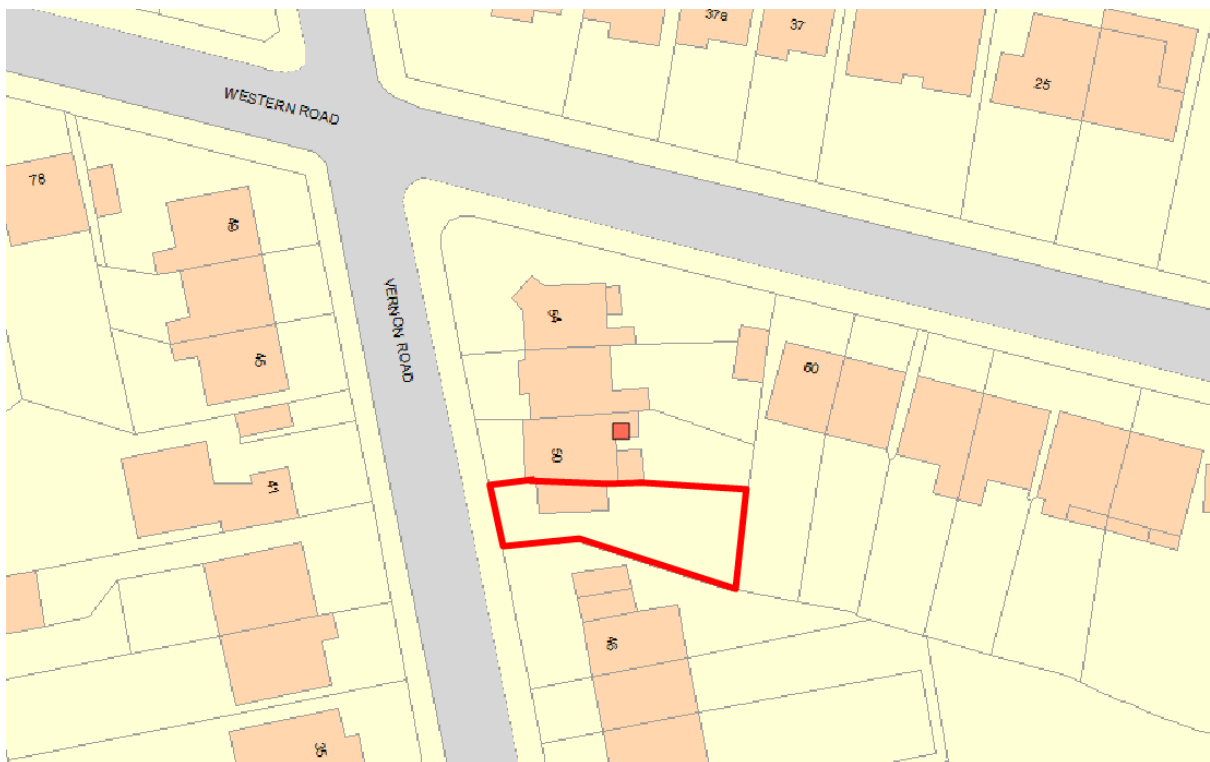


<b>Reference:</b>	16/01126/FUL
<b>Ward:</b>	West Leigh
<b>Proposal:</b>	Demolish existing garage and erect dwellinghouse adjacent to No. 50 Vernon Road, layout amenity space and parking, extend existing vehicle crossover onto Vernon Road (amended proposal)
<b>Address:</b>	50 Vernon Road, Leigh-On-Sea, Essex, SS9 2NG
<b>Applicant:</b>	Mr & Mrs Smith
<b>Agent:</b>	Trudy's Architectural Consultants
<b>Consultation Expiry:</b>	28.07.16
<b>Expiry Date:</b>	15.08.16
<b>Case Officer:</b>	Louise Cook
<b>Plan Nos:</b>	30/16/A/REV 1, 30/16/C/REV 1, 30/16/D, 30/016/B
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>



## 1 The Proposal

- 1.1 The application seeks permission for the demolition of the existing garage at the application site and the erection of a new dwelling on the land between 46 and 50 Vernon Road.
- 1.2 The application is an amended proposal following the refusal of a similar proposal ref. 16/00338/FUL to demolish the garage and to erect a dwellinghouse which was refused planning permission on 16<sup>th</sup> May 2016 for the following reasons:

