

Southend-on-Sea Borough Council

Agenda
Item

Report of the Corporate Director of Place
To
Development Control Committee
On
13th January 2016

Report(s) on Pre-Meeting Site Visits

A Part 1 Agenda Item

WARD & TIME	APP/REF NO.	ADDRESS	PAGE
Leigh	15/01340/FULH	11 Leigh Park Road Leigh-on-Sea	3

Depart Civic Centre at:11.30am

DEVELOPMENT CONTROL COMMITTEE

SITE VISIT PROTOCOL

Purpose of Visits

- (i)** The purpose of the site visits is to enable Members to inspect sites of proposed developments or development which has already been carried out and to enable Members to better understand the impact of that development.
- (ii)** It is not the function of the visit to receive representations or debate issues.
- (iii)** There will be an annual site visit to review a variety of types and scales of development already carried out to assess the quality of previous decisions.

Selecting Site Visits

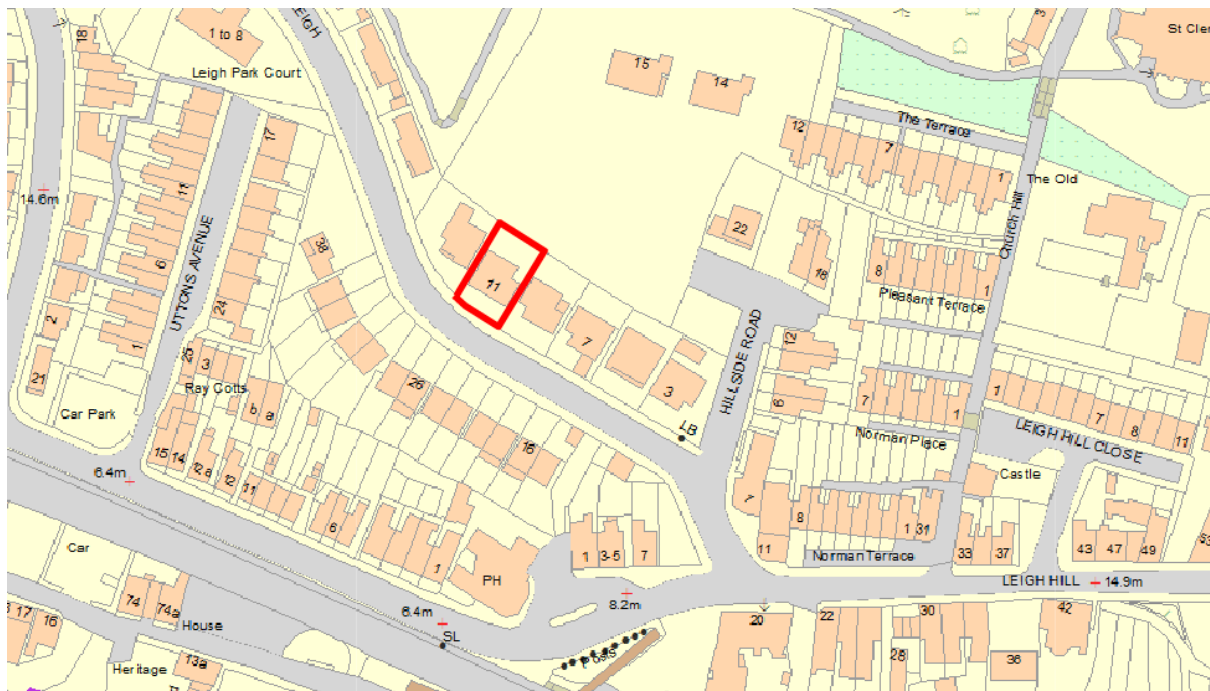
- (i)** Visits will normally be selected (a) by the Corporate Director of Enterprise, Tourism & the Environment and the reasons for selecting a visit will be set out in his written report or (b) by their duly nominated deputy; or (c) by a majority decision of Development Control Committee, whose reasons for making the visit should be clear.
- (ii)** Site visits will only be selected where there is a clear, substantial benefit to be gained.
- (iii)** Arrangements for visits will not normally be publicised or made known to applicants or agents except where permission is needed to go on land.
- (iv)** Members will be accompanied by at least one Planning Officer.

