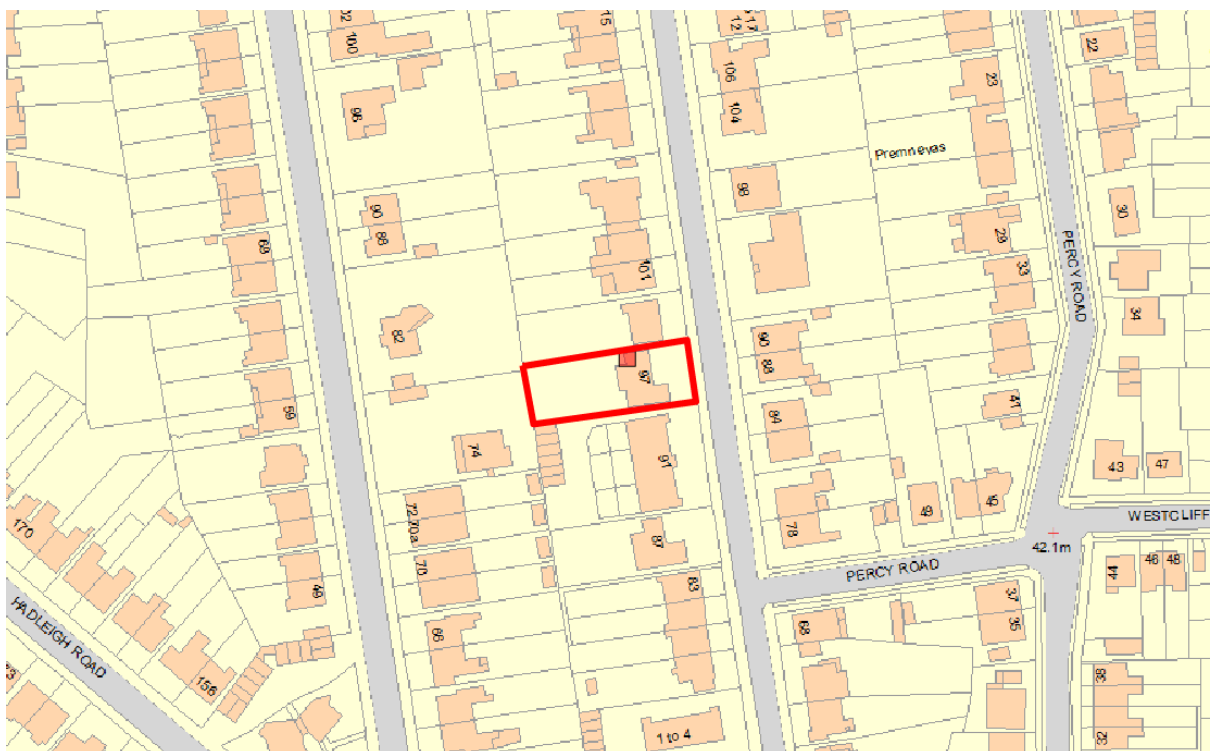


Reference:	16/00954/FUL
Ward:	West Leigh
Proposal:	Demolish existing bungalow, erect two semi-detached dwellings and install hardstanding with vehicular access onto Salisbury Road (Amended Proposal).
Address:	97 Salisbury Road, Leigh-on-Sea, Essex, SS9 2JN
Applicant:	Mr M. Bailey (N Bailey Properties)
Agent:	BGA Architects
Consultation Expiry:	25/07/16
Expiry Date:	25/08/16
Case Officer:	Ian Harrison
Plan Nos:	0-001, 0-002, 0-400, 1-001, 1-400, 1-402, 2-400
Recommendation:	REFUSE PLANNING PERMISSION



