

<b>Reference:</b>	23/01974/FULH	
<b>Application Type:</b>	Full Application - Householder	
<b>Ward:</b>	Leigh	
<b>Proposal:</b>	Replace existing door to rear and reinstate wall, form new opening at ground floor in north elevation, replace roof and install 2no. rooflights to roof of rear extension (part retrospective)	
<b>Address:</b>	27 Hadleigh Road, Leigh-on-Sea, Essex, SS9 2DY	
<b>Applicant:</b>	Mr Tom Brown	
<b>Agent:</b>	Mr Steven Kearney of SKArchitects	
<b>Consultation Expiry:</b>	28 <sup>th</sup> February 2024	
<b>Expiry Date:</b>	1st March 2024	
<b>Case Officer:</b>	Hayley Thompson	
<b>Plan Nos:</b>	<b>757P01, 757P02</b>	
<b>Supporting Documents:</b>	<b>Design, Access and Heritage Statement</b>	
<b>Recommendation:</b>	<p><b>DELEGATE to the Director of Planning and Economy and/or the Development Control Service Manager to grant planning permission subject to the conditions set out in the main report provided any additional representations received up to the end of 28 February 2024 do not raise any new considerations which have not been addressed within the report. Should further representations be received up to that date which raise new considerations not already addressed within this report the application is to be brought back to Development Control Committee for determination.</b></p>	



## **1. Site and Surroundings**

- 1.1 The application site lies on the west side of Hadleigh Road and contains a two-storey semi-detached dwelling. The area is residential in character. Hadleigh Road slopes downwards from north to south and is characterised by properties that were constructed to follow the slope of the hill.
- 1.2 The site is within the Leigh Conservation Area. The Leigh Conservation Area Appraisal identifies the dwelling at No.27 as making a positive contribution to the Conservation Area.

## **2. The Proposal**

- 2.1. Planning permission is sought to replace an existing uPVC door with aluminium bifold doors to the rear elevation of an existing single storey rear extension and to reinstate the rear wall, to form a new opening and install a door at ground floor level in the northern flank elevation, replace the roof of that existing extension and install 2 rooflights within it.
- 2.2. The application is part retrospective in nature. The new doors to the side and rear have been installed. Works to replace the existing extension roof have commenced and the same roof tiles are proposed to be reinstated.
- 2.3. The rooflights are proposed to be 'Velux' in white painted pine.

## **3. Relevant Planning History**

- 3.1. 04/00194/FUL - Erect two storey rear extension with patio doors and balustrade to first floor and conservatory to rear and lay out hardstanding to front – Refused.
- 3.2. 04/00889/FUL - Erect two storey extension and conservatory at rear and form pitched roof over existing rear projection (Amended Proposal) – Granted.
- 3.3. 04/01719/FUL - Lay out extended hardstanding to front – Refused.
- 3.4. 07/01541/TCA - Fell one eucalyptus tree (Works to a tree in a conservation area) – No objection.
- 3.5. 23/00256/UNAU\_B – Building works - Enforcement enquiry pending

## **4. Representation Summary**

### **Public Consultation**

- 4.1. 17 neighbouring properties were consulted by letter. A site notice was displayed and a press advert was published. Further consultation was undertaken following a description change for the proposal. At the time of report preparation that additional consultation was continuing and expires on 28<sup>th</sup> February. This is reflected in the proposed delegated recommendation at section 9 of this report. Any further representations resulting from this will be summarised for Committee in the Supplementary agenda. 3 letters of representation have been received from 2 households. Summary of objections:
  - Building works started without notice or permission

- Loss of privacy from rooflights
- Concern about noise as a result of the development
- Works are inappropriate for the age of the building

**[Officer Comment:** All relevant planning considerations have been assessed within the appraisal section of the report. The points of objection are not found to justify refusing planning permission in the circumstances of this case.]

## **Design and conservation**

4.2. No objection.

## **5. Procedural Matters**

5.1. This application has been called into Development Control Committee by Cllr Mulroney.

## **6. Planning Policy Summary**

6.1. Planning (Listed Buildings and Conservation Areas) Act 1990

6.2. The National Planning Policy Framework (NPPF) (2023)

6.3. Planning Practice Guidance (PPG) (2023)

6.4. National Design Guide (NDG) (2021)

6.5. Core Strategy (2007): Policies KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance).

6.6. Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), DM5 (Historic Environment), DM15 (Sustainable Transport Management).

6.7. The Southend-on-Sea Design & Townscape Guide (2009)

6.8. Community Infrastructure Levy (CIL) Charging Schedule (2015)

6.9. Leigh Conservation Area Appraisal (2021)

## **7. Planning Considerations**

7.1. The main considerations in relation to this application are the principle of the development, design and impact on the character of the area and heritage assets, impact on residential amenity and CIL.

## **8. Appraisal**

### **Principle of Development**

8.1. The principle of extending and altering an existing dwelling is considered acceptable and policy compliant, subject to the proposal appropriately addressing the relevant detailed planning considerations.