Procedures on Site Visits

- (i)** The site will be inspected from the viewpoint of both applicant(s) and other persons making representations and will normally be unaccompanied by applicant or other persons making representations.
- ii)** The site will normally be viewed from a public place, such as a road or footpath.
- (iii)** Where it is necessary to enter a building to carry out a visit, representatives of both the applicant(s) and any other persons making representations will normally be given the opportunity to be present. If either party is not present or declines to accept the presence of the other, Members will consider whether to proceed with the visit.
- (iv)** Where applicant(s) and/or other persons making representations are present, the Chairman may invite them to point out matters or features which are relevant to the matter being considered but will first advise them that it is not the function of the visit to receive representations or debate issues. After leaving the site, Members will make a reasoned recommendation to the Development Control Committee.

Version: 6 March 2007

Reference:	15/01340/FULH
Ward:	Leigh
Proposal:	Demolish part of dwellinghouse and erect part single/part two storey front extension to western side of dwelling, erect three storey front extension to eastern side of dwelling, erect a three storey rear extension, replace roof and erect dormer to rear and form new vehicular access to Leigh park road (Amended Proposal)(Part Retrospective)
Address:	11 Leigh Park Road, Leigh-On-Sea, Essex, SS9 2DU
Applicant:	Mr S. Ezra
Agent:	Mr G. Littler
Consultation Expiry:	07/12/15
Expiry Date:	08/01/16
Case Officer:	Ian Harrison
Plan Nos:	P103, P104, P105, W106, W204, W300, W301, P303, P304, P305, P307
Recommendation:	REFUSE PLANNING PERMISSION AND AUTHORISE ENFORCEMENT ACTION



1 The Proposal

General Overview

- 1.1 The application seeks part retrospective planning permission for the partial demolition of the dwellinghouse at 11 Leigh Park Road and the erection of various extensions to the dwelling. In this instance it is considered that the proposal has to be considered in the context of the planning history of the site and as such it is considered appropriate to address the recent history of built form at the site. To address the manner in which ground levels change, all height measurements are taken from the top of the two ground floor windows on the North West elevation, which appears to be consistently shown on all drawings and not affected by the development. This approach has been taken as the identification of a fixed 'Base Height' enables comparisons to be drawn between the dwellings (approved and partially built) at the site.

Original Dwelling

- 1.2 The original dwelling was formed of a rotated 'T' shaped footprint. The central part of the dwelling measured 5 metres deep and 8.7 metres wide with a ridge height of 6.2 metres above 'base height' and an eaves height of 3.5 metres above base height. To the front was a 1.1 metre deep, 4.3 metre wide projection that had a matching eaves height and a maximum height that was 0.2 metres lower than the main roof. A subservient 3.4 metre deep, 8 metre wide projection existed at the rear of the site which featured cat-slide roofs to both sides. A balcony existed above a small projection at the South corner of the dwelling and a single storey garage existed at the West corner of the dwelling.

1996 Planning Permission

- 1.3 Planning permission was granted under the terms of application 96/0365 on 29 November 1996 for the demolition of the front of the dwellinghouse and its rebuilding with a bay feature with a garage at basement level, a balcony at first floor and a new terrace and entrance. A new vehicle access and driveway was approved and a three storey rear extension was also approved. A letter from an Officer of Southend-on-Sea Borough Council dated 24/01/02 identifies that works associated with this permission had commenced within the 5 year period from the date of the decision. Therefore, the permission is considered to be extant and can still be implemented despite the lengthy delay in works occurring.
- 1.4 The previously approved development would have seen the demolition of the forward projecting two storey bay along with the forward facing walls of the existing dwelling and a single storey garage. The demolished structures would have been replaced with front extensions that would have seen a three storey bay provided at the South East corner of the dwelling including a basement garage. The two storey part of the North West elevation of the dwelling would have been extended forward to measure 8.4 metres long rather than 6.8 metres long, to provide a dining room at ground floor and an enclosed balcony at first floor. The roof of the main part of the dwelling would have been reconfigured to feature a hipped ridge running parallel to the highway at a height of 6.1 metres above 'base height' with a small element of flat roof and catslide roofs to the front and rear.

