

Reference:	18/00480/FUL
Ward:	Prittlewell
Proposal:	Change of use from existing dwellinghouse (Class C3) to a seven bedroom HMO (Sui Generis), erect single storey rear extension, dormers to front and rear and convert loft into habitable accommodation, alterations to front and side elevations, layout parking, cycle and bin stores to rear and install wheelchair ramps to front, side and rear.
Address:	241 Carlton Avenue, Westcliff-On-Sea, Essex
Applicant:	Mr Hughes
Agent:	RD architecture Ltd.
Consultation Expiry:	03.05.2018
Expiry Date:	11.06.2018
Case Officer:	Kara Elliott
Plan Nos:	MAPS.1, MAPS.2, 1619/120/P1, 1619/220/P2
Recommendation:	REFUSE PLANNING PERMISSION



1 The Proposal

- 1.1 The application seeks planning permission for a change of use from an existing three bedroom, single storey dwellinghouse (Class C3) to a seven bedroom, two storey HMO (Sui Generis). It is proposed to erect a rear extension which would measure approximately 3.8 metres deep and 10 metres wide (matching that of the existing dwelling) with a flat roof built to a height of 3.15 metres.
- 1.2 In addition, two pitched roof dormers to the front measuring approximately 2.75 metres wide x 2.65 metres high x 3.15 metres deep and a large flat roof dormer to the rear measuring 2.85 metres high x 9.5 metres wide x 3.7 metres deep are proposed. The loft is proposed to be converted into habitable accommodation. In addition, alterations i.e. new openings are proposed to front and side elevations.
- 1.3 Layout parking with permeable block paving is proposed to the existing front amenity space and a section to the rear garden, accessed from a private track from Northville Drive. Cycle and bin stores are proposed to the rear garden as well as wheelchair ramps to the front, side and rear.
- 1.4 The external materials proposed are smooth white rendered walls, grey roof tiles and grey aluminium-framed windows and doors.
- 1.5 The application falls to be considered by the Development Control Committee at the request of Cllr Garston.

2 Site and Surroundings

- 2.1 The site is located to the north of Carlton Avenue. The existing building constitutes a single family dwelling. The application site does not currently benefit from off-street parking.
- 2.2 The buildings of the surrounding area are in residential use with the dwellings featuring a mixture of single, two storey and three storey dwellings.
- 2.3 The site has no specific allocation within the Development Management Document Proposals Map and does not relate to a listed building.

3 Planning Considerations

- 3.1 The main planning considerations in this case are: the principle of development (including the loss of a family dwelling), living conditions for future occupiers, car parking arrangements/transport considerations, design quality and impact on surrounding area, and amenities of neighbouring occupiers and CIL (Community Infrastructure Levy).

4 Appraisal

Principle of Development

National Planning Policy Framework, Policies KP1, KP2, CP4 and CP8 of the Core Strategy (2007), Policies DM1, DM3, DM7 DM8, and DM15 of the Development Management Document (2015), guidance contained within the Design and Townscape Guide (2009)

- 4.1 Southend Borough Council's development plan does not currently contain policies that specifically relate to Houses in Multiple Occupation. The National Planning Policy Framework states that where the development plan is silent the general presumption in favour of sustainable development means that planning permission should be granted unless, *"any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*
- 4.2 Government guidance contained within the National Planning Policy Framework (NPPF) *encourages effective use of land by re-using land that has been previously developed* (para.17) and seeks to *deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities* (paragraph 50).
- 4.3 Core Strategy (2007) Policies KP2 and CP4 seek to promote sustainable development, and Policy KP2 (Development Principles) seeks to direct the siting of development through a sequential approach, minimising the use of 'greenfield' land. Policy CP4 seeks the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend.
- 4.4 Policy DM3 of the Development Management Document (2015) seeks the efficient and effective use of land, provided it responds positively to local context and does not lead to over-intensification. Policy DM8 of the Development Management Document provides for additional dwellings in the Borough but seeks to resist the loss of existing valuable residential resources.
- 4.5 Policy CP8 of the Core Strategy states that *'residential development proposals will be expected to contribute to local housing needs...to achieve this, the Borough Council will...resist development proposals that involve the loss of existing valuable residential resources having regard to the limited land resources in the Borough, the need to safeguard an adequate stock of single family dwellinghouses and to protect the character of residential areas.*
- 4.6 The Council has a need to safeguard an adequate stock of single family dwellinghouses; with Policy DM7 making it clear that there is a high need for family dwellings (particular 3-bed units) to address the under supply of family accommodation. The latest South Essex Strategic Housing Market Assessment (SHMA) dated May 2017 is consistent with the policy position and outlines the required mix for market housing in Southend as being; 1 bed (18%), 2 bed (30%), 3 bed (35%), 4 bed (17%). Evidently, there remains a significant need for larger, family sized accommodation.
- 4.7 As such, concern is raised to the principle of this development as it would result in the loss of a three bedroom family unit. Whilst it is noted that the dwelling may be able to be converted into a HMO for up to 6 people (Class C4) without the need for planning permission, no certificate of lawfulness has been submitted in this respect and the development proposed is in excess of the permitted development

