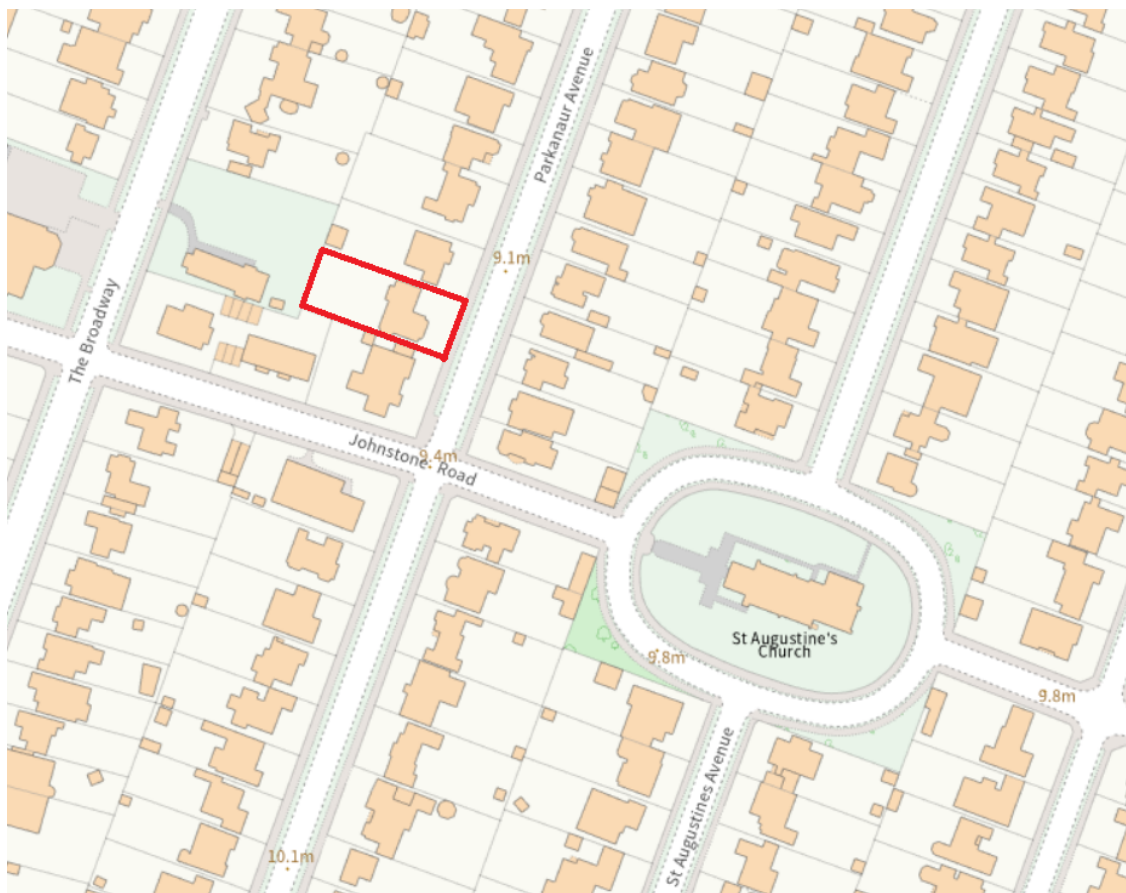


Reference:	24/01147/PA61	
Application Type:	Prior Approval – Upwards Extension	
Ward:	Thorpe	
Proposal:	Erect one additional storey to existing Dwellinghouse (Prior Approval for upwards extension)	
Address:	69 Parkanaur Avenue, Thorpe Bay, Essex, SS1 3JA	
Applicant:	Mr and Mrs Thornton	
Agent:	Mr Jeremy Butterworth of J Butterworth Planning	
Consultation Expiry:	26 th September 2024	
Expiry Date:	18 th October 2024	
Case Officer:	Hayley Thompson	
Plan Nos:	MA208-P-001 Revision A & MA208-P-002 Revision A	
Recommendation:	PRIOR APPROVAL REQUIRED AND PRIOR APPROVAL GRANTED	



1 Site and Surroundings

- 1.1 The application site contains a detached bungalow to the west of Parkanaur Avenue. The area is residential and mixed in character within this part of Parkanaur Avenue consisting mainly of detached two-storey dwellings of varying scale, form and design plus some bungalows.
- 1.2 The site is not within a conservation area or subject to any site-specific planning policies.