The bay projection at the front would have had a matching ridge height and an eaves height that would have met the proposed roof at the point where it begins to cat-slide. At the rear, a three storey extension would have been erected at the East corner of the dwelling. The extension would have appeared as a turret with a conical roof built to an eaves height of 4.9 metres above 'base height' and a maximum height of 6.2 metres above 'base height'.

Current Situation

- 1.5 It has been identified that the development that has occurred does not accord with the abovementioned planning permission and therefore the applicant has submitted this application to seek planning permission for the development that is occurring, but is yet to have been completed. Officers take the view that the development requires permission as a different development has occurred to that which was granted planning permission in 1996. However, the fallback position should carry significant weight in the assessment of this application.
- 1.6 The development to be considered has involved the demolition of the front of the former dwelling and its rebuilding to result in the North West elevation measuring 8.6 metres deep. The projection at the front of the dwelling would project forward by 0.9 metres with a 0.7 metre deep bay in front of the main elevation. The roof of the dwelling would be reconfigured with the main part of the dwelling featuring a crown roof with a flat roof at a height of 6.9 metres above 'base height' and pitched roofs to the North West, South West and North East that would feature cat-slide roofs to the North West and South West. The cat-slide eaves height would be 2.8 metres above 'base height' and the eaves height at the rear would be 3.4 metres above 'base height'. The forward projection would be covered with a roof that would be built to an eaves height of 4.5 metres above 'base height' and a ridge height that would be 7.1 metres above 'base height.' The proposed turret at the East corner of the dwelling would be retained, built to eaves height of 7.2 metres above 'base height' and a maximum height of 8.4 metres above 'base height,' with a parapet wall built to the sides.
- 1.7 Whilst the proposals are different in many respects and the architectural detailing is materially different, it is considered relevant to highlight some of the other key differences between the proposed development and development approved in 1996 including the following:
- The lowering of the height of the chimney by 0.6 metres.
 - The insertion of a dormer on the North East facing roof slope that would feature a flat roof, measure 1.5 metres tall and 1.2 metres wide and be positioned 1.3 metres above the eaves and 0.3 metres below the ridge.
 - A 1.2 metre deep, 6.2 metre wide canopy would be provided at the front elevation.
 - Steps would lead from the highway to the ground level entrance of the dwelling, but a large, raised terrace at the frontage of the dwelling is no longer shown on the submitted plans.

Accuracy of Plans

- 1.8 The applicant submitted plan 307 with the application which shows the rear elevations of the dwelling at the application site and the neighbouring dwellings. It is however considered that the plan misrepresents the changing ground levels and the heights of the neighbouring dwellings and the Local Planning Authority therefore requested the submission of an amended plan. An amended plan (307a) has been received but it is considered that this plan remains incorrect.
- 1.9 As this plan has been submitted for illustrative purposes only, it is considered that it is possible to proceed to the determination of the application without giving significant weight to the incorrect plans and that it has been possible to give the application full consideration due to the ability to take photographs of the development that has occurred already. In this instance, given the content of the following report and the recommendation of Officers it is considered that it is not prudent to spend more time trying to secure the submission of accurate plans.

2 Site and Surroundings

- 2.1 The application site is located to the North East of Leigh Park Road the site measures 21 metres deep and 14 metres wide. Ground levels change significantly at the site with the Northernmost corner of the site being well above the ground levels at to the South corner of the site.
- 2.2 The properties of the surrounding area are in residential use. The neighbouring property to the South East is a two storey dwelling with a two storey side projection, built on raised ground so that the finished floor levels are broadly in line with the original floor levels of the dwelling at the application site. A detached two storey exists to the North West of the site which is set to a finished floor level that is approximately 1 metre higher than the floor levels of the original dwelling at the application site.
- 2.3 Two storey dwellings exist on the opposite side of Leigh Park Road, built with the eaves height being marginally above the ground level of the highway and the dwellings to the North are set with the ground level being approximately in line with the ridge of the roof of the dwelling proposed by this application. The dwellings to the North East are positioned approximately 45 metres from the rear elevation of the proposed dwelling.
- 2.4 The application site is located within the Leigh Conservation Area and is the subject of an Article 4 direction.

