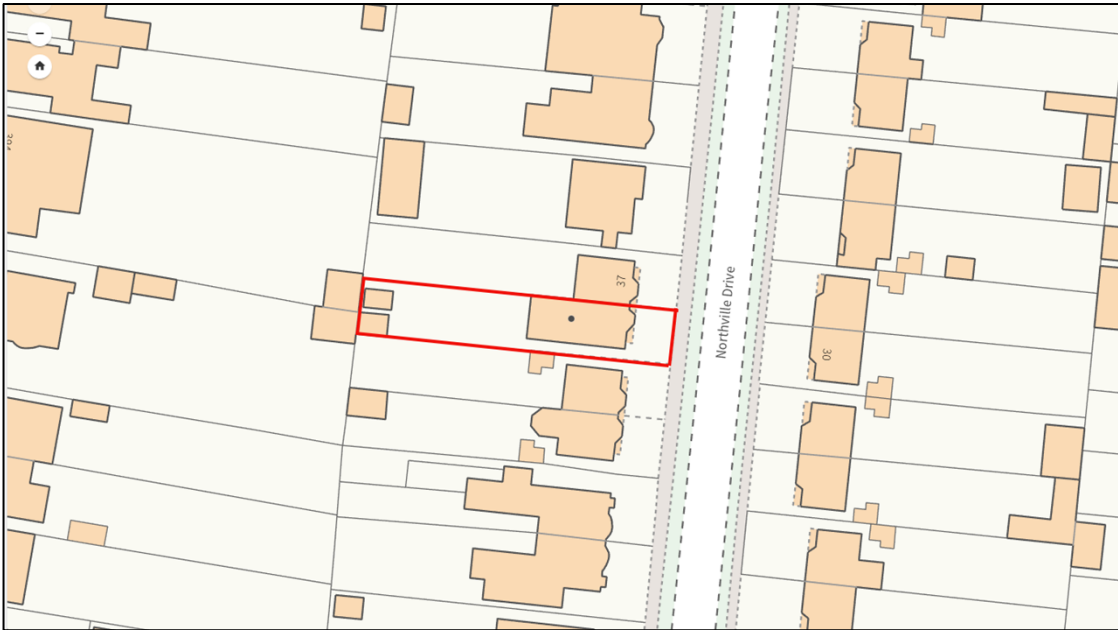


Reference:	24/01705/FUL	
Application Type:	Full Application	
Ward:	Prittlewell	
Proposal:	Erect single storey annexe to rear for ancillary use to the main dwelling (Amended Proposal)	
Address:	35 Northville Drive, Westcliff-on-Sea, Essex, SS0 0QA	
Applicant:	Mr Ken Wong	
Agent:	N/A	
Consultation Expiry:	20.12.2024	
Expiry Date:	31.01.2025	
Case Officer:	Oliver Hart	
Plan Nos:	Location Plan; Existing Block Plan; Proposed Block Plan; Proposed Elevations; Proposed Floor Plans	
Supporting Documents:	Planning, Design & Access Statement	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 Site and Surroundings

- 1.1. The application site is on the west side of Northville Drive. It contains a semi-detached, two-storey dwellinghouse with a rear garden in excess of 20m in depth.
- 1.2. The application property is adjoined by No.37 (to the north) and bounded by No.33 Northville Drive (to the south). A shared side accessway some 2m wide separates No 33 and the application dwelling. The surrounding area is residential in character and comprises predominantly semi-detached dwellinghouses of similar mass, form and design. Rear outbuildings and sheds of modest scale set in relatively deep rear gardens are prevalent features in the rear garden scene, inclusive of No.39 to the north.
- 1.3. The application site is not within a conservation area or subject to any site-specific planning policies.

2 The Proposal

- 2.1. The application seeks planning permission to erect a rear outbuilding for use as an annexe ancillary to the main dwellinghouse. The proposed annexe would contain one bedroom, one WC and a kitchen/dining area. The accompanying planning statement submitted with the application states this will be for the applicant's mother who due to advancing age, ongoing mobility issues and loneliness, requires the care and support of her family now and into the future.
- 2.2. The proposed annexe would be sited at the bottom of the applicant's garden, replacing existing garden sheds. It would be L-shaped in layout with a flat roof some 3m high, 7.75m deep and 6.8m in maximum width with an internal area of some 44sqm. It would have a brick finish to match the existing.
- 2.3. The annexe would be some 0.5m from the northern flank boundary with No.37, between 0.45m and 1.4m from the southern flank boundary with No.33 and approx.0.5m from the rear boundary.
- 2.4. On 06.12.2024, a Certificate of Lawfulness (CLP) Ref. 24/01704/CLP was granted confirming that placing a mobile home in this property's rear garden identical in proportions and positioning to the annex now proposed would not need planning permission. No mobile home has subsequently been placed on the land but insofar as it has comparative impacts and a similar intended use, the latest mobile home CLP forms a material consideration of significant weight in the assessment of the current application. Elements of the planning history too are material considerations of weight as explained in section 3 below.

3 Relevant Planning History

- 3.1. As set out more fully in the table below, the application site has been subject of several previous annexe proposals, all of which would have been positioned at the bottom of the rear garden.

App Ref.	Description of Development	Dimensions	Decision
20/00840/CLP	Siting of a Mobile home within rear garden to be used as ancillary residential accommodation;	4.5m max. height [pitched roof]; 8m wide; 6m deep	Approved. Not Implemented.
20/00844/FULH	Erect single storey granny annexe for ancillary use to the main dwelling	3.35m max. height [pitched roof]; 7.3m deep; 5.3m wide	Granted. Not Implemented & No Longer Extant
23/01563/CLP	Erect single storey granny annexe for ancillary use to the main dwelling	3.6m max. height [hipped roof]; 10.4m deep; 6.5m wide	Refused. Failure to demonstrate proposed structure would be classed as a mobile home
23/01564/FUL	Erect single storey annexe to rear for ancillary use to the main dwelling	3.6m max. height [hipped roof]; 10.4m deep; 6.5m wide	Refused. Size & Scale/Character Grounds.
24/01704/CLP	Siting of mobile home for ancillary use to the main dwelling	3m high [flat roof]; 7.75m deep; 6.8m max. width	Granted. Not Implemented.

4 Representation Summary

Public Consultation

4.1. Seven (7) neighbouring properties were notified. One letter of representation was received, objecting to the proposal. The following comments have been summarised:

- Privacy and Security concerns
- Detrimental Amenity Impact
- Concerns outbuilding will be rented out privately

[Officer Comment - The concerns summarised above are noted and they have been taken into account in the assessment of the application where relevant to material planning considerations but were not found to justify refusing planning permission in the circumstances of this case]

5 Procedural Matters

5.1. This application is presented to the Development Control Committee because it was called in by Cllr David Garston.

6 Planning Policy Summary

6.1. The National Planning Policy Framework (NPPF) (2024)

6.2. Planning Practice Guidance (PPG) (2023)/National Design Guide (NDG) (2021)

6.3. Technical Housing Standards – Nationally Described Space Standards (2015)

- 6.4. Core Strategy (2007): Policies 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), DM8 (Residential Standards), DM15 (Sustainable Transport Management).
- 6.6. The Southend-on-Sea Design and Townscape Guide (2009)
- 6.7. Technical Housing Standards Policy Transition Statement (2015)
- 6.8. Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 6.9. Town and Country Planning Act 1990 (as amended) Section 90A, Schedule 7A (Biodiversity Net Gain – BNG)

7 Appraisal

Principle of Development

- 7.1. The site is occupied by a residential dwelling and in principle, providing habitable accommodation in the form of a separate outbuilding is considered acceptable, providing that it remains incidental or ancillary to the main dwelling i.e. it does not form a separate planning unit capable of operating independently from the main house.
- 7.2. The proposed outbuilding would have a bedroom, WC and kitchen/dining area. The level of accommodation provided is such that it could be capable of operating as a self-contained dwelling. There is a relationship between the outbuilding and the main dwelling based on the proximity of the annexe to the main house and its siting within the rear garden. However, there is potential for separate access on account of the existing side access to the south of the main dwellinghouse. This would potentially enable its occupants to enter the outbuilding via the rear garden of the main dwelling and undergo their day-to-day movements in full or largely independent of the host dwelling.
- 7.3. The use of the building as a separate and potentially independent dwelling would not be considered acceptable for a number of reasons, including because the size of the unit would not meet the minimum requirements of the Technical Housing Standards and because the proposed dwelling would have inadequate amenity space. These factors would result in unacceptable living conditions for the proposed occupiers of the development and potentially for future occupiers of the existing dwelling. Furthermore, the activity associated with any use of the building as a separate independent dwelling with an access as shown could have a materially detrimental impact on the amenities of adjacent occupiers.
- 7.4. Given the specific description and nature of the development and to reflect the above, it is considered reasonable and necessary to impose a condition to ensure that the proposed annexe is not occupied at any time other than for purposes

ancillary to the residential use of the dwelling known as 35 Northville Drive. Imposing such a condition is considered by case law and many appeal decisions as sufficient to prevent the use of the annexe as a separate dwelling.

- 7.5. Subject to such a restrictive condition, the principle of development is considered acceptable. Other material planning considerations are discussed below.

Design and Impact on the Character of the Area

- 7.6. Local and national planning policies and guidance seek to ensure that new development is well designed. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 7.7. Local development plan policies seek to ensure that new development is designed so that it adds to the overall quality of the area and respects the character of the site, its local context and surroundings, provides appropriate detailing that contributes to and enhances the distinctiveness of place; and contribute positively to the space between buildings and their relationship to the public realm. Policy DM1 and the Southend-on-Sea Design and Townscape Guide provide further details on how this can be achieved.
- 7.8. Paragraph 358 of the Council's Design and Townscape Guide states: "Detached garages and other ancillary buildings within the grounds of an existing building should be designed to complement the character of the associated building. As with all new buildings they should embrace the design principles set out in this document." Paragraph 46 states: "The character of all immediate neighbours and the wider townscape should inform the layout, scale and design of any new development. [...] New development should build on the positive aspects of local character, not usually copy it."
- 7.9. The proposal involves the construction of a flat roofed outbuilding to provide an annexe which would be ancillary to the main dwellinghouse and would provide additional accommodation for an elderly relative of the applicants. The annexe is to be located along the rear boundary of the garden, with openings facing south, west and north.
- 7.10. The annexe will have a substantial footprint that would be materially larger than existing sheds and other neighbouring rear garden development such that the resultant built form would be dominant in the immediate rear garden scene. Equally, these gardens are typically deep such that the annex would maintain a 13.5m separation from the back of the host dwelling. The current proposal (3m high, 7.75m deep and 6.8m in maximum width) is smaller than the 3.6m max. height, 10.4m deep and 6.5m wide annexe refused planning permission under application 23/01654/FULH.
- 7.11. Furthermore, the 2024 Certificate of Lawfulness (as outlined in para 2.4) has confirmed that the placing of a single storey mobile home of identical dimensions and positioning to the annexe proposed in this instance, does not need planning permission. That forms a strong and up to date fall-back position in the assessment of the character impacts of the proposal. On this basis, whilst the

proposal would be of significant size and scale with some associated dominance in the wider rear garden scene, on the basis of the details outlined above, the resultant physical impacts would not be materially greater than those which could otherwise stem from the lawful mobile home subject of the CLP.

- 7.12. Given the size and scale of the current proposal and applying due weight to the Certificate of Lawful Development, it is considered that this development would, on balance, and in the individual circumstances of this case, be acceptable and policy compliant in the above regards so overcoming the sole character-based reason for refusal of application 23/01564/FULH.