1 The Proposal

- 1.1 Permission is sought to demolish an existing bungalow at 97 Salisbury Road and replace it with a pair of semi-detached dwellings, with associated gardens and parking.
- 1.2 The main part of the existing bungalow measures 7.2 metres deep and 10.4 metres wide with a pitched roof built to an eaves height of 2.7 metres and a ridge height of 6 metres. Single storey projections exist to the front and rear and a flat roofed garage exists at the North side of the dwelling. The dwelling is positioned a minimum of 5.3 metres from the highway frontage of the site and 0.9 metres from the South and North boundaries.
- 1.3 The main part of the proposed replacement dwellings would each measure 12.5 metres deep and 6.6 metres wide with a pitched roof built to an eaves height of 5.4 metres and a ridge height of 8.4 metres. A two storey forward projection is proposed that would measure 0.6 metres deep and 4.6 metres wide with a pitched roof built to a maximum height of 7.4 metres. A dormer window would be provided at the rear of the dwelling and a rooflight would be provided to the front elevation. A single storey bay would be provided at the front elevation that would measure 3.2 metres wide and 0.8 metres deep with a lean-to pitched roof built to a maximum height of 3.3 metres. The dwellings would be handed replicas of each other. Unlike the previous application at this site, the dwellings would now be in line with each other and would be set back from the highway by 7.2 metres. The dwellings would now feature hipped gables rather than full gables.
- 1.4 Two parking spaces would be provided to serve each dwelling. Each dwelling would feature five bedrooms, have an internal floor area of 177 square metres and feature gardens to the rear that would measure an average of 140 square metres per property in area.
- 1.5 This application follows the refusal of application 16/00305/FUL which proposed a similar development. That application was refused for the following reasons:

1. The proposed development, by virtue of the layout of the proposed dwellings, would have an awkward and contrived appearance that would cause harm to the character and appearance of the site and the surrounding area, contrary to the National Planning Policy Framework, policies KP2 and CP4 of DPD1 (Core Strategy) policies DM1 and DM3 of DPD2 (Development Management) and the Design and Townscape Guidance (SPD1)

2. The proposed development, by virtue of its scale and layout would have a harmful impact on the light and outlook of the neighbouring dwelling to the North of the site. The proposal is therefore contrary to the National Planning Policy Framework, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management) policy DM1 and SPD1 (Design and Townscape Guidance).

3. The proposed development, by virtue of the proposed layout of the permanent vehicular crossovers to the new dwellings would result in a loss of on-street parking in the area which already suffers from a significant level of parking stress. This would be contrary to policy CP3 of the Core Strategy and DM15 of the Development Management DPD.

2 Site and Surroundings

- 2.1 The application site currently contains a single storey dwelling that is described above, with front and rear gardens and vehicular access from Salisbury Road.
- 2.2 The site is located within an area of mixed residential properties. To the South of the application site is a block of six flats, to the North is a chalet style dwelling and to the North of that is a pair of semi-detached two storey dwellings. It is considered that the variation amongst the four buildings referred to above is reflective of the character of the surrounding area. It is noted that planning permission has been granted at 105 Salisbury Road for the replacement of a bungalow with two semi-detached two storey dwellings.
- 2.3 The site is not the subject of any site specific policy designations.

3 Planning Considerations

- 3.1 The main considerations in the determination of this application are the principle of the development, design and impact on the streetscene, impact on residential amenity of neighbouring residents, the standard of accommodation for future occupiers, traffic and highways issues and sustainability, and whether the previous reasons for refusal have been addressed.

4 Appraisal

Principle of Development

National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP4, CP8; Development Management DPD Policies DM1, DM3, DM7, DM8 and DM15 and the Design and Townscape Guide SPD1 (2009)

- 4.1 This proposal is considered in the context of the Borough Council policies relating to design. Also of relevance are National Planning Policy Framework Sections 56 and 64, Core Strategy DPD Policies KP2, CP4 and CP8. Amongst the core planning principles of the NPPF includes to *“encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.”* Paragraph 56 of the NPPF states; *“the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”* Paragraph 64 of the NPPF states; *“that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”*
- 4.2 Policy KP2 of the Core Strategy requires that new development contributes to economic, social, physical and environmental regeneration in a sustainable way through securing improvements to the urban environment through quality design, and respecting the character and scale of the existing neighbourhood. Policy CP4 requires that new development be of appropriate design and have a satisfactory relationship with surrounding development. Policy CP8 requires that development proposals contribute to local housing needs and identifies that 80% of residential development shall be provided on previously developed land.

- 4.3 Policy DM3 states that *“the Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity”* and that *“The conversion of existing single dwellings into two or more dwellings will only be permitted where the proposed development:*
- (i) Does not adversely impact upon the living conditions and amenity of the intended occupants and neighbouring residents and uses; and*
 - (ii) Will not harm the character and appearance of the existing building or wider area; and*
 - (iii) Will not lead to a detrimental change of a street’s function; and*
 - (iv) Meets the residential standards set out in DM8 and the vehicle parking standards set out in Policy DM15.*
- 4.4 Policy DM3 also 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.”*
 - (iii)*
- 4.5 The majority of these issues will be discussed in greater detail below, but it is relevant that at paragraph 4.18, it is accepted that the development accords with Part M4(2) of the Building Regulations which has replaced the Lifetime Home Standards. It is therefore considered that no objection should be raised to the principle of residential development at this site.