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 DPD Policy DM1 and SPD1

- 4.1 This proposal is considered in the context of the National Planning Policy Framework 2012 and Core Strategy Policies KP2 and CP4. Also of relevance are policies relating to design that are contained within the Development Management DPD. These policies and guidance support extensions to properties in most cases but require that such alterations and extensions respect the existing character and appearance of the building. Subject to detailed considerations, the proposed extension to the dwelling is considered to be acceptable in principle.

Design and Impact on the Character of the Area:

National Planning Policy Framework 2012, Core Strategy Policies KP2 and CP4, Development Management DPD Policies DM1 and DM5 and SPD1

- 4.2 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 Councils 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.”*
- 4.3 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.”
- 4.4 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act imposes a duty to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area. This is reiterated in national guidance in the NPPF. Policy DM5 states that *“Development proposals that result in the total loss of or substantial harm to the significance of a designated heritage asset, including listed buildings and buildings within conservation areas, will be resisted.”*
- 4.5 The site is located in the Leigh Conservation Area and therefore special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. The NPPF states that:
- “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation”.*
- 4.6 The footprint of the dwelling would be largely the same as the development that

was previously approved and it is therefore considered that the width and depth of the dwelling should not be found to be objectionable. The main alterations relate to the modification of the dwellings roof and it is in this respect that the proposed development would appear to be materially different to the original dwelling or the previously approved development. The proposed flat part of the roof would be enlarged and positioned slightly further to the East, but as this is only a small element of the roof, it is considered that it would not be obvious from the street-scene and would not become a prominent feature at the site. The main part of the proposed roof would be 0.8 metres taller than the previously approved dwelling and the roof of the front projection would be 1 metre taller than the existing dwelling.

- 4.7 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. For example adding another storey to a bungalow will not be considered appropriate where the street comprises predominately of single storey dwellings or where there is a regular pattern of bungalows and other style of properties which is part of the local character.”* In this case it is noted that the dwellings of the surrounding area are not of consistent height and due to the changing ground levels, there is not a uniform or consistent roof height. It is therefore considered that there is scope for the roof height to be varied without causing material harm to the character or appearance of the site or the surrounding area.
- 4.8 The applicant has submitted a plan to show the height of the dwelling in comparison to the height of the neighbouring dwellings, but this plan is considered to be inaccurate. However, having visited the site and neighbouring properties, it is clear that the main roof of the dwelling has been built to a height that matches the height of 13 Leigh Park Road, with the taller front bay and rear turret being well above the height of that dwelling which is set at a higher ground level. The height of the dwelling and the changing ground levels means that the top of the proposed turret would be approximately 3 metres above the ridge height of the dwelling of 9 Leigh Park Road.
- 4.9 It is considered that the staggered heights of the dwellings of Leigh Park Road generally reflects the changing ground levels and it would therefore be expected that the height of the dwelling would sit between the two neighbouring dwellings, as was the case with the previously approved scheme. The main roof has a maximum height that would exceed the previously approved dwelling by 0.8 metres, the turret height would be 2.2 metres taller and the front bay would be 1 metre taller. It is therefore considered that the impact of the development proposed by this application is materially different to the previously approved scheme and results in the dwelling failing to reflect the staggered heights and topography of the surrounding area. As the changing roof heights is considered to be an established feature of the street-scene it is considered that conflicting with this would not maintain the character of built form within this part of the Leigh Conservation Area.

