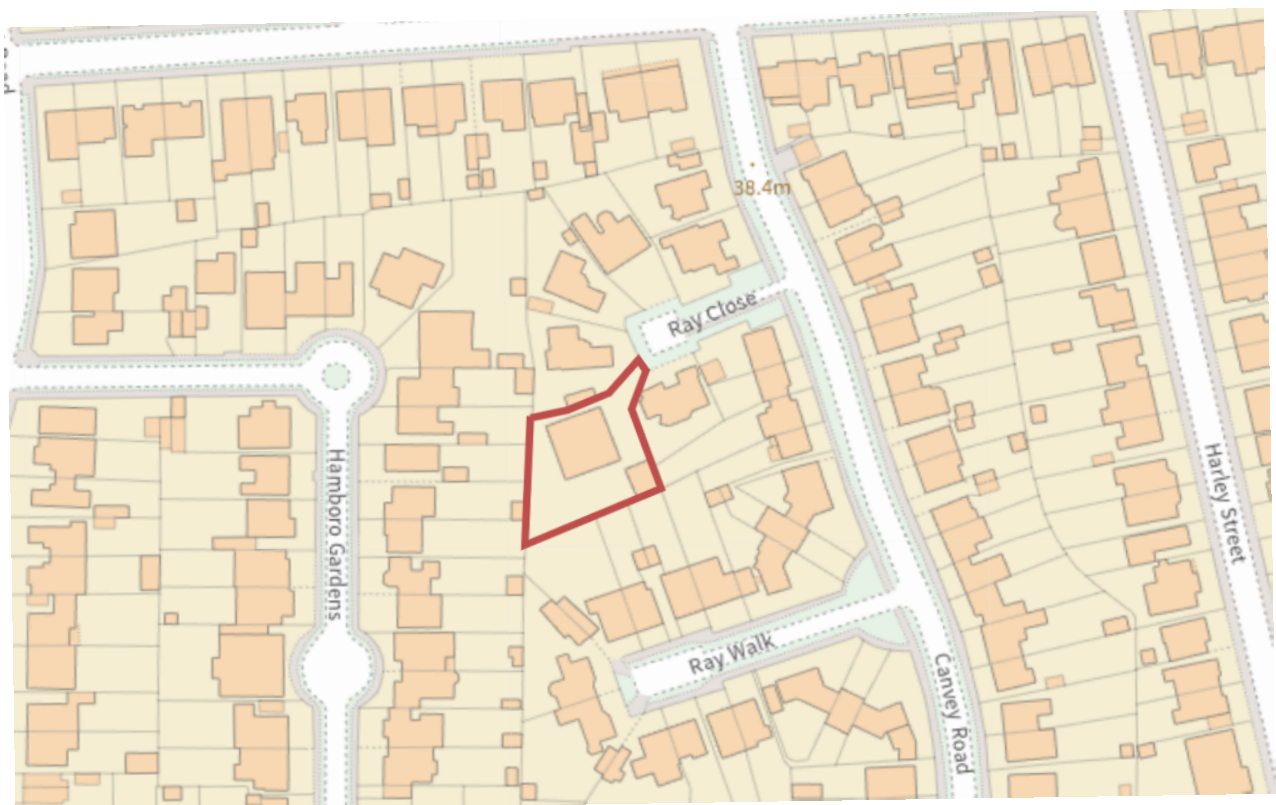


Reference:	24/00068/FULH	
Application Type:	Full Application - Householder	
Ward:	West Leigh	
Proposal:	Infill roof extension to create crown roof, with dormers to front, sides and rear to form habitable accommodation in the loftspace	
Address:	2 Ray Close, Leigh-on-sea, Essex	
Applicant:	Ms F Attwood	
Agent:	Mr Paul Aldridge of P A Design	
Consultation Expiry:	29th March 2024	
Expiry Date:	5 th April 2024	
Case Officer:	Gabriella Fairley	
Plan Nos:	P01, P02	
Supporting documents:	Heritage Statement	
Recommendation:	REFUSE PLANNING PERMISSION	