*“01. The proposal, by virtue of the scale of the proposed dwelling, would be harmfully out-of-keeping with the character and appearance of the surrounding area and cause harm to the streetscene of Vernon Road. The proposal is therefore contrary to the NPPF, policies KP2 and CP4 of DPD1 (Core Strategy) policies DM1 and DM3 of DPD2 (Development Management) and the advice within the Design and Townscape Guidance (SPD1).*

*02. It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed residential unit would accord with the standards of Part M4(2) of the Building Regulations. The proposal would therefore fail to create a flexibly designed house to respond to the future occupiers changing physical and social requirements over their lifetime contrary to the NPPF and policies DM1 and DM8 of DPD2 (Development Management).”*

This followed an earlier application ref. 15/00869/FULH which was refused and dismissed at appeal.

- 1.3 Since the refusal of application ref. 16/00338/FUL, the following alterations to the proposed development have been made:
- Reduction in the overall height of the proposed dwellinghouse from 8.7m to 8.5m high.
  - The plans now incorporate details in respect of Building Regulations Part M4(2) (accessible and adaptable dwellings).
- 1.4 The application site is an irregularly shaped area of land that currently comprises of the gardens of 46 and 50 Vernon Road. The frontage onto Vernon Road measures 6.5 metres wide and the site measures 185 square metres in area.
- 1.5 The application proposes the erection of a three storey dwelling (two storeys with rooms in the roof), the main part of which would measure 7.6 metres deep and 6 metres wide with a pitched roof built to an eaves height of 5.3 metres and a ridge height of 8.5 metres. The proposed dwelling would feature a two storey bay projection to the front that would measure 3 metres wide, 0.9 metre deep and 5.6 metres tall with a flat roof. At the rear, the dwelling would feature a box dormer that would measure 4.7 metres wide and 2.2 metres tall with a Juliet balcony and a single storey rear extension that would measure 2.6 metres deep and 4.8 metres wide with a flat roof built to a height of 3.3 metres.

- 1.6 The proposed dwelling would have an internal floor area of 112 square metres, with three bedrooms that would measure 13.6, 10.5 and 15.6 square metres. The dwelling would be served by two parking spaces and two parking spaces would be provided to serve the existing dwelling of 50 Vernon Road. A private amenity area of 80 square metres would be provided at the rear of the dwelling.

## **2 Site and Surroundings**

- 2.1 The site is located to the East of Vernon Road and consists of garden land between two dwellings, two sheds and an attached garage at the side of the dwelling of 50 Vernon Road. The land is currently divided by the fence that distinguishes between the curtilages of 50 and 46 Vernon Road.
- 2.2 The site is not the subject of any site specific planning policies.

## **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, the impact on neighbouring occupiers, standard of accommodation for future occupiers, highways and transport issues, sustainability and ensuring that the previous reasons for refusal of application ref. 16/00338/FUL have been satisfactorily overcome.

## **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 housing and 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 include 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.”*

- 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.

- 4.3 Policy CP8 of the Core Strategy identifies that the intensification of the use of land should play a significant role in meeting the housing needs of the Southend Borough, providing approximately 40% of the additional housing that is required to meet the needs of the Borough. Policy CP8 also expects 80% of residential development to be provided on previously developed land.
- 4.4 As part of its Strategic Housing Land Availability Assessment (SHLAA) update, the Council has published information on its potential housing supply (5 year supply of housing plus an additional 5% buffer as required by the NPPF). This demonstrates that the Council has a 6 year housing land supply against its adopted targets and therefore, meets the requirements of the NPPF in terms of housing delivery. Thus the authority is able to meet its housing needs targets without recourse to allowing development which would otherwise be unacceptable.