- 4.10 The proposed rear extension would be largely masked from the street-scene of Leigh Park Road, but due to the height of the turret, it is considered that the extension is partially visible from the public domain. Paragraph 348 of SPD1 states that *“Whether or not there are any public views, the design of rear extensions is still important and every effort should be made to integrate them with the character of the parent building, particularly in terms of scale, materials and the relationship with existing fenestration and roof form.”*
- 4.11 The round built form of the proposed extension and its disconnected relationship with the original dwelling represents the same approach to the extension of the dwelling to the permission that was previously granted. The only significant difference is the increase of the height of the turret by 2.2 metres, thereby causing the turret to be 1.5 metres taller than the height of the dwellings main roof.
- 4.12 The visual impact of the turret would therefore be far more significant than previously approved at this site. By virtue of its height and unusual form, it is considered that the development would become a significant feature of the application site, which would be visible from the public domain due to views from the public highway to the South East of the application site and also from elevated positions to the rear of the site, including the public gardens to the South of Leigh Library. The reconfigured roof of the dwelling means that there would be less to mask the roof from the highway to the South of the site and it is therefore considered that the extension would have a much greater impact on the streetscene of Leigh Park Road. While it would always have been the case that the turret would have been at odds with the conventional character of the existing dwelling, its height would have matched the existing dwelling and it would not therefore have had a dominating effect on the character of the area. Now that the extension is proposed to be taller than the host dwelling, it is considered that the turret would become a significant feature of the dwelling and be prominent in public views, thereby having a significant impact on the Conservation Area. In this instance it is considered that the impact would not maintain the character or appearance of the site or the Conservation Area and the proposal should therefore not be supported by Officers.
- 4.13 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.”* The dormer that is proposed by this application would be a small addition to the rear elevation of the dwelling. Due to its position at the rear of the dwelling, it would have no impact on the streetscene and no significant impacts on the character or appearance of the dwelling or the Conservation Area. The dormer is considered to be of appropriate size and does not cause harm to the character and appearance of the existing dwelling. The rooflight at the front of the dwelling is also not considered to cause significant visual harm.

4.14 The proposed detailing of the dwelling would be modified in comparison to the previous proposal, a full assessment of which has been undertaken by the Council's Design and Regeneration Team as is set out below. The concerns set out within the detailed design advice are considered to be well founded and should therefore be given significant weight in the assessment of the application, however these have to be balanced with the fact that a planning permission does exist for development at this site which provides a fallback position. It is however considered that the following elements of the proposed development are worse than the previously approved scheme and therefore cause additional harm to the character and appearance of the site and the Conservation Area:

- The insertion of a window in the front gable end.
- The detailing of the balcony and the use of bi-folding doors will clash with the otherwise traditional detailing of the front elevation.

Moreover, conditions would be required to address the following matters if planning permission was to be granted.

- The balustrade to the front below the veranda seems to be missing and should be clarified
- New meters are shown beside the front steps. These will need to be concealed, details of this and the frontage generally should be sought
- Details of the garage doors should also be clarified. The plan may show a sliding arrangement but this is unclear. Given the historic context these should be hinged timber barn style doors not modern materials.
- The rooflights within the porch are considered to serve little purpose but would result in unnecessary clutter at the front elevation. It is therefore recommended that they are omitted.
- Details of the materials to be used in the construction of the retaining walls at the side of the stairs should be submitted and agreed.

4.15 For the reasons set out above, it is considered that the modified scale of the proposed development and the relationship between the extended dwelling at the application site and its neighbours would result in the dwelling being of a scale and form that would be at odds with the character and appearance of the site and the surrounding Conservation Area. The increased height and visual impact of the proposed turret extension at the rear of the dwelling and the discordant and incongruous architectural features of the resultant dwelling means that the development would cause material harm to the character and appearance of the site and the Leigh Conservation Area, 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))

- 4.16 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 resultant dwelling would be no closer to the neighbouring property of 13 Leigh Park Road and would have no additional windows in the side elevation than the previously approved scheme. The height and depth of the North West elevation would be very similar to the previously approved development and it is therefore considered that the development proposed by this application would not cause a loss of light, privacy or outlook within the neighbouring property to an extent that would justify the refusal of the application.
- 4.18 At the South East side and East corner, the dwelling would be materially taller than the previously approved dwelling as the ridge of the front projection and the turret would be taller than the previously approved development. However, the development would be no closer to the neighbouring property and would be no deeper. In this instance, it is considered that the increased height of the dwelling would not have an impact on the light or outlook of the neighbouring property to an extent that would justify the refusal of the application. The small distance between the dwellings means that the existing and approved development would already have an impact on the light received within the amenity area of the neighbouring property and the rooms that face the dwelling at the application site. The increased height of the building would cause the loss of additional light, but not in a manner that would be materially worse than the existing situation.
- 4.19 The resultant dwelling is 6 metres from the North East boundary of the site and 45 metres from the closest property of The Terrace which is being constructed on elevated ground as described above. The additional height of the dwelling and the rear facing windows is visible from within the neighbours property, but due to the separation distance and the height differences between properties, it is considered that the dwelling at the application site will not cause a loss of light, privacy or outlook from the neighbouring property to an extent that would justify the refusal of the application. The development would have a small impact on the view from that property, but this is not a material planning consideration.

Community Infrastructure Levy

- 4.20 The proposed development would result in the creation of approximately 72 square metres of floorspace in comparison to the former dwelling at the application site. As the development creates less than 100 square metres of new floorspace at the application site, the development is not considered to be CIL liable.

Other Matters

- 4.21 The provision of a garage at the frontage of the site and a new vehicular access to the site is not different to the previously approved development. These works could be implemented under the terms of the previous permission and it is considered that the proposed development would be no different now, in terms of highway safety and parking provision, than it would have been in 1996. It is therefore considered that the fallback position should carry significant weight and no objection should be raised to the means of accessing the site.
- 4.22 Taking enforcement action in this case may amount to an interference with the owners' and/or occupiers' Human Rights. However, it is necessary for the Council to balance the rights of the owners and/or occupiers against its legitimate aims to regulate and control land within its area. In this particular case it is considered reasonable, expedient, proportionate and in the public interest to pursue enforcement action on the grounds set out in the formal recommendation.

5 Conclusion

- 5.1 It is considered that the modified scale of the dwelling and the relationship between the extended dwelling at the application site and its neighbours would result in the dwelling being of a scale and form that would be at odds with the character and appearance of the site and the surrounding Conservation Area. The increased height and visual impact of the proposed turret extension at the rear of the dwelling and the discordant and incongruous architectural features of the resultant dwelling means that the development would cause material harm to the character and appearance of the site and the Leigh Conservation Area, contrary to the policies of the Development Plan.

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 Policy DM1 (Design Quality), DM5 (Southend-on-Sea's Historic Environment) and DM15 (Sustainable Transport Management)

Community Infrastructure Levy Charging Schedule

Design and Townscape Guide SPD (adopted December 2009)

7 Representation Summary

Design and Regeneration Team

7.1 11 Park Road is one of a group of Arts and Crafts style properties on the northern side of Leigh Park Road. Their style reflects the fashions during the time of Leigh's period of rapid growth at the beginning of the 20th century which changed from more the more formal Victorian terraces seen elsewhere in the conservation area to the more informal Edwardian / Arts and Crafts style including the features such as decorative half-timbered gables, casement windows and ornate timber balconies. This group of properties is identified in the Leigh Conservation Area Appraisal as making a positive contribution to the character of the conservation area

11 Leigh Park Road has been vacant for a number of years and at the time of the appraisal in 2009 it was noted as the property which 'most preserves its original appearance but being derelict and potentially at risk'. Since this time, however, renovation works have progressed on an application originally approved in 1996. This application included a number of substantial changes to the original building design including:

- a reordering of the front elevation to move the gable from the west end to the east end, raising of the gable to allow for a useable garage to be positioned at street level and associated change to the roof, the introduction of a veranda and balcony to the side of the gable similar to that seen on other properties in the street.
- changes to the rear elevation including a decorative round turret feature with conical copper roof extending up 2 storeys to the ridge level of the property

The change to the front elevation in particular seems to have arisen from the presence of subsidence and cracking to the front elevation. Given the circumstances at the time this change to the frontage, was considered to be acceptable.

The current application seeks to vary this application and the works are in progress. These changes will be assessed in turn to determine the impact on the previously approved proposal and on the wider conservation area.