Amenity Impacts

- 7.13. 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.
- 7.14. The application property is attached to the neighbour to the north (No.37), bounded to the south by No.33 and to the rear by No.390 Westbourne Grove.
- 7.15. Amenity impacts did not form a basis for refusal of the larger annexe proposed under application 23/01564/FULH. The position of the annexe to the rear of the garden and positioned adjacent to a (rear) neighbouring outbuilding at No.390 Westbourne Grove would be such that sufficient screening and separation from main habitable accommodation would exist to this neighbouring property, with no harmful amenity impacts.
- 7.16. With respect to No's 37 and 33 Northville Drive, the separations to main habitable accommodation (in excess of 18m for both) is such that the annexe would not harm the amenity of the adjoining neighbours by way of a material loss of light, outlook or dominant impacts. Annexe windows facing towards No.37's rear garden, can be obscure glazed and non-opening (below 1.7m from finished floor level) to mitigate potential overlooking concerns, to be controlled by a planning condition.
- 7.17. The use and provision of the annex accommodation within the rear garden environment will involve some modest increase in noise. The location and depth of the neighbouring rear gardens is such that it is not considered the use of the annexe as proposed would result in significant harm to the amenity of neighbouring occupants in any relevant regards.
- 7.18. The amenity impacts for all neighbouring properties are therefore found to be acceptable on their merits subject to the described conditions, a conclusion consistent with the findings for application 23/01564/FULH. In the event that judgement on these impacts identified any harmful impacts it would then be necessary to weigh in the comparative impacts of the mobile home, of the same

dimensions, certified through the 2024 CLP as being capable of being placed on the land, in the same position, without planning permission. Taking into account all of the above factors it is considered that the development would satisfactorily maintain residential amenities and would be acceptable and policy compliant in all relevant regards.

Other Matters

- 7.19. Provided it is restricted by condition to ancillary annex use only 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.
- 7.20. 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 includes a gross internal area of some 44 sqm, which may equate to a CIL charge of approximately £1289.54 (subject to confirmation). Since the development would be for a residential annex the applicant can apply for an exemption for those areas.
- 7.21. This application is exempt from the requirement of Biodiversity Net Gain as taking into account the coverage by existing sheds etc in the position of the proposed annexe it would not lead to the loss of 25 square metres (5m by 5m) or more of on-site habitat or 5 metres of on-site linear habitats such as hedgerows.

Equality and Diversity Issues

- 7.22. 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 Equality Act 2010 (as amended). They have concluded that the decision recommended will not conflict with the Council's statutory duties under this legislation.

Conclusion

- 7.23. For the reasons outlined above the proposal is found to be acceptable and compliant with the relevant planning policies and guidance. 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.

8 Recommendation

GRANT PLANNING PERMISSION subject to the following conditions:

01 The development hereby permitted shall begin no later than three years from the date of this decision.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

02 The development hereby approved shall only be undertaken in accordance with the following approved plans: Proposed Block Plan; Proposed Elevations; Proposed Floor Plans

Reason: To ensure the development is carried out in accordance with the consent sought, has an acceptable design and complies with Policy DM1 of the Development Management Document (2015).

03 All new work to the outside of the building hereby approved must match that of the main dwelling No 35 Northville Drive in terms of the choice of materials, and its method of construction and finished appearance shall be as shown on approved plan No 0002.

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (2024), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and advice in the Southend-on-Sea Design and Townscape Guide (2009).

04 The annexe development (building) hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 35 Northville Drive and shall not be sold, let or used as an independent residential unit.

Reason: To ensure a satisfactory standard of accommodation and to protect the amenities of existing and proposed occupiers of the application site, to protect the privacy and environment of people in neighbouring residential properties, and to prevent additional parking demand which cannot be met within the application site, in accordance with the Core Strategy (2007) Policies KP2, CP3 and CP4, Development Management Document (2015) Policies DM1, DM3, DM8 and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

05 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the proposed windows in the north flank elevation of the building hereby approved shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy) and fixed shut (except for any top hung fan light which shall be a minimum of 1.7 metres above internal floor level of the room which they serve) and shall be retained as such for the lifetime of the development.

Reason: In the interests of neighbour amenities further to the National Planning Policy Framework (2024), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice within the Southend-on-Sea Design and Townscape Guide (2009).

Informatives

01 You are advised that as the development 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 the Levy.

02 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.

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.