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

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

- 4.5 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."
- 4.6 Policy DM3 states that "*all development on land that constitutes backland and infill development will be considered on a site-by-site basis. Development within these locations will be resisted where the proposals:*
- (i) Create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents; or*
  - (ii) Conflict with the character and grain of the local area; or*
  - (iii) Result in unusable garden space for the existing and proposed dwellings in line with Policy DM8; or*
  - (iv) Result in the loss of local ecological assets including wildlife habitats and significant or protected trees."*
- 4.7 Paragraph 201 of SPD1 states that "*Infill sites are development sites on the street frontage between existing buildings. These areas are usually spaces left over after earlier development or the redevelopment of small industrial units or garages. The size of the site together with an analysis of local character and grain will determine whether these sites are suitable for development. In some cases the site may be too small or narrow to accommodate a completely new dwelling (including usable amenity space and parking) and trying to squeeze a house onto the site would significantly compromise its design quality and be detrimental to neighbouring properties and local character. In these circumstances, unless an exceptional design solution can be found, infill development will be considered unacceptable."*

- 4.8 The previous application was refused on design grounds as set out at paragraph 1.2.
- 4.9 The surrounding area is residential in character and features a variety of two storey dwellings of comparable scale to those dwellings in this part of the street. The dwellings of the area are of similar height, but are not of uniform or consistent characters. A number of properties, particularly the older dwellings of the area, include similar architectural features such as two storey bays and rendered elevations, but there is significant variety in the appearance and materials of the dwellings within the surrounding area.
- 4.10 Since the refusal of application ref. 16/00338/FUL, the proposed dwelling has been reduced in overall height from 8.7m to 8.5m high. The amended design has ensured that the ridge, eaves and roof pitch are more representative of the terrace and the window detailing has been amended to better match the adjacent property. It is considered that the proposed development will successfully integrate into the streetscene.
- 4.11 The dwelling has been positioned with the front elevation matching the building line of 46 Vernon Road. In respect of the planning appeal at this site, the forward positioning of the terrace was noted and it was considered that a two storey extension would therefore have a prominent and significant visual impact. By positioning the dwelling in line with the terraced properties to the south, it is considered that the proposed dwelling would be less prominent within the streetscene. No objection was raised to the siting of the building under the previous refusal.
- 4.12 It is noted that a gap of 1.8 metres would be retained to the south of the existing dwelling and a gap of 0.8 metres would be retained between the proposed dwelling and the garages to the south. The surrounding area features a variety of detached, semi-detached and terraced dwellings and as such there is not a uniform spacing between properties. The spaciousness that is caused by the low level of built form at the application site is considered to contribute positively to the character of the area and give a relatively low density character to this part of Vernon Road. However, as there are no other examples of comparable gaps between properties within Vernon Road, it is considered that the loss of this gap should not form a reason for the refusal of the application and it is considered that the gaps retained dwellings would suitably replicate the grain of properties within surrounding area.
- 4.13 The proposed dormer at the rear of the dwelling would be visible from Western Road and from the rear of a number of properties. It is however noted that dormers of comparable scale exist on the properties of Western Road to the east of the application site and such dormers can often be formed under the terms of permitted development rights. It is therefore the case that the visual impact of the dormer and the single storey rear extension would not have a materially greater visual impact than could be built at neighbouring properties without planning permission and those parts of the proposed development are not out-of-keeping with the general character of the surrounding area.

- 4.14 The consultation response from the Design Officer has also raised concerns with respect to the dominance of hardstanding at the frontage of the site as is required to enable the provision of adequate parking. Notwithstanding the concerns that have been raised, it is noted that hardstanding already dominates the frontage of the application site and therefore it is considered that the proposal would not cause visual harm that is materially different to the existing situation in that respect.
- 4.15 Therefore, in light of the above, no objection is raised to the design and impact in the streetscene and it is considered that the revised applications has overcome the previous reasons for refusal and the proposed development satisfies the policies set out above.