1 Site and Surroundings

- 1.1 The site contains an extended detached bungalow on the southwest side of Ray Close. The dwelling has a hipped roof with two gables and a flat roof element to the front elevation. A side roof slope contains solar panels.
- 1.2 The area is residential in nature, Ray Close comprises detached single storey dwellings, two of which have roof accommodation.
- 1.3 The site lies within Chapmanslord Conservation Area and is subject to an Article 4 Direction so that planning permission is required for certain development including, the alteration of any window which fronts a highway, the alteration of any door which fronts a highway and re-roofing with different materials. The Chapmanslord Conservation Area Appraisal states that the site makes a positive contribution to the conservation area, but that the past replacement of its original windows with uPVC windows, replacement of its original roof tiles with modern concrete pantiles, and its hardstanding are unsympathetic alterations.

2 The Proposal

- 2.1 The application seeks planning permission to erect a roof extension to infill the gap between the existing gables to the front and to create a crown roof with dormers to the front, rear and sides, as well as alterations to the fenestration.
- 2.2 An infill roof extension is proposed between the bungalow's two front gables, creating a crown roof. The extension would be some 4.7m deep, 7.8m wide and 2.9m high overall and finished in materials to match the original dwelling.
- 2.3 A dormer some 1.8m wide, 2.3m high and 3m deep, is proposed to the front elevation. One dormer is proposed to each side of the dwelling, each some 1.8m wide, 2.1m high and 2m deep. Two dormers are proposed to the rear of the site, each some 1.8m wide, 2.1m high and 2m deep. All the dormers would be flat roofed and would be rendered to match the original dwelling.
- 2.4 The submitted Heritage Statement explains that the existing windows are proposed to be replaced with Duration heritage windows, which include 'A' frame glazing bars integral to the external window frame and internal flat bars. The replacement windows would slot into the place of existing windows with no need to cut back plaster or brickwork. The frames would be white. The reason given for the replacement windows is to improve the insulation during colder months and to bring the property up to modern standards in relation to this. The applicant states that condensation is often present with pools of water gathering on windows sills causing mould. A window is proposed to be replaced with a door on the rear elevation of the dwelling. A new entrance door is also proposed with glazing to either side. It is noted that no detailed plans, specifications or manufacturers details have been submitted for the replacement windows or the new doors.

3 Relevant Planning History

- 3.1 None.

4 Representation Summary

Public Consultation

4.1 Thirteen (13) neighbouring properties were notified of the application by letter, a site notice was displayed and a press advert was published. At the time of report preparation nine letters of representation had been received, from 6 addresses, containing points of objection summarised further below. A consultation is continuing following a revision to the proposal's description. Any further representations received will be summarised to the Committee through the supplementary agenda.

- Overlooking and loss of privacy
- House out of keeping with other bungalow properties in Ray Close
- Out of keeping with the character of the Conservation Area. Desirable to preserve and enhance the site's character and appearance.
- The area has been regarded as a good example of early 20th Century Garden City design.
- Overdevelopment.
- Precedent for similar development, affecting special character of the close.
- The proposal would result in an increase in traffic, impacting access, manoeuvring and could result in tension.
- Loss of a scarce bungalow.
- Impact on property values.
- Existing solar panels not shown on plans.
- One of the bungalows within the cul-de-sac is a chalet bungalow but this was completed before Ray Close was a part of a Conservation Area.

(Officer comments: The above comments, that relate to planning matters, have been taken into consideration in the assessment of this application. Other than as reflected in section 9 of the report, the remaining points of objection were not found to justify refusal of the permission in the circumstances of this case)

Conservation officer

4.2 Object - Overall, this proposal would cause significant harm to the historic character of the building and the wider conservation area and is unacceptable. Any enhancements proposed can be weighed in the balance and the proposed new windows are positive in this respect and are welcomed but they do not outweigh the significant harm caused by this proposal. This application should therefore be refused.

5 Procedural matters

5.1 This application is presented to the Development Control Committee because it has been called in by Cllr F Evans.

6 Planning Policy Summary

6.1 The National Planning Policy Framework (NPPF) (2023)

6.2 Planning Practice Guidance (PPG) (2023)

- 6.3 National Design Guide (NDG) (2021)
- 6.4 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance)
- 6.5 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), DM5 (Historic Environment), DM15 (Sustainable Transport Management)
- 6.6 Southend-on-Sea Design and Townscape Guide (2009)
- 6.7 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 6.8 Chapmanslord Conservation Area Appraisal (2022)

7 Planning Considerations

- 7.1 The main considerations in relation to this application are the principle of the development, the design and impact on the character and appearance of the area including the conservation area, the residential amenity for future and neighbouring occupiers, traffic and parking implications and CIL liability.

8 Appraisal

Principle of Development

- 8.1 The proposal is considered in the context of the Core Strategy Policies KP2 and CP4. Development Management Document Policies DM1 and DM3 and the guidance contained within the Design and Townscape Guide are also taken into account.
- 8.2 Policy DM3 (4 (i)) states 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.”
- 8.3 In relation to Policy DM3 (i) there are limited examples of roof extensions in Ray Close. Further assessment of the proposal’s impact on the character and appearance of the area is assessed below in the relevant section. However, in principle, it is considered that the proposed development would appear out of keeping in the streetscene and would create a juxtaposition within the streetscene that would significantly harm the character and appearance of the conservation area. The proposed roof extensions would unacceptably dominate and harm the character and appearance of the original dwelling.
- 8.4 There is no evidence submitted with the application that establishes that the proposal would meet the criteria of Building Regulation M4 (2), i.e. that it complies with Policy DM3 (part 4) (ii) above. The proposal maintains three bedrooms and a bathroom at ground floor level and its generally spacious design is considered to be appropriate for

the needs of older residents and wheelchair users. That second criterion is therefore considered to be achievable.

- 8.5 The principle of extending and altering the existing dwelling is considered unacceptable and contrary to the relevant policies.

Design and Impact on the Character of the Area, including the Chapmanslord Conservation Area

- 8.6 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.

- 8.7 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.

- 8.8 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.

- 8.9 The application property has been altered and extended previously, including replacement windows, alterations to the hardstanding and flat roof infill lobby, which have harmed the character and appearance of the dwelling and this site, plus the conservation area more widely. The dwelling's basic flat roofed single storey rear extension and extent of solar panels to the side roof slope impact have some negative impact, too. The proposed development would be highly visible within the Ray Close streetscene and rear garden scene. The proposed change in roof form and alteration to the flat roof infill extension to the front elevation would upset the definition of the gables at ground floor level. The gabled roof forms on the front elevation are important and original features of the dwelling, which should be enhanced or protected. The alteration to the proposed roof form of the main dwelling would completely remove the subordinate roof projections of the gables and would reduce these features to just their front faces within a flush frontage, including an altered bay roof, and would be topped with a large

crown roof. This is unacceptable. The dormers in the extended and remodelled roof, in particular those to the front and north side which would be visible from the street, further add to the bulk of the proposal. Additionally, the proposed style of door and sidelights are inappropriate for the historic building. and topped with a large crown roof. This is unacceptable and would result in significant harm to the character and appearance of the building, the streetscene and the wider conservation area. The Council's Conservation Officer has raised an objection to the proposal.

- 8.10 Any enhancements proposed should be weighed in the balance and the proposed new windows are in principle positive in this respect, however limited information about the replacement windows has been submitted. For example, no plans, samples or specifications have been supplied so it has not been demonstrated that the specifications of the fenestration would not harm the character of the dwelling or the character and appearance of the wider conservation area. The potential benefits of the window alterations do not outweigh the significant harm caused by this proposal overall. No other public benefits outweighing that harm have been identified.
- 8.11 Overall, it is considered that the proposal would cause significant harm to the character of the building and its surroundings and less than substantial but nevertheless significant harm to the character and appearance of the conservation area. There are no public benefits to justify or acceptably mitigate the proposed development in this case and it is therefore considered to be unacceptable and in conflict with policy objectives in these regards.

Amenity Impacts

- 8.12 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.
- 8.13 The proposed roof extension and dormers are set within the existing footprint of the dwelling and maintain the existing ridge height. The dwelling is sited some 11m from the dwelling at No. 3 Ray Close and some 1.8m from the shared boundary; some 8.6m from the closest flank elevation at No.1 Ray Close and some 6.4m from the shared boundary; some 29.3m from the rear elevation of No. 8 and 9 Ray Walk and some 10.2m from the shared boundary; a minimum of some 4m from the shared boundary with the properties in Hamboro Gardens to the rear and some 22.6m from the closet rear elevation. Taking into consideration the separations involved, the proposed roof extension and dormers would not significantly harm those neighbours' amenity through overbearing impacts, sense of enclosure or loss of light.
- 8.14 The surrounding dwellings' rear garden environment is generally private, secluded and largely unoverlooked. The proposed dormers have the potential to result in overlooking and subsequent loss of privacy. Given that the dormers to the north, east and west would serve non habitable rooms or would be secondary windows, it would be reasonable to require the windows to be obscure glazed in this respect. Were the application otherwise acceptable this could be addressed by condition. The proposed dormer to the southern roofslope would be the main source of light to a bedroom. The

window would be some 10.2m from the shared boundary with No. 8 and 9 Ray Walk and some 29.3m from their rear elevations. Given these separation distances it is considered, on balance, that the window would not result in significantly harmful overlooking or loss of privacy for the occupiers of those properties. It is recognised that obscure glazed dormers may not mitigate the perceived sense of overlooking but that is not identified here as causing a degree of harm that would justify refusing planning permission on that basis.

- 8.15 The proposed replacement windows and extension of the roofslope to the front elevation would not significantly harm any neighbours' amenity in any relevant regards.
- 8.16 All other neighbouring properties are sufficiently removed such that their amenity would not be significantly harmed.
- 8.17 It is considered that subject to the stated condition, the design, size, siting and scale of the development proposed is such that it would not result in any significant harm to the residential amenities of the site, neighbouring occupiers or wider area in any relevant regard. The proposal is therefore considered to be acceptable and policy compliant in terms of its amenity impacts.

Traffic and Transportation Issues

- 8.18 Paragraph 115 of the NPPF states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or, the residual cumulative impacts on the road network would be severe."
- 8.19 Policy CP3 of the Core Strategy and Policy DM15 of the Development Management Document aim to improve road safety, quality of life and equality of access for all. 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.
- 8.20 Existing provision of at least 2 off street parking spaces would remain so the proposal would not harm parking availability, highway safety or the road network. The proposal's impact on highway and pedestrian safety is therefore considered to be acceptable and policy compliant.

Community Infrastructure Levy (CIL)

- 8.21 The development equates to less than 100sqm of new floorspace and therefore benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

Equality and Diversity Issues

- 8.22 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.

Conclusion

- 8.23 For the reasons outlined above the proposal is found to be unacceptable and in conflict with the relevant planning policies and guidance. The harm caused by the proposal to the conservation area is less than substantial but nevertheless significant and would not be outweighed by public benefits. As there are no other material planning considerations which would justify reaching a different conclusion it is recommended that planning permission is refused.

9 Recommendation

REFUSE PLANNING PERMISSION for the following reason:

- 01 **The proposed development by reason of its size, scale and design would result in dominant and incongruous additions to the dwelling which detract from the original form and character of the building including the existing gabled roof form to the front elevation, and would be out of keeping within the streetscene, to the detriment of the character and appearance of the dwelling, the street scene, and the Chapmanslord Conservation Area. The identified harm to the Chapmanslord Conservation Area is not outweighed by any public benefits. The development is therefore unacceptable and contrary to the National Planning Policy Framework (2023); Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007); Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015) and advice in the Southend-on-Sea and Townscape Guide (2009) and the Chapmanslord Conservation Area Appraisal (2022).**

Positive and Proactive Statement:

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 via the pre-application service available at https://www.southend.gov.uk/info/200155/make_a_planning_application_and_planning_advice/365/planning_advice_and_guidance/2

Informative

- 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) or the Council's website (www.southend.gov.uk/cil) for further details about CIL.