2 The Proposal

- 2.1 This application for Prior Approval is submitted under the terms of Class AA of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This allows for the enlargement of a dwellinghouse by an additional storey in the case of a bungalow.
- 2.2 The proposed development is for an upwards extension to create an additional floor and associated raised roof at the application property. This would increase the maximum height of the dwelling by 3.05m from some 5.5m to some 8.55m.
- 2.3 Finishing materials have been stated in the submitted application form to be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

3 Relevant Planning History

- 3.1 24/00512/FULH - Hip to gable roof extensions with dormer and balcony to rear to form habitable accommodation in the loftspace, erect single storey front, rear and side extensions – Refused.

4 Representation Summary

Public Consultation

- 4.1 16 neighbouring properties were notified of the application by letter and a site notice has been displayed. No representation has been received.

5 Procedural Matters

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

6 Planning Policy and Legislation Summary

- 6.1 The National Planning Policy Framework (NPPF) (2023)
- 6.2 Planning Practice Guidance (PPG) (2024)
- 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), 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 Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the “GPDO”): Class AA of Part 1 of Schedule 2 (the “Class AA”)

7 Planning Considerations

- 7.1 The considerations for this application are firstly whether the proposal can be considered to be permitted development under the provisions of Class AA and secondly if prior approval is required for the matters prescribed in paragraph AA.2 (3) (a). This paragraph states that development under Class AA is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for prior approval as to—
- (i) impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light;
 - (ii) the external appearance of the dwellinghouse, including the design and architectural features of—
 - (aa) the principal elevation of the dwellinghouse, and
 - (bb) any side elevation of the dwellinghouse that fronts a highway;
 - (iii) air traffic and defence asset impacts of the development; and
 - (iv) whether, as a result of the siting of the dwellinghouse, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 5th March 2012 issued by the Secretary of State;

8 Appraisal

Permitted Development

- 8.1 Class AA of the GPDO grants deemed consent for development consisting of:
- AA. The enlargement of a dwellinghouse consisting of the construction of—**
- (a) up to two additional storeys, where the existing dwellinghouse consists of two or more storeys; or**
 - (b) one additional storey, where the existing dwellinghouse consists of one storey, immediately above the topmost storey of the dwellinghouse, together with any engineering operations reasonably necessary for the purpose of that construction.**
- 8.2 Paragraph AA.1 states that development is not permitted by Class AA if—
- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, O, P, PA or Q of Part 3 of this Schedule (changes of use);**
- 8.3 The dwelling has not been granted permission to be used as a dwellinghouse only by virtue of Class G, M, MA, N, O, P, PA or Q of Part 3, so provision (a) is met.
- (b) the dwellinghouse is located on—**
 - (i) article 2(3) land; or**
 - (ii) a site of special scientific interest;**
- 8.4 The dwelling is not located on Article 2(3) land (for example a conservation area) or on a

site of special scientific interest, so provision (b) is met.

(c) the dwellinghouse was constructed before 1st July 1948 or after 28th October 2018;

8.5 The dwelling was not constructed before 1st July 1948 or after 28th October 2018. Historic records indicate that the dwelling was constructed in 1953 so provision (c) is met.

(d) the existing dwellinghouse has been enlarged by the addition of one or more storeys above the original dwellinghouse, whether in reliance on the permission granted by Class AA or otherwise;

8.6 The dwelling is single storey and it has not been previously enlarged by way of the addition of one or more storeys, so provision (d) is met.

(e) following the development the height of the highest part of the roof of the dwellinghouse would exceed 18 metres;

8.7 The resultant built form would have a maximum height of 8.55m so provision (e) is met.

(f) following the development the height of the highest part of the roof of the dwellinghouse would exceed the height of the highest part of the roof of the existing dwellinghouse by more than—

- (i) 3.5 metres, where the existing dwellinghouse consists of one storey; or**
- (ii) 7 metres, where the existing dwellinghouse consists of more than one storey;**

8.8 The application dwelling is a single storey bungalow and the height of the highest part of the existing roof would be increased by some 3.05m (from 5.5m to some 8.55m), so the proposal complies with provision (f).

(g) the dwellinghouse is not detached and following the development the height of the highest part of its roof would exceed by more than 3.5 metres—

- (i) in the case of a semi-detached house, the height of the highest part of the roof of the building with which it shares a party wall (or, as the case may be, which has a main wall adjoining its main wall); or**
- (ii) in the case of a terrace house, the height of the highest part of the roof of every other building in the row in which it is situated;**

8.9 The application dwelling is detached, so provision (g) is not applicable.

(h) the floor to ceiling height of any additional storey, measured internally, would exceed the lower of—

- (i) 3 metres; or**
- (ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing dwellinghouse;**

8.10 The submitted plans demonstrate that the floor to ceiling height, measured internally, of the existing dwelling is 2.74m and the additional storey would be some 2.74m in height internally so provision (h) is met.