## **Design and Impact on the Character of the Area and Leigh Conservation Area**

8.2. In determining this application, the Council has a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

8.3. In relation to the impact of a proposal on a designated heritage asset the NPPF states that:

*'205. 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

*207. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.*

*208. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*

8.4. The NPPF also states that 'Good design is a key aspect of sustainable development' and this is referenced throughout the NPPF as well as in Policies KP2 and CP4 of the Core Strategy and Policies DM1 and DM5 of the Development Management Document. The Design and Townscape Guide also states that the Council is committed to good design and the preservation and enhancement of heritage assets.

8.5. In relation to development within Conservation Areas paragraph 302 of the Council's Design and Townscape Guide states that; 'New buildings, extensions and alterations visible from public places should positively enhance the character and appearance of the Conservation Area.'

8.6. The works subject of this application are contained within the northern and western elevations of an existing single storey rear projection. As a result of the ground floor position of the development and orientation of the dwelling and ground levels, the development is largely hidden from wider public views. The aluminium bifold doors to the rear of the existing extension replace a former uPVC door which was an unsympathetic alteration to the dwelling. The proposed replacement is considered to be a positive alteration to the dwelling and for the conservation area. No objection is raised to the proposed opening and doors in the northern flank or the proposed rooflights. The extension's replacement roof would re-use the same rooftiles which is acceptable.

8.7. It is considered that the design, size, siting and scale of the development would not result in any significant harm to the character and appearance of the site, the streetscene and the area more widely and it would preserve the special character of the Leigh Conservation Area.

## **Impact on Residential Amenity**

- 8.8. Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies 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. Further advice on how to achieve this is set out in the Council's Design and Townscape Guide.
- 8.9. The proposed rooflights are positioned within the roof of the existing single storey rear extension, in a central position to the rear of the application dwelling and would be at least 1.5m from the site's southern flank boundary shared with No 25. No.25 has an existing balcony to the rear close to that shared boundary. There is a parapet wall on the roof of the existing rear projections between the dwellings. It is not considered that any oblique view gained from the rooflights towards the rear balcony of No.25 would be significantly harmful to the amenities of occupiers nor would the relationship reasonably warrant a refusal of planning permission on these grounds.
- 8.10. The proposed doors to the north flank elevation face existing high boundary treatment between the applicant dwelling and No.29 to the north. It is not considered that this would cause significant harmful overlooking or a material loss of privacy.
- 8.11. The bifold doors to the rear are positioned in an existing opening and do not cause overlooking that is materially more harmful than the existing situation on site nor unacceptable when judged in its own right.
- 8.12. All other neighbouring properties are sufficiently removed from this proposal such that no adverse amenity impacts would result.
- 8.13. It is considered that the design, size, siting and scale of the development proposed are such that it would not result in any significant harm to the amenities of the site, neighbouring occupiers or wider area in any regard. The proposal is therefore considered to be acceptable and policy compliant in terms of its amenity impacts.

### **Equality and Diversity**

- 8.14. The Equality Act 2010 (as amended) imposes important duties on public authorities in the exercise of their functions and specifically introduced a Public Sector Equality Duty. Under this duty, public organisations are required to have due regard for the need to eliminate unlawful discrimination, harassment and victimisation, and must advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. Officers have in considering this application and preparing this report had careful regard to the requirements of the Equalities Act 2010 (as amended). They have concluded that the decision recommended will not conflict with the Council's statutory duties under this legislation.

### **Other Matters**

- 8.15. The proposed development is not found to result in any significant parking or highways impacts, it is therefore acceptable and policy compliant in these regards.
- 8.16. The development is not liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended).

## **Conclusion**

- 8.17. For the reasons outlined above, the proposal is found to be acceptable and policy compliant. As there are no other material planning considerations which would justify reaching a different conclusion, it is recommended that planning permission is granted subject to conditions.

## **9. Recommendation**

**DELEGATE to the Director of Planning and Economy and/or the Development Control Service Manager to grant planning permission subject to the conditions set out in the main report provided any additional representations received up to the end of 28 February 2024 do not raise any new considerations which have not been addressed within the report. Should further representations be received up to that date which raise new considerations not already addressed within this report the application is to be brought back to Development Control Committee for determination.**

- 01 The development hereby permitted shall be carried out in accordance with the following approved plans: 757P01, 757P02.**

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

- 02 Before the development hereby approved is occupied the materials used on the external surfaces of the development must match those used on the external surfaces of the existing property. This applies unless differences are shown on the drawings hereby approved or are required by other conditions on this permission.**

**9.1.Reason: To ensure the development is carried out in accordance with the consent sought, has an acceptable design and impact in the Leigh Conservation Area and complies with Policies DM1 and DM5 of the Development Management Document (2015) and the advice contained within the National Design Guide (2021), the Southend-on-Sea Design and Townscape Guide (2009) and the Leigh Conservation Area Appraisal (2021).**

### **Positive and Proactive Statement**

**The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.**

### **Informatives:**

- 1 You are advised that as the proposed extension(s) or change of use to your property equates to less than 100sqm of new floorspace, and does not involve the**

creation of a new dwelling (Class C3), 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 the Planning Portal ([www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy)) or the Council's website ([www.southend.gov.uk/cil](http://www.southend.gov.uk/cil)) for further details about CIL.

- 2 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council will seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the City.