### **Impact on Neighbouring Occupiers**

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

- 4.16 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.”*

- 4.17 The proposed dwelling would be built between the neighbouring properties of 46 and 50 Vernon Road. It is noted that both of these properties are within the applicant’s control and therefore any impacts on residential amenity would be self-imposed. The side elevation of 46 Vernon Road is 4.8 metres from the side elevation of the proposed dwelling which widens to 5.9m to the front given the siting of the proposed dwellinghouse. That neighbouring property features no windows in the side elevation and it is noted that garages exist at the side of the dwelling which are not used for habitable accommodation. Due to the orientation of that property, it’s positioning to the south of the proposed dwelling and the gap that would be retained between the properties, it is considered that the proposed development would not cause material harm to the amenities of 46 Vernon Road.
- 4.18 The proposed dwelling would be positioned 1.8 metres from the south elevation of 50 Vernon Road. The two storey part of the dwelling would align with the rear elevation of a single storey rear projection at the neighbouring property, 2.8 metres deeper than the two storey part of that dwelling. The proposed single storey rear extension would project by 2.6 metres, but would be positioned 3 metres from the south east corner of the neighbouring dwelling. Due to the lack of first floor windows in the side elevation of the neighbouring property, the orientation of that dwelling and the fact that the proposed dwelling would not project beyond a notional 45 degree line from the windows of the neighbouring property, it is considered that the impact on light and outlook would not be unduly harmful. No windows are proposed in the side elevation and it is considered that oblique views from the rear facing windows would not cause a harmful loss of privacy to the neighbouring property.

- 4.19 The two storey part of the proposed dwelling would be positioned 9.3 metres from the East boundary of the application site which is shared with the rear garden of 60 Western Road. The rear elevation of that property faces South West and therefore towards the rear elevation of the dwelling proposed by this application. Although the proposed dwelling would be 9.3 metres from the shared boundary, it would be 15 metres from the closest built form. Due to these separation distances it is considered that the proposed dwelling would not have an impact on light or outlook within the neighbouring dwelling or its garden to an extent that would justify the refusal of the application. The proposed rear facing windows would be 4 metres closer to the shared boundary than the first floor windows of the existing dwelling of 50 Vernon Road, but as the dwelling would be further South, they would be of comparable distance to the neighbouring dwelling. Even allowing for views from the proposed Juliet balcony, it is considered that the proposed dwelling would not overlook the neighbouring property to an extent that is materially worse than overlooking which would be possible from within neighbouring dwellings. Therefore, whilst the proposal would represent an additional source of potential overlooking, the gap between properties and the angle of the inter-visibility between properties would be such that the proposal would not cause a loss of privacy that would justify the refusal of the application on those grounds.
- 4.20 Due to the gap of 20 metres between the proposed dwelling and the dwellings to the West of Vernon Road and the public domain between properties, it is considered that the dwellings to the west would not be materially affected.

#### **Standard of Accommodation for Future Occupiers**

##### **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.**

- 4.21 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 a 3 bedroom (6 person bed space) dwelling shall be 108 square metres.
  - Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5m<sup>2</sup> for a single bedroom with a minimum width of 2.15m<sup>2</sup> ; and 11.5m<sup>2</sup> 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.

Weight should also be given to the content of policy DM8 which states the following standards in addition to the national standards.

- Provision of a storage cupboard with a minimum floor area of 1.25m<sup>2</sup> should be provided for 1-2 person dwellings. A minimum of 0.5m<sup>2</sup> storage area should be provided for each additional bed space.
- 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.
- 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.

- 4.22 The proposed residential unit features bedrooms that would be of adequate size to accommodate 6 bed spaces and would measure 112 square metres, thereby complying with the abovementioned standards.
- 4.23 The amenity space provision of 80 square metres for the proposed dwelling is considered to be adequate and although the rear gardens is of shallow depth, it is considered that the 7 metre deep garden is adequate to provide usable outdoor amenity space for the benefit of the proposed dwelling. 78 square metres of amenity space would be retained for the existing dwelling which is considered to be acceptable, as per the previous application.
- 4.24 Policy DM8 states that developments should meet the Lifetime Homes Standards unless it can be clearly demonstrated that it is not viable and feasible to do so. Lifetime Homes Standards have been dissolved, but 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.
- 4.25 The previous application was refused on the basis that it was not demonstrated that Part M4(2) of the Building Regulations could be met (the second reason for refusal set out in section 1 above).
- 4.26 The submitted plans have satisfactorily demonstrated that Part M4(2) has been met and will accord with these standards therefore overcoming the second reason for refusal of application ref. 16/00338/FUL.