(i) any additional storey is constructed other than on the principal part of the dwellinghouse (“principal part” means the main part of the building excluding any front, side or rear extension of a lower height, whether this forms part of the original building or a subsequent addition);

8.11 The application proposal is for an additional storey over the principal part of the dwelling, which has not been previously extended, so provision (i) is met.

(j) the development would include the provision of visible support structures on or attached to the exterior of the dwellinghouse upon completion of the development

8.12 The submitted plans show no provision of visible support structures on or attached to the exterior of the building, so provision (j) is met.

(k) the development would include any engineering operations other than works within the curtilage of the dwellinghouse to strengthen its existing walls or existing foundations.

8.13 The submitted plans show no such engineering operations, so provision (k) is met.

8.14 There are further conditions attached to the development permitted by Class AA under Section AA.2, paragraphs 2 and 3 of the GPDO.

(2) The conditions in this sub-paragraph are as follows—

(a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

(b) the development must not include a window in any wall or roof slope forming a side elevation of the dwellinghouse;

(c) the roof pitch of the principal part of the dwellinghouse following the development must be the same as the roof pitch of the existing dwellinghouse; and;

(d) following the development, the dwellinghouse must be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.

8.15 The submitted application form and plans indicate that these conditions would be complied with.

8.16 Paragraph AA.2 (3) (a) prescribes the matters to be considered for the Local Planning Authority's prior approval as stated in previous sections of this report. Paragraph AA.2 (3) also states that development under Class AA is permitted subject to the additional conditions:

(b) before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on adjoining owners or occupiers will be mitigated;

(c) the development must be completed within a period of 3 years starting with the date prior approval is granted;

(d) (d) the developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion; and

(e) that notification must be in writing and include—

(i) the name of the developer;

(ii) the address of the dwellinghouse; and

(iii)the date of completion.

8.17 Informatives are suggested to remind the applicant of these statutory conditions.

Appraisal of the Upward Extension

Impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light AA.2 (3)(a)(i)

- 8.18 The application site is neighboured by No.71 Parkanaur Avenue to the north and No.67 Parkanaur Avenue to the south which are detached two-storey dwellings. To the rear of the site (west) is The Catholic Church of St Gregory. Given the location of the site in relation to neighbours it is considered that the development has the potential to impact on the amenity of neighbours such that prior approval is required in relation to impacts on residential amenity.
- 8.19 The application dwelling is situated 0.9m from the northern site boundary with No. 71 Parkanaur Avenue. No.71 has a garage (i.e. non-habitable space) to the side elevation and a separation distance of 4.9m is maintained to the main flank elevation of this neighbouring dwelling. In its flank elevation, facing the applicant dwelling, No.71 contains two ground floor windows in a rearward position and a first floor window. According to the information held by the Council for this site, the windows serve non-habitable rooms; a cloakroom and utility at ground floor and a bathroom at first floor.
- 8.20 The application dwelling is situated 1.1m from the southern flank boundary with No.67. A separation distance of 2.2m would be maintained from the main flank elevation of the development at two-storey level. No.67 has a garage to the side elevation and a separation distance of 5.15m would be maintained to the main flank wall of No.67. The flank wall contains one door within a central position at ground floor level and a first floor window. According to publicly available information, these windows serve non-habitable rooms; a utility room at ground floor and a landing at first floor.
- 8.21 When the separation distances involved are considered together with the absence of any proposed first floor flank windows, it is not considered the proposal would significantly harm the amenities of No.69 and No.71's occupants in any relevant regards.
- 8.22 The proposed first floor rear facing windows would look towards the rear gardens of neighbouring occupiers in Parkanaur Avenue and towards The Catholic Church St Gregory. A degree of overlooking of rear gardens exists between dwellings in Parkanaur Avenue and from The Broadway to the west. On this basis it is not considered that significantly harmful overlooking would occur to any neighbouring dwellings or their garden areas. The proposal is not considered to have any other significant impact on these occupiers' amenity in any relevant regard.
- 8.23 On the above basis it is not considered that the proposed development would cause material harm to the amenities of neighbouring occupants as defined in the Order.