allowance. There is little to suggest that a six person HMO would come forward if the current application is found unacceptable.

- 4.8 Furthermore, the seven bedrooms proposed are of a double size and would comfortably accommodate a couple to each room; which would potentially result in up to fourteen occupants living at the property. It is therefore considered that the proposed change of use of the site from a single family dwelling to a seven bedroom HMO, for up to fourteen individuals, would result in a detrimental change of the street's function as a result of increased activity at the application site, including from the comings and goings of the occupiers. The everyday activities and use of the application site for up to fourteen persons would be materially different to a family dwelling. The proposed development would also introduce off-street parking within the existing rear garden which would result in increased activity at the rear of the site. Further assessment of the impact upon neighbouring occupiers and highway/parking implications is set out in the relevant sections below.
- 4.9 As such it is considered that the principle of the development is unacceptable as it would result in the loss of a single family dwelling, for which there is a demonstrable need for within the Borough, in conflict with development plan principles. In addition, the proposed development would result in a change of the street's function due to increased activity at the site in consideration of the number of proposed occupants in comparison to the existing three bedroom unit. It should also be noted that it is acknowledged that an extant permission for extensions and alterations exists for the site and if undertaken, would result in a four bedroom property. This factor is not considered to hold material weight in the acceptability of the proposed development as this would have a materially and significantly lesser impact than the proposed development. The development is therefore unacceptable and contrary to National Planning Policy Framework (particularly paragraph 50), CP8 of the Core Strategy and DM7 of the Development Management Document.

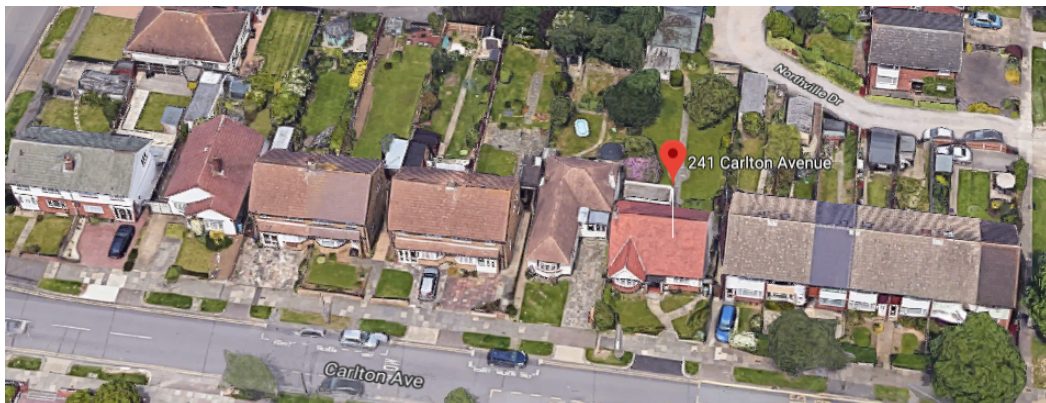
Design and Impact on the Character of the Area

National Planning Policy Framework (NPPF), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and guidance contained within the Design and Townscape Guide (2009)