Design and Impact on the Character of the Area

The National Planning Policy Framework; DPD1 (Core Strategy) policies KP2 and CP4; DPD2 (Development Management) policies DM1 and DM3 and the Design and Townscape Guide.

- 4.6 Good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in Policy DM1 of the development management DPD and in the Policies KP2 and CP4 of the Core Strategy. The Design and Townscape Guide (SPD1) also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”* In the NPPF it is stated that *“good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”*

In the Council's Development Management DPD, policy DM1 states that 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."

- 4.7 As set out above, the residential street of Salisbury Road is of varied character, featuring a mixture of single, two and three storey buildings, with pitched and flat roofs and a mixture of detached and semi-detached properties. In this context it is considered that no objection should be raised to the loss of bungalows on visual grounds. It is considered that the street is not dominated by bungalows and as such the provision of development with a two storey scale, albeit with additional rooms in the roofspace, would not be at odds with the character of the site or the surrounding area.
- 4.8 The buildings of the area follow generally consistent building lines, however it is noted that the line of properties to the North follows a line that is 2.5 metres forward of the buildings to the South. The previous application proposed dwellings in a stepped arrangement to attempt to bridge the different building lines, but this caused the pair of dwellings to have a contrived arrangement that emphasised the contrast between the existing building lines rather than compliment it. It was concluded that the arrangement of the dwellings caused conflict between the appearance of a pair of semi-detached dwellings and the appearance of detached dwellings and by falling between these two more conventional forms, it was considered that the development would have has a cluttered and contrived appearance. The applicant has successfully addressed this matter by re-aligning the dwellings and it is therefore considered that the previous ground of objection has been addressed.
- 4.9 It was previously considered that it would be preferable for both dwellings to be set back from the highway by a distance that would enable parking and soft landscaping to be provided. The applicant has altered the plans to accord with that recommendation and as such it is considered that the proposal is an improvement to the previous proposal.
- 4.10 In all other respects it is considered that the proposal is visually acceptable. The scale of the dwellings matches the scale of other properties that exist within the surrounding area and the architectural appearance is considered to be satisfactorily alike other properties within the surrounding area. The shallow pitch of the roof is considered to be unfortunate and results in the proposed rear dormer being very deep, but as the neighbouring buildings would partially mask views of the side of the proposed dwellings it is considered that the impact of these features would not be harmful to an extent that would justify the refusal of the application for that reason.

Impact on Residential Amenity.

National Planning Policy Framework, Policy CP4 of the Core Strategy, Development Management DPD Policy DM1 and Design and Townscape Guide.

- 4.11 Paragraph 343 of SPD1 (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. Policy DM1 of the Development Management DPD also states 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.”
- 4.12 The residential property to the north of the application site (99 Salisbury Avenue) has been the subject of a large single storey rear extension that is not shown on the applicant’s plans, but was built following the granting of a Certificate of Lawfulness (12/01280/CLP) for the extension in 2012. Two storey extensions were also approved at the property (12/01282/FULH), but do not appear to have been implemented. That property features two first floor windows in the side elevation and it is noted plans for that dwelling show that both windows serve bedrooms and in the case of the front window, the side window is the only window serving that bedroom. The rear bedroom is also served by a rooflight to the rear and there appears to be two ground floor windows that serve a lounge although the outlook and light would be restricted by the existing boundary landscaping.
- 4.13 The side elevation of the northernmost dwelling proposed by this application would be 2.5 metres deeper than the neighbouring property and due to the positioning of the dwellings this would result in the building projecting 4.8 metres further to the rear than the neighbouring property.
- 4.14 Due to the height of the proposed dwelling, the separation distance of just 1.8 metres and the positioning of the dwelling to the South of the neighbouring property, it was considered that the previous proposal would have caused a loss of light within the neighbouring property to the North. As set out above the use of the first floor South facing windows, particularly the front window, is essential to ensuring a reasonable standard of living within the neighbouring dwelling. The proposal would have significantly enclosed the outlook from that window and cause a loss of light within that window. The positioning of the dwelling is now different, the roofs of the dwelling would be hipped and the submitted plan shows that the proposed dwelling would not intersect a 45 degree line from the bottom of the first floor windows. Notwithstanding these factors, it is considered that the proposed dwellings would still have a significant impact on the outlook from that window and create a sense of enclosure that would be unacceptably harmful to residential amenity.