External Appearance and architectural features AA.2 (3)(a)(ii)

- 8.24 Given the nature of the proposal and the location of the site it is considered that prior approval is required in relation to impacts relating to external appearance and architectural features.
- 8.25 The additional storey would add scale and bulk to the application property. The immediate streetscene in Parkanaur Avenue is mixed in character but typified by two storey dwellings

and the wider area by two-storey dwellings, chalets and bungalows of varied design. Therefore, in principle, a two-storey development would be in keeping with the streetscene and local character.

- 8.26 Dwellings in Parkanaur Avenue have varied roof forms with traditional design. It is considered that the proposed pitched roof, having a similar roof form to the existing, would not be out of keeping in this locality. It is proposed to finish the dwelling externally in materials and architectural features that either match or suitably complement the existing dwelling and that would suitably respect the character and appearance of the host dwelling. Both side walls would contain no windows at first floor level. This is a conditional requirement of the prior approval process (see reference to condition AA (2) c) at paragraph 8.14 of this report). It creates expanses of brickwork, but this is primarily a consequence of the prior approval legislation and in any event would here not be significantly harmful to the external appearance of the extended dwelling.
- 8.27 On this basis, the proposal is considered to be acceptable and policy compliant in its external appearance and architectural features as defined by the Order.

Air Traffic and Defence Asset Impacts of the development AA.2 (3)(a)(iii)

- 8.28 The development would have no impact upon Air Traffic and/or Defence Assets owing to the limited resultant maximum height of the application dwelling, being under 10m, and separation from the Airport and Ministry of Defence (MOD) (Southend) base. It is considered that prior approval is not required in relation to impacts relating to Air Traffic and Defence Asset Impacts.

Impact on Protected Views AA.2 (3)(a)(iv)

- 8.29 The development would not impact on any protected views and it is considered that prior approval is not required in relation to impacts relating to Protected Views.

Community Infrastructure Levy (CIL)

- 8.30 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. The proposed development is situated in CIL charging zone 3 and includes a gross internal floor area of approximately 134sqm, which may equate to a CIL charge of £12,573.00 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the 'in-use building' test, as set out in the CIL Regulations 2010 (as amended), may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

Equality and Diversity Issues

- 8.31 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) and have concluded that the decision recommended will not conflict with the Council's statutory duties under this legislation.

Conclusion

- 8.32 For the reasons outlined above and subject to conditions, the proposal is found to be acceptable and compliant with the relevant legislation, planning policies and guidance. The proposal has been assessed in accordance with the specific provisions of Class AA of the GPDO. As there are no other material planning considerations which would justify reaching a different conclusion it is recommended that prior approval is required for neighbour amenity impacts and external appearance. These impacts are found to be acceptable so it is recommended that prior approval be granted subject to conditions.

9 Recommendation

9.1 PRIOR APPROVAL IS REQUIRED AND PRIOR APPROVAL IS GRANTED

- 01 The development hereby permitted shall be carried out only in accordance with the following approved plans: MA208-P-001 Revision A & MA208-P-002 Revision A.**

Reason: To ensure the development is carried out in accordance with the consent sought, has an acceptable design and impact on neighbour amenity and complies with Policy DM1 of the Development Management Document (2015) and the provisions of Class AA Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Informatives

- 01. Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development it is imperative that you contact S106andCILAdministration@southend.gov.uk to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended). If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the Planning Portal (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastucture_levy) or the Council's website (www.southend.gov.uk/cil).**
- 02. You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission, the 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.**

- 03.** The applicant's attention is drawn to the condition under sub paragraph 2(a) of section AA.2 of Class AA Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) that the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.
- 04.** The applicant's attention is drawn to the condition under sub paragraph 2(b) of section AA.2 of Class AA Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The development must not include a window in any wall or roof slope forming a side elevation of the dwellinghouse.
- 05.** The applicant's attention is drawn to the condition under sub paragraph 2(c) of section AA.2 of Class AA Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The roof pitch of the principal part of the dwellinghouse following the development must be the same as the roof pitch of the existing dwellinghouse.
- 06.** The applicant's attention is drawn to the condition under sub paragraph 2(d) of section AA.2 of Class AA Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) following the development, the dwellinghouse must be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.
- 07.** The applicant's attention is drawn to the condition under sub paragraph 3(b) of section AA.2 of Class AA Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on adjoining owners or occupiers will be mitigated.
- 08.** The applicant's attention is drawn to the condition under sub paragraph 3(c) of section AA.2 of Class AA Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The development must be completed within a period of 3 years starting with the date prior approval is granted.
- 09.** The applicant's attention is drawn to the condition under sub paragraph 3(d) of section AA.2 of Class AA Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion.