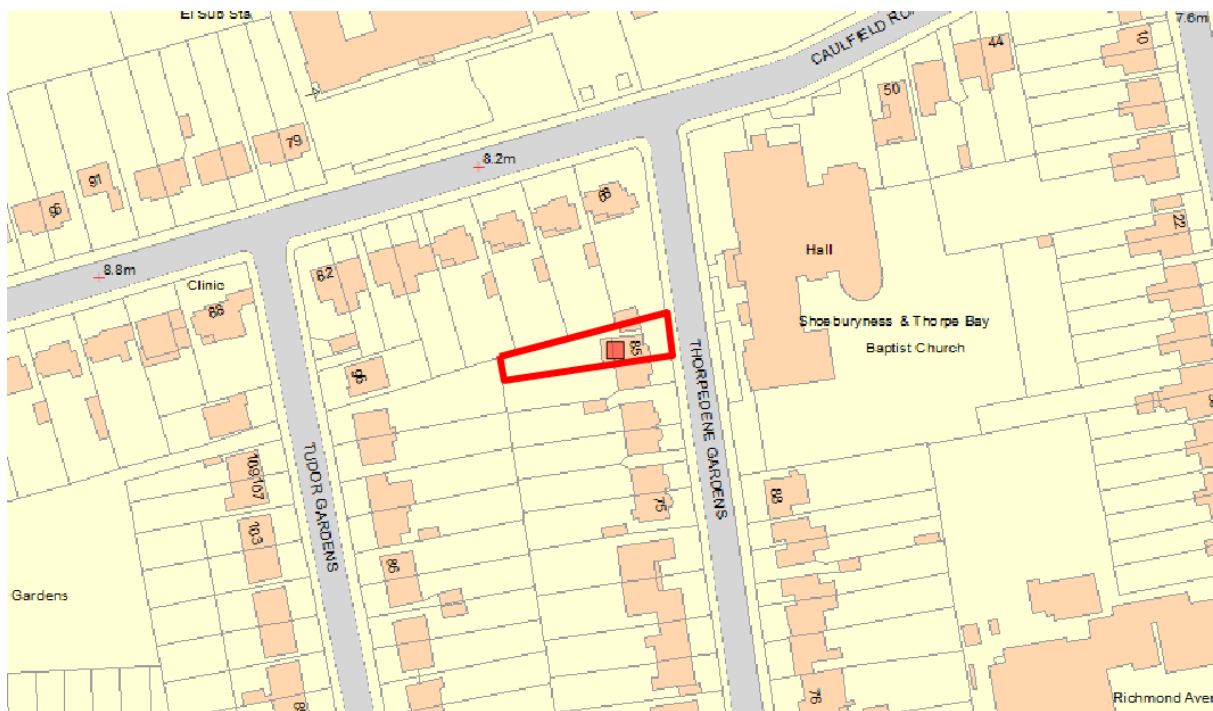


<b>Reference:</b>	16/00820/FULH
<b>Ward:</b>	West Shoebury
<b>Proposal:</b>	Demolish existing garage, erect two storey side extension and first floor rear extension
<b>Address:</b>	85 Thorpedene Gardens, Shoeburyness, Southend-on-Sea, Essex, SS3 9JE
<b>Applicant:</b>	Mrs K Morgan
<b>Agent:</b>	Mr David Grew
<b>Consultation Expiry:</b>	27 <sup>th</sup> June 2016
<b>Expiry Date:</b>	5 <sup>th</sup> August 2016
<b>Case Officer:</b>	Abbie Greenwood
<b>Plan Nos:</b>	DMG/16/48 1, DMG/16/48 2, Site/Block Plan
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>



*This application was deferred from 3<sup>rd</sup> August 2016 Development Control Committee for a site visit*

## **1 The Proposal**

- 1.1 The application seeks planning permission to erect a two storey side extension and first floor rear extension.
- 1.2 The existing garage would be removed and replaced with a two storey side extension.
- 1.3 The proposed rear extension would be at first floor level and would measure approximately 2.5m deep, 3.5m wide and would be on top of part of an existing ground floor rear extension. It would bring the maximum height of the rear extension up from 3.1m to 8.4m. It would have a hipped roof.
- 1.4 The proposed side extension would measure approximately 8.7m deep at ground floor level and 7.5m at first floor level with a width of 2.8m which steps in towards the rear to 2.3m. It would have a hipped roof at first floor level and a hipped roof to the front ground floor level which projects beyond the first floor building line.
- 1.5 The proposed materials are clay tiles to match those used on the existing property; render to match that used on the existing building and white upvc windows to match those used on the existing property.

## **2 Site and Surroundings**

- 2.1 The site is located on the western side of Thorpedene Gardens and contains a two storey semi-detached dwellinghouse. Opposite the site is the Shoeburyness and Thorpe Bay Baptist Church.
- 2.2 The surrounding area is residential in character and contains a mixture of semi-detached, detached and terraced dwellings. These are varied in design and scale.
- 2.3 There is a large walnut tree along the side site boundary, in the rear garden of 70 Caulfield Road. This is visible within the streetscene.
- 2.4 The site is not subject to site specific planning policy.

## **3 Planning Considerations**

- 3.1 The key considerations of this application are the principle of the development, the design and impact on the character of the area, traffic and transportation and the impact on residential amenity.

## 4 Appraisal

### Principle of the Development

#### **National Planning Policy Framework 2012, Core Strategy Policies KP2 and CP4, Development Management DPD Policy DM1 and SPD1 Design and Townscape Guide**

- 4.1 The proposal is considered in the context of the National Planning Policy Framework 2012 and Core Strategy Policies KP2 and CP4. Also of relevance is Policy DM1 of the Development Management DPD which addresses design quality and SPD1 Design and Townscape Guide.
- 4.2 Extensions to properties are considered acceptable in principle provided that they respect the existing character and appearance of the building and do not adversely impact upon the residential amenity of neighbouring properties. These issues are discussed below.

### Design and Impact on the Character of the Area

#### **National Planning Policy Framework 2012, Core Strategy Policies KP2 and CP4, Development Management DPD Policy DM1 and SPD1 Design and Townscape Guide.**

- 4.3 Good design is a fundamental requirement of new development in order to achieve high quality living environments. The importance of this is reflected in the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy and Policy DM1 of the Development Management DPD. The Design and Townscape Guide SPD1 states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”*
- 4.4 National Planning Policy Framework states, *“Good design is a key aspect of sustainable development and is indivisible from good planning and should contribute positively to making places better for people.”*
- 4.5 Development Management DPD Policy DM1 states that all development should *“add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use and detailed design features.”*

- 4.6 Policy KP2 of the Core Strategy DPD1 states that all development should “*add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use and detailed design features.*” Policy CP4 of the Core Strategy states that development proposals will be expected to contribute to the creation of a high quality, sustainable, urban environment which enhances and complements the natural and built assets of Southend by maintaining and enhancing the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development.
- 4.7 Paragraph 351 of SPD1 Design and Townscape Guide states that “*side extensions should be designed to appear subservient to the parent building. This can generally be achieved by ensuring the extension is set back behind the existing building frontage line and that its design, in particular the roof, is fully integrated with the existing property. Poorly designed side extensions will detrimentally affect the proportions and character of the existing property and so extreme care should be taken to ensure the original design qualities are preserved. Setbacks can also alleviate the difficulty of keying new materials (particularly brickwork) into old and disguises slight variations.*” Paragraph 352 states; “*where a terracing effect would be out of character, it is important to maintain a degree of separation between two neighbouring properties.*”
- 4.8 Paragraph 348 of SPD1 Design and Townscape Guide states that, “*whether or not there are any public views, the design of rear extensions is still important and every effort should be made to integrate them with the character of the parent building, particularly in terms of scale, materials and the relationship with existing fenestration and roof form.*”
- 4.9 The proposed extension extends virtually up to the side boundary of the property however as the property is located at the end of the run it abuts to the rear gardens of properties in Caulfield Road and therefore it is considered that this would not result in a terracing affect in the streetscene.
- 4.10 The design of the proposed side extension is considered to appear subservient to the parent property, with a roof height that is approximately 1.3m lower than the existing roof height and it is set back from the front building line by approximately 1.3m at ground floor level, 2.6m at first floor level. The fenestration and materials of the extension match that of the existing property and therefore the design, scale and positioning of the proposal, in relation to the existing house, is considered acceptable.
- 4.11 The proposal is set close to the rear boundaries of 68 and 70 Caulfield Road. In the south east corner of number 70 is a semi mature walnut tree. This tree can be seen from Thorpedene Gardens across the rear garden of number 68 Caulfield Road, however, recent pruning works to this tree have had a detrimental impact on its form and the Council’s Arboricultural Officer has confirmed that the tree is not considered suitable for a Tree Preservation Order. However, it may recover some of its form in due course.

The applicant has undertaken an Arboricultural assessment on the impact of the proposal on this tree. This concludes that the calculated root protection area, will be breached by the proposal, however given the existence of hardstanding and existing buildings in this area it is unlikely that any significant roots have encroached into the construction zone. However it recommends that the foundation works be observed by a qualified arborist so that any necessary root pruning works can be undertaken in the proper manner and if large roots are found then alternative foundation design can be agreed on site. The Councils Arboricultural Officer confirms that the report is comprehensive and suggested that the tree protection measures identified in the Tree Protection Method Statement in Appendix 3 of the report form the basis of a condition, thus affording the tree due care and avoiding potential damage during any demolition and construction works.

- 4.12 It is therefore considered that the proposed extension would relate to the existing property in a satisfactory manner and would not result in material harm to the character and appearance of the surrounding streetscene and will be constructed in a manner which respects the roots of the neighbouring tree.

### **Impact on Residential Amenity**

#### **National Planning Policy Framework 2012, Core Strategy Policies KP2 and CP4, Development Management DPD Policy DM1 and SPD1 Design and Townscape Guide.**

- 4.13 Policy DM1 of the Development Management Document states that any new 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. Paragraph 343 of SPD1 Design and Townscape Guide (under the heading of Alterations and Additions to Existing Residential Buildings) states, amongst other criteria, that extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties.
- 4.14 Paragraph 353 of SPD1 Design and Townscape Guide states that, *“side extensions will undoubtedly impact on neighbouring properties and care should be taken to ensure that they do not cause an unreasonable loss of light. This is particularly important when the adjacent property has side windows, to habitable rooms, which are the sole source of light.”*
- 4.15 The site is situated to the south of numbers 68 and 70 Caulfield Road. Although the proposed two storey side extension would be sited up to 0.15m from the boundary, it would be approximately 1.3m lower than the existing roof height of the property and there would be at least 24.5m from the rear of these neighbours to the side site boundary. It is therefore considered that the proposed side extension would not be over bearing or materially harm sunlight and daylight to these properties.
- 4.16 No side windows are shown on the proposed floorplans or elevations, as such it is not considered that the proposal would result in overlooking upon the neighbours to the north (numbers 68 and 70 Caulfield Road).

- 4.17 The proposed rear extension would be at first floor level only and would have one rear facing window at first floor level. Given the distance to the rear boundary with number 94 Tudor Gardens, of approximately 24m, with a further 27m to this dwelling, it is not considered that it would materially harm the sunlight and daylight, result in overlooking or be overbearing to this property.
- 4.18 There would be approximately 2.9m between the proposed first floor rear extension and the neighbour to the south, number 83 Thorpedene Gardens. The proposed rear extension would not project any further beyond the rear of this neighbour that the ground floor rear extension already does. Given the orientation of the application site to the north of this neighbour it is not considered that it would be over bearing or result in material harm to the sunlight and daylight to this neighbour.
- 4.19 No windows are proposed on the proposed first floor rear extension that would look towards the neighbour at number 83 Thorpedene Gardens; as such it is not considered that the proposal would result in overlooking upon this neighbour.
- 4.20 It is therefore considered that the proposed development would not result in material harm to the residential amenity of any of the neighbouring properties.

#### **Traffic and Transportation**

#### **National Planning Policy Framework 2012, DPD1 Core Strategy Policies KP2, CP3 and CP4, Development Management DPD Policy DM15 and SPD1 Design and Townscape Guide**

- 4.21 Policy DM15 of the Development Management DPD requires that a dwelling with 2 or more bedrooms has a minimum of two spaces for off-street parking provision. At present the site has sufficient hard-surfaced space to allow for at least 2 vehicles to park off-street.
- 4.22 Policy DM15 of the Development Management DPD states that garages must, *“be large enough to accommodate a modern, family sized car and some storage. Garages that have an internal dimension below 7.0m x 3.0m will not be considered or counted as a parking space.”*
- 4.23 The proposed development would see the removal of the existing garage which measures approximately 2.3m wide by 5.2m deep internally. This is below the standards set in Policy DM15 of the Development Management DPD and as such it is not considered a useable parking space.
- 4.24 The area to the front of the proposed two storey side extension would have approximately 7.5m to the front site boundary and a width of 9.2m with 5m depth to the front of the existing property. Thorpedene Gardens is not a classified road; therefore it is considered that this is sufficient space to the front of the property to allow 2 vehicles to be parked off street. This meets the policy requirements in this area.