- 4.15 It is noted that the neighbouring property features large ground floor windows and therefore, despite the depth, height and positioning of the extension, it is considered that light is still likely to reach the room served by those windows. However, the depth of the dwelling would cause it to have an overbearing impact on the outlook within the habitable rooms and amenity space of the proposed development and this would be materially worse than the previous application. In this instance it is considered that the overall impact on the amenities of neighbouring residents would be unacceptable and contrary to the abovementioned policies.
- 4.16 The building to the South consists of 6 flats and features five windows in the north elevation, three of which appear to serve non-habitable rooms. The windows are north facing and would be separated from the proposed South dwelling by 3.3 metres. The dwelling would have some impact on the outlook from within the neighbouring property, but due to the separation distance and the orientation of the flats it is considered that the impact of the proposed dwelling would not be materially harmful.
- 4.17 Due to the suitable positioned of windows in the proposed dwellings and the separation distance of 19 metres to the West boundary of the site, it is considered that the proposal would not cause a loss of privacy within neighbouring properties to an extent that would justify the refusal of the application.

Standard of Accommodation:

National Planning Policy Framework, Policy KP2 and CP4 of the Core Strategy, Development Management DPD Policies DM1, DM3 and DM8 and the Design and Townscape Guide.

- 4.18 Paragraph 17 of the NPPF states that *“planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”*. It is considered that most weight should be given to the Technical Housing Standards that have been published by the Government which are set out as per the below table:
- Minimum property size for residential units shall be as follow:
 - (a) 5 bedrooms (8 bed spaces) 134 square metres
 - Bedroom Sizes : The minimum floor area for bedrooms to be no less than 7.5m² for a single bedroom with a minimum width of 2.15m² ; and 11.5m² for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of a second double/twin bedroom.
 - Floorspace with a head height of less than 1.5 metres should not be counted in the above calculations unless it is solely used for storage in which case 50% of that floorspace shall be counted.
 - A minimum ceiling height of 2.3 metres shall be provided for at least 75% of the Gross Internal Area.

The following is also prescribed:

- Provision of a storage cupboard with a minimum floor area of 1.25m² should be provided for 1-2 person dwellings. A minimum of 0.5m² storage area should be provided for each additional bedspace.
- Amenity : Suitable space should be provided for a washing machine and for drying clothes, as well as private outdoor amenity, where feasible and appropriate to the scheme.
- Bedroom Sizes : The minimum floor area for bedrooms to be no less than 7m² for a single bedroom with a minimum width of 2.15m² ; and 12m² for a double/twin bedroom with a minimum width of 2.55m².
- Storage: Suitable, safe cycle storage with convenient access to the street frontage.
- Refuse Facilities: Non-recyclable waste storage facilities should be provided in new residential development in accordance with the Code for Sustainable Homes Technical Guide and any local standards. Suitable space should be provided for and recycling bins within the home. Refuse stores should be located to limit the nuisance caused by noise and smells and should be provided with a means for cleaning, such as a water supply.
- Working: Provide suitable space which provides occupiers with the opportunity to work from home. This space must be able to accommodate a desk and filing/storage cupboards.

4.19 The proposed dwellings would accord with the abovementioned bedroom standards and have a gross internal area that also meets the policy requirements. Ample amenity space would be provided and it is considered that there is scope to provide adequate cycle parking and refuse storage facilities at the site.

4.20 Policy DM3 requires that developments should meet the Lifetime Homes Standards which have subsequently been dissolved. However, their content has been incorporated into Part M of the Building Regulations and it is considered that these standards should now provide the basis for the determination of this application. A plan has been submitted to demonstrate that the proposed development would comply with those standards. It is therefore considered that the proposed development should not be refused on the grounds of the loss of a bungalow.

Highways and Transport Issues:

National Planning Policy Framework, Policy KP2, CP4 and CP8 of the Core Strategy, Development Management DPD Policies DM1, DM3 and DM15 and the Design and Townscape Guide.

4.21 Policy DM15 states that each dwelling should be served by a minimum of two parking spaces. This standard has been met by the proposed development.

- 4.22 As before, the Highway Authority has raised no objection to the application on the grounds that adequate parking would be provided to serve the proposed development. From this basis, it is considered that no objection should be raised to the proposal on the grounds of the level of parking provision that is proposed at the site or any impacts on highway safety.
- 4.23 It is noted that the previous application was refused on the grounds that the proposal would cause a loss of on-street parking. However, as ample parking is provided within the site to serve the proposed development and as no objection has been raised to the loss of on-street parking by the Highway Authority, it is recommended that this reason for the refusal of the application is not repeated. Since the previous application, the Highway Officer has visited the site on three occasions and undertaken assessments of the available on-street parking, finding that many spaces are available on each occasion.