- 4.10 The National Planning Policy Framework requires new development to respond positively to its surroundings. 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.*"
- 4.11 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 local character.
- 4.12 Paragraph 375 of the Design and Townscape Guide 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.*" In terms of dormers, paragraph 366 of the guidance

document 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.”*

- 4.13 The extant permission (15/02033/FULH) at the property to erect additions and alterations is identical to that of the proposed development; albeit with minor differences in fenestration and internal layout and holds material weight in the acceptability of the proposed development. At the time of the application assessment (February 2016), it was not considered that the proposed extensions and alterations would demonstrably impact upon the character and appearance of the application site and the wider area. There are no new policy considerations or changes in the streetscene which alter this view.
- 4.14 It is therefore considered that the proposed extensions and alterations would cause no harm to the character or appearance of the site or the surrounding area and the proposed development is acceptable on visual impact grounds.
- 4.15 The proposed development also includes layout parking to the entire frontage of the dwelling, amounting to approximately 60 square metres of hardstanding (brick paving). The frontages to properties in the streetscene, especially within close vicinity of the site, are commonly laid to lawn with soft landscaping. Whilst there are exceptions to this, the hardstanding at the application site would appear excessive in size in comparison to smaller examples nearby and would result in a blank expanse of hardstanding to the detriment of the character and appearance of the dwelling and the wider area. In addition, due to the possibility of fourteen occupants at any one time, the frontage of the property is highly likely to be dominated by parked vehicles which would also appear out of keeping and to the detriment of the character and appearance of the site and the streetscene.



- 4.16 The proposed development, due to the large expanse of hardstanding and the resulting parking of vehicles to the entire frontage of the site, would result in material harm to the character and appearance of the site and the surrounding. This is unacceptable and in conflict with National and Local Planning Policy on this issue.

Living Conditions for Future Occupiers

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

- 4.17 The Council has adopted the Essex Approved Code of Practice with respect to Houses in Multiple Occupation. These standards indicate that bedrooms for one person should measure at least 8.5sq.m and rooms for two people should measure at least 12sq.m. Whilst not planning policy, the standards form a material consideration. The submitted plans show that all of the bedrooms exceed 12m² with the smallest room measuring approximately 13.5m² and the largest measuring approximately 20.7m². It is considered that the rooms would be classed as double occupancy rooms and due to their sizes and facilities would not result in a poor standard of living for future occupiers.
- 4.18 Each room would benefit from a good outlook, natural daylight and an en-suite with WC, wash basin and a shower. Storage areas are located in every room. Communal areas consist of two 20m² kitchens, a dining room and a utility room at ground floor. In terms of external amenity space, the future occupiers would benefit from access to a large rear garden.
- 4.19 It is therefore considered that the proposed development would result in a good standard of living for future occupiers and there are no objections in this regard. However, whilst the living conditions of the future occupiers are considered acceptable, as stated above, the proposed seven bedroom HMO would result in a detrimental change of the street's function as a result of increased activity at the application site, including from the comings and goings of the potentially fourteen occupiers.

Traffic and Transport Issues

National Planning Policy Framework, Policies KP2 and CP3 of the Core Strategy (2007), Policy DM15 of the Development Management Document (2015) and guidance contained within the Design and Townscape Guide (2009)

- 4.20 Policy DM15 of the Development Management Document states that development will be allowed where there is, or it can be demonstrated that there will be physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner. Further to Policy DM15, proposed development is expected to contribute to sustainable transport objectives and promote walking, cycling and public transport as the preferable form of transport.
- 4.21 The Council does not have any Vehicle Parking Standards in respect of HMOs (su-
generis use). Although the parking standards do not refer to parking provision for HMOs, it needs to be recognised that the proposed use would generate parking demand. Using the latest Census data (2011) for the Prittlewell ward, the average car ownership per household is 1.17 cars. It should be noted that the application site is considered to be located in one of the lesser sustainable locations of the Borough; whereby occupants are more likely to choose to use a private motor vehicle for trips to facilities and services than walk or use public transport.