## **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.**

- 4.27 The existing vehicular access point to the site is proposed to be amended, being extended further to the south than the existing shared crossover. The Highway Authority has objected to this element of the proposal on the grounds that the 10 metre wide crossover would be excessively wide and it is therefore considered that the means of accessing the site should not be found acceptable on highway safety grounds. It is however noted that there is a solution which would enable this matter to be resolved and therefore this matter could be addressed through the imposition of a condition as set out under the previous application.
- 4.28 Policy DM15 states that each dwelling should be served by two parking spaces. The proposal complies with these requirements and for these reasons it is considered that adequate parking is provided at the site to comply with the requirements of the development plan and the proposal would therefore not cause a reduction of highway safety at the site or within the surrounding area to an extent that would justify the refusal of the application and this was the view taken under the previous application whereby no reason for refusal was raised on this basis.

## **Sustainability**

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

- 4.29 Policy KP2 of the DPD1 and the SPD1 require that 10% of the energy needs of a new development should come from on-site renewable resources, and also promotes the minimisation of consumption of resources. No details have been submitted to demonstrate this proposal would provide 10% of the energy needs; it is considered this could be required by condition if permission is granted as set out in the previous report.
- 4.30 Policy DM2 states that developments should achieve compliance with Level 3 of the Code for Sustainable Homes. It is also stated that water efficient design measures should be incorporated into development. Changes to legislation means that these standards have now been incorporated into Building Regulations and as such it is considered that it is reasonable and necessary to impose conditions to any permission granted at this site to require development to achieve the 'enhanced standard' of building regulations.

## **Community Infrastructure Levy**

### **Community Infrastructure Levy Charging Schedule, 2015**

- 4.31 This application is CIL liable. 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 the erection of a building that measures 112 square metres in internal area which represents an increase of floorspace at the site of 87 square metres due to the demolition of an existing garage, 25 square metres of which is within the application site. The proposed development would therefore require a CIL payment of approximately £5521.15.

## **Conclusion**

- 4.32 For the reasons set out above, it is considered that the proposed development has satisfactorily overcome the previous reasons for refusal of planning application ref. 16/00338/FUL and for the reasons discussed above, the proposed development is considered to be acceptable.

## **5 Planning Policy Summary**

- 5.1 National Planning Policy Framework.
- 5.2 DPD1 Core Strategy Policies CP4 (Environment & Urban Renaissance) and KP2 (Development Principles), CP8 (Dwelling Provision).
- 5.3 Development Management DPD Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards) and DM15 (Sustainable Transport Management).
- 5.5 Design & Townscape Guide 2009 (SPD1).
- 5.6 Community Infrastructure Levy Charging Schedule, 2015.
- 5.7 Department for Place Vehicle Crossing Policy & Application Guidance, November 2014.

## **6 Representation Summary**

### **Design & Regeneration**

- 6.1 Vernon Road has a mixed character of mainly two storey houses of various but mainly traditional designs. It appears to have been developed on a piecemeal basis over a long period. Some properties are Edwardian but these are interspersed with more modern houses. There is a mix of short terraces, semis and detached properties often separated by detached or attached garages giving the street a more open character than found in other areas to the east. The properties are united by their mostly consistent building line with generous, often planted frontages and common use of red/brown tile and white render.

Number 50 is one of a short terrace of 3 original Edwardian properties. These are among the most attractive in the street with feature two storey feature bays with well-proportioned windows and distinctive decorative boarding. Number 54 at the northern end is splayed to address the junction with a feature corner bay which adds further interest to the streetscene.

Number 50, the application property, is at the southern end and has an original integral single storey garage to the southern end which helps terminate the terrace in the streetscene and maintain openness to the neighbour. Unlike the other properties in the street, this short terrace is slightly angled to the street bringing it closer to the pavement at number 50. This does provide further distinction in the streetscene between the Edwardian terrace and the 1970s terrace adjacent (42-46).

The proposal is seeking to demolish the attached garage of number 50 and erect a detached 2 storey house. The site also includes a small strip of land to the side of number 50 which is currently part of the amenity space. The proposal is seeking to draw reference from the character of the Edwardian properties but is set back from the terrace, more in line with the 1970s houses to the south, because of the need to accommodate parking spaces on the frontage and the irregular site boundary. It is set 0.9m and 08.m from the side boundaries and at a slight angle to the street.