Sustainability

Core Strategy Policies KP2, CP4 and CP8, Development Management DPD Policy DM2 and SPD1

- 4.24 Policy KP2 of the Core Strategy states; *“All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources”* and that *“at least 10% of the energy needs of a new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)”*. The provision of renewable energy resources should be considered at the earliest opportunity to ensure an integral design
- 4.25 No details have been provided by the applicant to demonstrate how this matter will be addressed. It would however be possible to secure the submission and agreement of details of sustainable construction under the terms of a condition.

Community Infrastructure Levy.

- 4.26 This application is CIL liable and there will be a CIL charge payable. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material ‘local finance consideration’ in planning decisions. The proposed development will result in a net increase in gross internal area of 247 square metres (taking into account a deduction of 111 square metres for existing ‘in-use’ floorspace that is being demolished). The CIL chargeable rate for residential units in this location is £60 per square metre and this equates to a CIL charge of £15,421.15.

5 Planning Policy Summary

- 5.1 National Planning Policy Framework
- 5.2 DPD1 Core Strategy Policies CP4 (Environment & Urban Renaissance) and KP2 (Development Principles), KP3 (Implementation and Resources) CP8 (Dwelling Provision)

- 5.3 Development Management DPD Policies DM1, DM2, DM3, DM7, DM8 and DM15 including Housing Standards Transition Policy Statement dated 01/10/15.
- 5.4 Community Infrastructure Levy Charging Schedule
- 5.5 Design & Townscape Guide 2009 (SPD1).
- 5.6 Technical Housing Standards

6 Representation Summary

Traffic & Highways Network

- 6.1 The proposal has provided 2 car parking spaces per dwelling which is compliant with policy DM15. Consideration has also been given to existing on street parking levels given the other recent application within local area. 3 separate site visits have been undertaken to ascertain the level of available on street parking capacity within the recent development areas.

1st July 2016, 12:20pm, 23 on street car parking spaces

2nd July 2016, 10:50am, 35 on street car parking spaces

24th August 2016, 10:45am, 15 on street car parking spaces

Given this additional information it is considered that in the area of the application site on street parking provision is available. Therefore no highway objections are raised.

Leigh Town Council

- 6.2 An objection is raised on the following grounds:

- Leigh Town Council regrets the loss of a bungalow from the Borough's limited supply
- The proposal is an overdevelopment
- There will be a loss of on-street parking in a road that already suffers from parking stress
- Traffic stress will increase due to excessive vehicles in the road, posing greater danger to the school children who attend nearby schools.

Public Consultation

- 6.3 A site notice was posted and letters were sent to 13 neighbouring residents. 8 objections have been received which object on the following grounds:

- Moving the dwelling further from the highway would increase overlooking of Burnham Road properties.
- The loss of a bungalow is contrary to the Council's policies.
- The Council is aiming to support developments that will pay more Council Tax.
- The number of occupants of the proposed dwellings would represent overdevelopment.
- Loss of on-street parking.

- Disruption caused by deliveries and construction.
- The proposal would be out of character with the surrounding area.
- The proposal will cause a loss of light and privacy.
- The dwellings would be taller and more bulky than surrounding properties and would fill the width of the site.
- Surrounding schools are oversubscribed.
- The existing street light would need to be removed.

6.4 This application has been called in to the Development Control Committee by Councillors Evans and Mulronev.

7 Relevant Planning History

7.1 The refusal of application 16/00305/FUL which proposed a similar development is fully discussed above.

8 Recommendation

Members are recommended to REFUSE PLANNING PERMISSION for the following reasons:

01 The proposed development, by virtue of its scale and layout would have an overbearing impact and cause a loss of outlook of the neighbouring dwelling to the North of the site. The proposal is therefore contrary to the National Planning Policy Framework, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management) policy DM1 and SPD1 (Design and Townscape Guidance)

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 and is also willing to provide pre-application advice in respect of any future application for a revised development, should the applicant wish to exercise this option in accordance with the Council's pre-application advice service.

Informative

Please note that this application would be liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended) if planning permission had been granted. Therefore if an appeal is lodged and subsequently allowed, the CIL liability will be applied. Any revised application might also be CIL liable.