- 4.22 The application forms state that the existing dwelling benefits from six car parking spaces. However, there is no existing off-street parking provision at the application site. The application forms state that the proposed development would provide eight off-street parking spaces; within the front hardstanding and a newly created parking area within the existing rear garden, accessed from a track off of Northville Drive which is currently an access to a row of garages.
- 4.23 The front crossover would not provide suitable access to/from the highway for four vehicles in accordance with the Council's adopted highway standards. This is due to the minimal width of the existing crossover which would only serve access for two vehicles.
- 4.24 Following the statutory consultation process, a number of representations have been received providing evidence to show that the rear access is under private ownership and that the applicant has no right of way. Whilst it should be noted that planning permission can be granted for development on land which is not under the ownership of the applicant, the question over the right of access for the future occupants is considered to hold material weight in the determination of the application. However, the matter could be addressed through the use of a Grampian condition on access to the parking spaces.
- 4.25 In terms of on-street parking, the roads surrounding the application site have very little provision with many spaces restricted to business permit holders only between the hours of 8:30am and 4:30pm Monday to Friday (Hospital Area - Zone H). Within a 100 metre radius of the application site, there are approximately 12 on-street parking spaces (all with restrictions for residential or business permit holders only). This increases the importance of providing suitable parking onsite. The number of parking spaces proposed is, in isolation, considered acceptable in principle.
- 4.26 The benefit of the proposed cycle racks in the rear garden for up to 10 bicycles is not considered to overcome the harm outlined above from a significant lack of car parking provision on site.
- 4.27 Notwithstanding the acceptability of the number of spaces proposed in principle, the Council's Highway Engineer has raised objection to the proposed development as the vehicle crossover at the front of the site fails to provide a suitable access for four vehicles as proposed. In addition, objection is raised by the Highways department to the usability of the rear parking spaces due to the limited space to manoeuvre a vehicle.
- 4.28 Objection is raised on this basis as it is considered the development would result in material harm to pedestrian and highway safety from unsafe vehicle movements. As identified above, the parking also raises character issues.
- 4.29 In terms of refuse collection, bins are proposed to be stored within the rear garden and can be brought to the highway as per the existing situation; via a gate located to the east of the application site. This is considered to be acceptable and would not result in pedestrian or highway safety concerns.

Impact on Residential Amenity

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 the advice contained within the Southend-on-Sea Design and Townscape Guide (2009)

- 4.30 Policy DM1 of the Development Management Document requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities *“having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.”*
- 4.31 Further to the above policies and guidance development proposals must protect the amenity of neighbours having regard to matters such as privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight.
- 4.32 In terms of the proposed extensions and alterations to the building itself, at the time of the former application assessment (February 2016), it was not considered that the proposed extensions and alterations would demonstrably impact upon the amenities of neighbouring occupiers. There are no new policy considerations or changes to the existing situation on site which alter this view.
- 4.33 It is considered that the proposed change of use would result in increased levels of activity from the increased occupation of the property which would provide living accommodation for up to 14 persons. The general movements and the occupation of the property from a larger number of people, including eight parking spaces, is considered to result in significant material detriment to the amenities of the surrounding neighbouring occupiers from noise and disturbance resulting from the intensity of the proposed use.
- 4.34 Additionally, the car park for up to four vehicles proposed within the rear garden is considered to introduce activity of demonstrable harm to the amenities of the neighbouring occupiers; in particular 3 Northville Drive, 239 and 245 Carlton Avenue. Whilst it is accepted that there are garages located at the end of the private access track which vehicles can travel to and from, the introduction of a car park within the rear garden of the site would result in demonstrable harm from noise and disturbance from the manoeuvring of vehicles, shutting of car doors, running of engines, music, talking etc. Furthermore, the development would result in vehicles travelling past the side of 3 Northville Drive which is located on the track and has no boundary treatments which would mitigate harm from the passing of vehicles.
- 4.35 As such, the proposed scheme is unacceptable and contrary to the development plan in respect of neighbour amenity impacts on noise and disturbance.

Community Infrastructure Levy

CIL Charging Schedule 2015

- 4.36 A large HMO falls outside of Use Classes C3 and C4 and constitutes a sui generis use. However, the use is residential in character and therefore the change of use from a dwellinghouse to a large HMO would not represent a CIL liable change of use.

5 Conclusion

- 5.1 Having taken all material planning considerations into account, the development is considered unacceptable by virtue of the loss of a single family dwelling and as a result of the intensity of the proposed development and the introduction of a car park within the rear garden which would result in material harm to the residential amenity of the adjoining residents in terms of noise and disturbance. Furthermore, the proposed development proposes parking provision which would result in harmful impacts on highway and pedestrian safety. In addition, the proposed hardstanding to the entire frontage of the site would result in demonstrable impact upon the character and appearance of the site and the wider area. The proposed development is therefore recommended for refusal.