## **Community Infrastructure Levy (CIL) CIL Charging Schedule 2015**

- 4.25 As the proposed development would equate to less than 100m<sup>2</sup> of new floorspace it is not CIL liable.

### **5 Conclusion**

- 5.1 The proposed development is considered to be acceptable in principle and it is not considered to result in harm to the character and appearance of the surrounding streetscene. It is also not considered to result in material harm to the residential amenity of neighbouring properties, in accordance with the provision of the development plan and guidance contained within SPD1 Design and Townscape Guide.

### **6 Planning Policy Summary**

- 6.1 National Planning Policy Framework 2012
- 6.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles), CP3 (Transport and Accessibility) and CP4 (The Environment and Urban Renaissance)
- 6.3 Development Management DPD Policies DM1 (Design Quality) and DM15 (Sustainable Transport management)
- 6.4 Supplementary Planning Document 1: Design and Townscape Guide 2009
- 6.5 Community Infrastructure Levy (CIL) Charging Schedule 2015

### **7 Representation Summary**

- 7.1 The application has been called in to the Development Control Committee by Councillor Cox.

#### **Public Consultation**

- 7.2 9 neighbouring properties were notified. Two letters objecting to the proposal received stating the following:
- Proximity of the proposal to the neighbouring boundaries
  - Right of light, the proposal will block light to south facing gardens in Caulfield Road
  - Impact on the walnut tree at 70 Caulfield Road
  - Increased traffic and loss of parking
  - Overlooking concerns if a window is installed on the side elevation  
**[Officer Note. The submitted plans show no windows on the side elevation]**
  - The development would block a right of way in the location of the garage  
**[Officer comment: This is a civil matter and therefore not a material planning consideration]**

## Highway Authority

- 7.3 There are no Highways objections as the existing driveway can accommodate 2 vehicles off-street.

## Parks

### *Original Comments*

- 7.4 The tree will not regain the crown outline and form it once had and its amenity is now much reduced, but it is considered that it will still be relatively healthy for the present although its longevity reduced. Because of the level of pruning it may now be open to more decay establishing gradually which could form around the areas of the heavy pruning / cut branch ends. The tree is not of sufficient quality to merit a TPO at this time.
- 7.5 Building this close is definitely within the RPA. A tree survey would determine and identify a conflict due to the lack of space here but there may be engineering methods such as piling and measures that could be taken such as hand evacuation which could improve their chances of coexisting.

### *Additional Comments following receipt of Tree Report*

- 7.6 The survey report from Andrew Day Arboricultural Consultancy dated 7<sup>th</sup> July 2016 is comprehensive and identifies the recommended protection measures using BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations as the criteria. The detailed tree protection measures identified and contained within the Arboricultural tree protection method statement, tree protection plan and report should be made a condition thus affording the tree care, and avoiding potential damage during any demolition and construction.

## 8 Relevant Planning History

- 8.1 2010 – Pre-application advice regarding planning permission for small single storey extension – Reference – 10/00305/PREAPP.

## 9 Recommendation

- 9.1 **Members are recommended to GRANT PLANNING PERMISSION subject to the following conditions:**

- 01 The development hereby permitted shall begin not 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 permitted shall be carried out in accordance with the following approved plans: DMG/16/48 1, DMG/16/48 2, Site/Block Plan**

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



- 03 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings hereby approved or are required by conditions to this permission.**

**Reason: To safeguard the visual amenities of the area, in accordance with National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 Policy CP4, Policy DM1 of the Development Management DPD and SPD1 Design and Townscape Guide.**

- 04 No ground works shall commence unless a suitably qualified Arboriculturalist is retained on site to oversee construction of the foundations and to make periodical checks thereafter to ensure that the tree mitigation measures and construction methodologies are being adhered as set out in Appendix 3 of the submitted Arboricultural Report and in accordance with BS5837:2012 Section 7.**

**Reason: To mitigate the impact of the development on the adjacent walnut tree in accordance with National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 Policy CP4, Policy DM1 of the Development Management DPD and SPD1 Design and Townscape Guide.**

**01 Informative**

**You are advised that as the proposed extension(s) to your property 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](http://www.southend.gov.uk/cil) for further details about CIL.**

**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.**