1. *Insertion of an additional floor at roof level to provide a study, games room and bathroom including changes to the roof including raising the ridge of the main roof, raising the height of the turret feature to above the height of the increased ridge, an additional window at the new upper level of the turret, a larger area of flat roof, a change in the angle of the front gable to increase head height within this feature and the insertion of a window in this gable, a new rear dormer and a roof light to the front (note not on plans)*

Whilst there would be no objection in accommodation of some from in the existing or approved roof form the changes that have been made to the approved design to accommodate the additional floorspace in the roof are substantial and have had a significant impact on the property. These seem to have been made to increase the headroom in the roofspace over what would have been useable within the approved design. The implications of this are that the main ridge has been raised by 0.8m, the front gable increased in height by 1m and the turret feature increased by 2.2m above the approved plans. This will have an implication for the streetscene which is characterised by the properties stepping down the hill and this property will therefore appear out of scale with its neighbours, it means that the proportion of the front gable will be noticeably different to the other similar properties either side making this feature appear over dominant and the turret to the rear will rise above the main ridge and the blank walls of this feature and the roof will now be more prominent in the streetscene as it will be visible from the street both above the property and in the gap between 11 and 9 which is not compatible with the character of the conservation area. These changes are considered to have a significant and detrimental impact on how the proposed remodelling of the property integrates into the streetscene and into the conservation area generally.

With regard to the detailing of these changes there is particular concern that in addition to the increase in scale the proposed detailing of the turret feature is poor. Previously the conical copper roof sat subservient to the main roof with an overhanging eave detail and clearstory windows to the bathroom below and this was considered to be an acceptable design. As currently proposed there is now an unresolved roof detail which includes what appears to be a parapet clashing with a smaller conical roof above. The change from a feature clearstory window below the eaves to a basic modern casement set well below the parapet is also considered to have degraded the quality of design of this element. Overall the amended turret design completely destroyed all the refinement of the approved design.

In addition to the objection raised above regarding the change in shape of the gable there is also a concern regarding the insertion of a window in this element as this will appear as a modern addition in a traditional feature and may set a precedent for others in the street which could fundamentally change its historic character. This has happened to properties in Leigh Cliff Conservation Area (Cliff Parade) and is noted in the Appraisal of that conservation area as being particularly harmful to its historic character.

The proposed rear dormer will have no public impact and is not objected to. The rooflight to the front is a small conservation style rooflight and on balance this has limited impact although it is noted that rooflights are not a feature of the area generally.

It is therefore considered that the changes to the roof scale and turret in particular have had a significant and detrimental impact on the historic character of the existing building and the wider conservation area. This element of the proposal should be redesigned so that any accommodation at this level is within the approved roofspace.

2. *Changes to the front elevation detailing and fenestration including changing for windows to French doors in the dining room, roof lights inserted into veranda roof in front of the front door , change form a single door and window with covered balcony to omission of the balcony altogether and replacement with bi-fold doors and glass Juliette set forward on the front building line in bed 2 and reduction of the width of the bathroom window*

Despite the significant changes that have been approved to the front elevation the design and detailing on this side in the 1996 application respected the historic character of the building and the street and was considered to successfully integrate with the wider conservation area. The approved plans at first floor showed a traditional balcony with a timber balustrade and traditional fenestration. The amended proposal sees to remove the balcony altogether and replace it with modern bi fold doors and a glazed Juliette set directly on the front building line and it is considered that this change will clash with the otherwise traditional detailing of the front elevation. There seems to be a conflict here between seeking to expand the internal floor space and retaining a balcony of some form. Unfortunately it seems that these two objectives are incompatible and a choice needs to be made. It should be noted that recent applications at number 7 and 9 next door have both amended this element of the property successfully. Number 7 (completed) has in filled the balcony to gain more floorspace and has matched the window detailing in with the main property. Number 9 (pending) have reinstated this feature which had been lost with a traditional balustrade detail and timber French doors behind. Either of these two options would be acceptable in this case but the proposal for large modern bi folds and a glazed Juliette would be completely out of character with the existing building and detrimental to the wider conservation area.

There is also a concern raised in regard to the proposed rooflights in the veranda which will also be conspicuous and out of place. These should be omitted.

There is less of an issue with the changes to the bathroom window and the proposal for French doors at ground level subject to all these being timber and detailing matching the existing fenestration.

3. *Changes to the rear including alternative window designs and positions*

Alterations to the rear at the lower levels will not be visible from the public realm and are less of a concern than the issues raised above.

4. *Various internal room layout changes*

Aside from the concerns noted above where internal changes have impacted on the public elevations there are no objections to a revised internal configuration.

Other issues

A number of areas of the proposal are unclear and should be clarified:

- The balustrade to the front below the veranda seems to be missing and should be clarified
- New meters are shown beside the front steps. These will need to be concealed, details of this and the frontage generally should be sought
- Details of the garage doors should also be clarified. The plan may show a sliding arrangement but this is unclear. Given the historic context these should be hinged timber barn style doors not modern materials.

Conclusion

Overall, whilst it is pleasing to see this building given a new lease of life, the changes to the approved plans proposed have fundamentally altered the design and scale of the approved plans and degraded its quality and are considered to be detrimental to the historic character of the existing building and harmful to the significance of the wider conservation area. They are therefore considered to be unacceptable and revisions should be sought.

Leigh-on-Sea Town Council

- 7.2 An objection is raised on the grounds that the proposal represents overdevelopment that breaches the roof line of the dwellings. It is also noted that the submitted plans are confusing.

The Leigh Society.

- 7.3 No objection is raised to the proposal.

Public Consultation

- 7.4 9 neighbouring properties were notified of the application and two site notices were posted at the site. 5 letters of objection have been received from three properties which object on the following grounds:

- The development that has occurred does not accord with the previously approved development in several respects.
- The submitted plans are inaccurate.
- The description of the application is inadequate as replacing the roof does not highlight the increase of the height of the roof.
- The proposed copper roof of the turret and the architecture in general would be out-of-keeping with the surrounding area.
- The increased height of the developments is not as visually acceptable as the previous proposal.

- 7.4 One letter of support has been received which supports the application on the grounds that the individuality and unusual nature of the proposal will add to the character of the area.
- 7.5 The application has been called in to the Council's Development Control Committee by Councillor Arscott. As the recommendation of Officers is to take Enforcement Action and seek authorisation for such action, it must be considered by the Council's Development Control Committee in any event.

8 Relevant Planning History

- 8.1 As set out above, planning permission was granted for the erection of extensions and alterations to the dwelling under the terms of application 96/0365. The relevance of that planning permission is fully discussed above.
- 8.2 No other planning history is considered to be relevant to this application.

9 Recommendation

- 9.1 **It is recommended that planning permission is REFUSED for the following reason:**

The proposed development, by virtue of the scale, form and architectural features of the resultant dwelling, would cause harm to the appearance of the dwelling at the application site and be a discordant and incongruous addition to the street-scene, thereby not maintaining or enhancing the character or appearance of the Leigh Conservation Area. The proposal is therefore contrary to the National Planning Policy Framework, policies KP2 and CP4 of DPD1 (Core Strategy), policies DM1 and DM5 of DPD2 (Development Management) and the advice contained within SPD1 (Design and Townscape Guidance).

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.

Informative

You are advised that as the proposed alterations 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.

10 Enforcement Recommendation

- 10.1 Members are also recommended to AUTHORISE ENFORCEMENT ACTION to require the removal and reconfiguration of the roof of the dwelling and the alteration of the front elevation of the dwelling to accord with the development approved under the terms of application 96/0365 on the grounds that the development that has occurred, but is yet to be completed, is of a scale, form and architectural style that causes harm to the appearance of the dwelling at the application site and is a discordant and incongruous addition to the street-scene, thereby not maintaining or enhancing the character or appearance of the Conservation Area. The development is therefore contrary to the National Planning Policy Framework, policies KP2 and CP4 of DPD1 (Core Strategy), policies DM1 and DM5 of DPD2 (Development Management) and the advice contained within SPD1 (Design and Townscape Guidance)..**
- 10.2 The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 173 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**
- 10.3 When serving Enforcement Notice the Local Planning Authority must ensure a reasonable for compliance. It is considered that a six month compliance period for the modification of the dwelling is reasonable in these circumstances.**