6 Planning Policy Summary

- 6.1 The National Planning Policy Framework
- 6.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility) CP4 (The Environment and Urban Renaissance), CP8 (Dwelling Provision).
- 6.3 Development Management Document Policies DM1 (Design Quality), DM3 (The Efficient and Effective Use of Land), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards) and DM15 (Sustainable Transport Management).
- 6.4 Design & Townscape Guide (2009)
- 6.5 CIL Charging Schedule 2015

7 Representation Summary

Highways

- 7.1 Objection. The existing crossover cannot provide four off-street parking spaces in accordance with the Council's Vehicle Crossover Policy. To the rear of the site 4 car parking spaces are provided concerns are raised to the usability of these spaces due to the limited space to manoeuvre a vehicle. The applicant will be required to provide tracking to demonstrate that vehicles can manoeuvre effectively.

Environmental Health

- 7.2 No objections; subject to conditions in relation to hours of work etc. and contaminated land.

Public Consultation

- 7.3 Nine neighbouring properties were written to and a notice erected at the site. A total of 16 letters of representation have been received which raises objection on the following grounds;

Highways & Parking

- The rear access is not accessible by a refuse lorry;
- Lack of on-street parking near the site;
- Gate at rear was only recently fitted and there is no parking at the rear of the site;
- Rear access track is not fit for traffic i.e. no turning room;
- Rear of site not suitable for parking (cars or cycles)
- Safety concerns to rear gardens from parking;
- Rear access will create a dangerous situation when trying to reverse from drive within access road;
- There is no parking at the front or rear of this property and never has been;

Character & Appearance

- HMO property and extensions/alterations will not be in keeping with other properties in the area;
- Change from bungalow to house is unacceptable;

Neighbour Amenity

- The proposal affects the residents that back onto the private road;
- Will have direct unwanted amenity impact on neighbours;
- Proposed development would result in disturbance to the local residents;

Other

- The application has no benefits;
- The applicant does not have right of way along the rear access;
- The application form (certificate) is incorrect in respect of ownership;
- Not all neighbours have been written to;
- Decrease value of homes around or near this property.

7.4 The concerns raised are noted and they have been taken into account in the assessment of the proposal.

8 Relevant Planning History

8.1 15/02033/FULH - Erect single storey rear extension, install dormers to front and dormer to rear to form habitable accommodation in roof and alter elevations – Granted 11.02.2016.

9 RECOMMENDATION

Members are recommended to REFUSE PLANNING PERMISSION for the following reasons:

01 The proposed development would result in the loss of a family sized dwelling, for which there is demonstrable need for within the Borough. The development is therefore unacceptable and contrary to National Planning Policy Framework, Policy CP8 of the Core Strategy (2007) and DM7 of the Development Management Document (2015).

02 By virtue of the scale and intensity of the proposed use, with up to 14 residents living at application site, as well as the introduction of car parking at within the rear garden, the development would result in material adverse harm to the residential amenity of the adjoining residents in terms of noise

and disturbance. The development is therefore unacceptable and contrary to National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).

- 03 The proposed development, by reason of the large expanse of hardstanding and the resulting parking of vehicles to the entire frontage of the application site, would result in demonstrable harm to the character and appearance of the dwelling and the wider area contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007), Development Management (2015) Policies DM1 and DM3 and the advice contained within the Design and Townscape Guide (2009).
- 04 The development by reason of the layout of and access arrangements for the proposed house in multiple occupation would be likely to result in unsafe vehicle movements to the detriment of highway and pedestrian safety contrary to guidance contained within the National Planning Policy Framework, Core Strategy (2007) policy CP3 and Development Management Document (2015) Policy DM15.

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal as set out in this report. However, the proposal does not represent sustainable development because the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal and set out in a report prepared by officers, approval has not been possible.

INFORMATIVES

1. The applicant is reminded that any application must be submitted with a correct Ownership Certificate and notice served upon the correct persons under Article 14 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.
2. You are advised that in this instance the chargeable amount for the Community Infrastructure Levy (CIL) has been calculated as zero due to the specific nature of the use. However, should the nature of the use change then you are advised to contact the planning department to discuss the requirement for planning permission and CIL liability.