The design is an amended proposal following a refusal earlier in the year for a similar detached house. This was refused because it failed to successfully replicate key features such as ridge height, pitch and detailing of the adjacent terrace which it was trying to emulate. The amended design is more successful in this respect. The ridge, eaves and pitch are more representative of the terrace and the window detailing has been amended to better match the adjacent property. This is a noticeable improvement and should help to integrate the proposal into the streetscene.

The building line and parking arrangements remain as previously proposed however it is noted that options for dwelling placement are limited for this site. It will be important therefore to achieve a high quality landscaping scheme so that the frontage arrangement does not appear contrived and makes a positive contribution to the streetscene. The landscape division (hedge) suggested would be preferable to a solid wall or fence to separate the parking areas as this would be a more attractive and subtler solution and should not appear out of place in the streetscene. Steps should also be taken to ensure that the resultant vehicular crossovers do not appear over scaled in the street - there should be 2 distinct crossovers rather than one over scaled one.

### **Traffic & Highways Network**

- 6.2 The applicant has shown a vehicle crossover measuring approximately 10m. The maximum size vehicle crossover allowed is 4.8m so a highway objections is raised. However, if the applicant amended the drawing to show a small gap between each 4.8m crossover this would be acceptable in highway terms and the objection removed.

### **Leigh Town Council**

- 6.3 No objection.

## Public Consultation

6.4 A site notice was displayed and 6 neighbours were notified of the application. Two letters of objection have been received which object to the proposal on the following grounds:

- The proposal would represent overdevelopment and set a precedent for other similar development in the vicinity of the site.
- The proposal would be out-of-keeping with the character of the area.
- Overbearing upon neighbouring properties.
- Not in accordance with planning policy.
- The proposal would cause a loss of light and privacy
- The proposal would set a precedent for other development.

6.5 The application has been called into committee by Cllr Mulroney.

## 7 Relevant Planning History

7.1 16/00338/FUL: Demolish existing garage and erect dwellinghouse adjacent to No. 50 Vernon Road, layout amenity space and parking, extend existing vehicle crossover onto Vernon Road – Refused planning permission on 16<sup>th</sup> May 2016 for the following reasons:

*“01. The proposal, by virtue of the scale of the proposed dwelling, would be harmfully out-of-keeping with the character and appearance of the surrounding area and cause harm to the streetscene of Vernon Road. The proposal is therefore contrary to the NPPF, policies KP2 and CP4 of DPD1 (Core Strategy) policies DM1 and DM3 of DPD2 (Development Management) and the advice within the Design and Townscape Guidance (SPD1).”*

*02. It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed residential unit would accord with the standards of Part M4(2) of the Building Regulations. The proposal would therefore fail to create a flexibly designed house to respond to the future occupiers changing physical and social requirements over their lifetime contrary to the NPPF and policies DM1 and DM8 of DPD2 (Development Management).”*

7.2 15/00869/FULH: Demolish existing garage, erect single storey rear extension and two storey side extension – Refused; appeal dismissed.

7.3 14/00480/CLP: Single storey rear extension (Lawful Development Certificate-Proposed) – Certificate granted.

**8 Recommendation**

**GRANT PLANNING PERMISSION subject to the following conditions:**

**01. The development hereby permitted shall begin no later than 3 (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 approved plans: 30/16/A/REV 1, 30/16/C/REV 1, 30/016/B.**

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

**03. No development shall take place until samples of the materials to be used on the external elevations of the dwellings, on any screen/boundary walls, fences and gates, and on any driveway, access road, forecourt or parking area have been submitted to and approved by the Local Planning Authority. Details of the proposed boundary treatments shall be provided. The development shall only be carried out in accordance with the approved details.**

**Reason: To safeguard character and appearance of the area and amenities of neighbouring occupiers in accordance with Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Development Management Document and the Design and Townscape Guide, 2009 (SPD1).**

