2 Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP4 (The Environment and Urban Renaissance), CP8 (Dwelling Mix)
- 5.3 Development Management Document Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (The Efficient and effective use of land), DM15 (Sustainable Transport Management)
- 5.4 SPD1 Design & Townscape Guide 2009
- 5.5 Waste Management Guide
- 5.6 Community Infrastructure Levy (CIL) Charging Schedule

6 Representation Summary

Traffic and Transportation

- 6.1 No objection as the proposal complies with policy DM15 of the Development Management Document.

Environmental Health

- 6.2 No objections in principle subject to the recommended conditions as follows:
1. If during development contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority a remediation strategy detailing how this unsuspected contamination shall be dealt with. All agreed remediation works must be implemented in their entirety prior to further construction works commencing unless otherwise agreed in writing by the LPA.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and

other offsite receptors in accordance with National Planning Policy Framework, sections 120 and 121.

2. Due to the proximity of the site to other residential buildings, the hours of work will need to be restricted. The hours of work are therefore restricted to 8am – 6pm Monday to Friday, 8am – 1pm Saturday. No demolition or construction shall be carried out on Sundays or Bank Holidays.
3. Due to the proximity of the site to other residential buildings, full details of mitigation measures to be taken to minimise and/or control noise and potential fugitive dust emissions resulting from the works must be submitted in writing for approval by the local planning authority prior to demolition or construction commencing, taking into consideration control measures detailed in *Best Practice Guidance “The control of dust and emissions from construction and demolition”*: http://www.london.gov.uk/thelondonplan/guides/bpg/bpg_04.jsp

Leigh Town Council

6.4 Objection, to the following material planning considerations:

- Visual impact of the development – it is out of keeping with the street scene
- Proposed development is over bearing
- The design of the development is bulky
- Loss of privacy to surrounding properties.

Public Consultation

6.4 A site notice displayed on the 13th July 2017 and 14 neighbours notified of the proposal. 7 letters of objection have been received stating:

- Too large
- Overdevelopment of the site
- Roof of the proposed design will appear higher than number 32
- Planned bungalow occupies the full width of the site
- Design and materials out of character with the streetscene
- Overlooking
- Loss of privacy
- Plans are not inkeeping and have limited amenities and unlikely to be affordable to young families who should be catered for so close to a primary school
- Increased parking
- Excavation of bungalow could cause subsidence
- Need for traditional bungalows to be retained
- Too close to the boundaries

These concerns are noted and they have been taken into account in the assessment of the application.

6.5 Councillor Evans and Councillor Lamb have requested this application be dealt with by Development Control Committee.

7 Relevant Planning History

7.1 Demolish existing dwelling and erect two semi-detached dwellinghouses, amenity space to rear, layout parking to front and install new vehicular access on to Percy Road (Amended Proposal)- Refused (16/00467/FUL)

7.2 Demolish existing dwelling and erect two semi-detached dwellings, layout parking to front and amenity space to the rear (Amended Proposal) - Refused (15/01024/FUL).

7.3 Demolish existing dwelling and erect two semi-detached dwellings, layout parking to front and amenity space to the rear- Refused (15/00086/FUL).

8 Recommendation

8.1 Members are recommended to REFUSE PLANNING PERMISSION for the following reason:

- 1 The proposed development would, by reason of its scale, size bulk, mass, detailed design and use of materials appear incongruous and out of keeping within the streetscene to the detriment of the character, appearance of the site and 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).**

Informative

- 1 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 would also be CIL liable.**
- 2 It should be noted there are a number of mistakes on the submitted plans and any resubmission should ensure the first floor plan shows northern windows, roof plan needs to clearly detail the width of the dormer roof at the northern end and the parking arrangement differs between ground floor and block plan including crossovers.**

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.