**04. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping. This shall include details of all the existing trees and hedgerows on the site and details of any to be retained, together with measures for their protection in the course of development; details of the number, size and location of the trees and shrubs to be planted together with a planting specification, details of the management of the site, e.g. the uncompacting of the site prior to planting, the staking of trees and removal of the stakes once the trees are established; details of measures to enhance biodiversity within the site and details of the treatment of all hard and soft surfaces (including any earthworks to be carried out). The landscaping shall be implemented in accordance with the agreed details, unless otherwise first agreed in writing by the Local Planning Authority.**

**Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy, Policy DM1 of the Development Management Document and the Design and Townscape Guide, 2009.**

**05. All planting in the approved landscaping scheme shall be carried out within the first available planting season following the completion of the development. Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority.**

**Reason: In the interests of visual amenity and to ensure a satisfactory standard of landscaping, pursuant to Policy CP4 of the Core Strategy DPD1 and Policy DM1 of the Development Management Document.**

**06. A scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources shall be submitted to and agreed in writing by the Local Planning Authority and implemented in full prior to the occupation of the dwellinghouses. This provision shall be made for the lifetime of the development.**

**Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy, the Design and Townscape Guide (SPD1) and Development Management Document Policy DM2.**

**07. Prior to the first occupation of the dwellinghouse, two car parking spaces for the dwellinghouse hereby approved and for no. 50 Vernon Road shall be provided and permanently retained in accordance with the approved plans. The car parking spaces shall be permanently retained for occupants and visitors of the application site and be used for no other purpose unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: To provide satisfactory off-street parking for the dwellinghouses, in accordance with Policy DM15 of the Development Management Document.**

**08. Notwithstanding conditions 02 and 07 above, prior to the first occupation of the dwellinghouse, an amended site plan shall be submitted to and agreed in writing by the Local Planning Authority which reduces the size of the extended crossover to measure no wider than 4.8m. The development shall only be carried out in accordance with the agreed site plan.**

**Reason: In the interest of highway and pedestrian safety in order to overcome the concerns of the Highway Authority in accordance with Policy DM15 of the Development Management Document and the Department for Place Vehicle Crossing Policy & Application Guidance.**

**09. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, or any Order revoking or re-enacting that Order with or without modification, no development shall be carried out within Schedule 2, Part 1, Classes A, B, C, D or F of those Orders.**

**Reason: To safeguard the design and appearance of the dwellinghouses, in the interest of the standard of accommodation and to ensure that satisfactory amenity space remains for the amenities of future occupiers, in accordance with Development Management Document Policies DM1, DM3 and DM8 and the Design and Townscape Guide, 2009 (SPD1).**

**10. The flat roof to the dwellinghouses hereby approved shall not be used as a balcony, roof garden or similar amenity area or for any other purpose unless otherwise agreed in writing by the Local Planning Authority. The roof can however be used for the purposes of maintenance.**

**Reason: To protect the privacy and environment of people in neighbouring residential properties in accordance with Policy CP4 of the Core Strategy and Policy DM1 of the Development Management Document.**

**11. Demolition or construction works shall not take place outside 07:30 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays or Bank Holidays, unless otherwise agreed in writing with the Local Planning Authority.**

**Reason: To protect residential amenity and general environmental quality in accordance with Core Strategy Policies KP2 and CP4 and Policy DM2 of the Development Management Document.**

**12. No burning of construction or demolition waste is to take place on the site.**

**Reason: To protect the amenities of neighbouring properties and general environmental quality in accordance with Core Strategy Policies KP2 and CP4 and Policy DM1 of the Development Management Document.**

**13. Prior to first occupation of the development hereby approved details of the water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting.**

**Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management Document) policy DM2 and SPD1 (Design and Townscape Guide).**

**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.**

### **Informatives**

**01. Please note that the proposed development subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). Enclosed with this decision notice is a CIL Liability Notice for the applicant's attention and any other person who has an interest in the land. This contains details of the chargeable amount and how to claim exemption or relief if appropriate. There are further details on this process on the Council's website at [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil)**

**02. Notwithstanding condition 08 above, the applicant is advised that separate consent of the Local Highways Authority would be required for works to extend the existing vehicular crossover.**