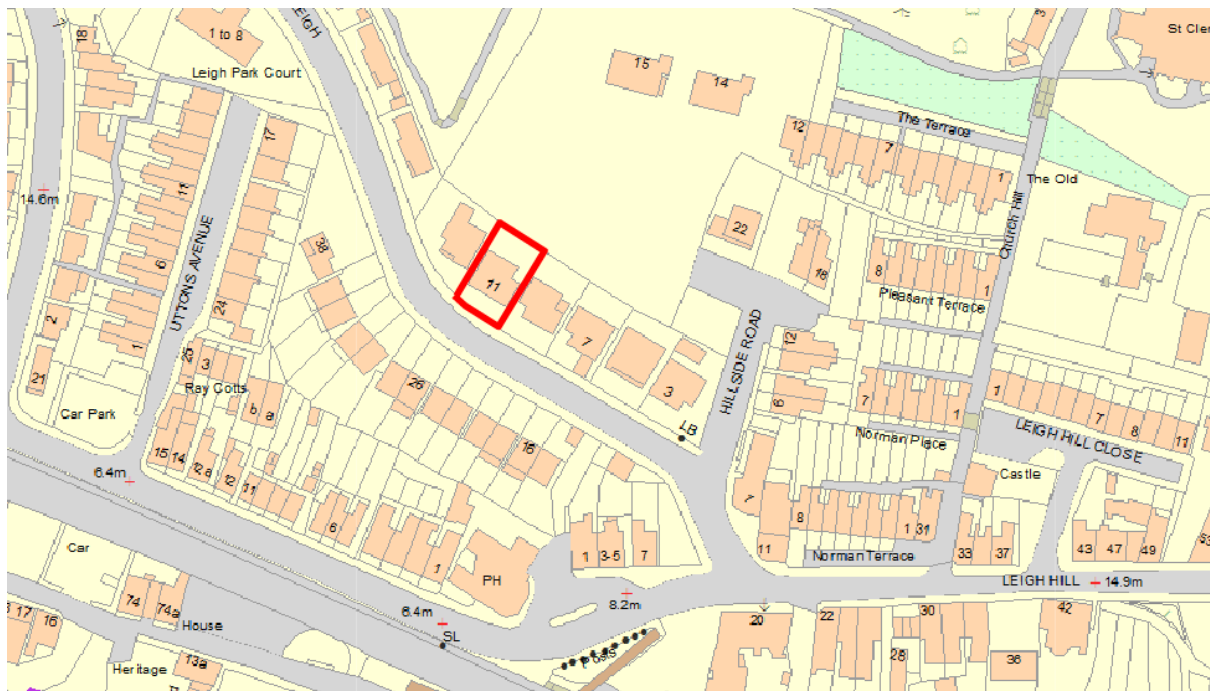


<b>Reference:</b>	16/01160/FULH
<b>Ward:</b>	Leigh
<b>Proposal:</b>	Demolish part of dwellinghouse and erect part single/part two storey front extension to western side of dwelling, erect three storey front extension to eastern side of dwelling, erect a three storey rear extension, replace roof and erect dormer to rear and form new vehicular access to Leigh park road (Amended Proposal)(Part Retrospective).
<b>Address:</b>	11 Leigh Park Road, Leigh-On-Sea, Essex, SS9 2DU
<b>Applicant:</b>	Mr S. Ezra
<b>Agent:</b>	Smart Planning
<b>Consultation Expiry:</b>	04/08/16
<b>Expiry Date:</b>	02/09/16
<b>Case Officer:</b>	Ian Harrison
<b>Plan Nos:</b>	S110, P103 A, P104, P105, P22, P301/P304, P304/P384, P304, P306, P383/P305, P384, P385, P386 and Illustration 9.
<b>Recommendation:</b>	<b>REFUSE PLANNING PERMISSION</b>



# 1 The Proposal

## General Overview

- 1.1 The application seeks part retrospective planning permission for the partial demolition of the dwellinghouse at 11 Leigh Park Road and the erection of various extensions to the dwelling. In this instance it is considered that the proposal has to be considered in the context of the planning history of the site and as such it is considered appropriate to address the history of built form at the site. The applicant's submissions show a datum point of 50.00 which appears to be a fixed point on all plans and can be correlated with the original dwelling and previously approved works. All heights are therefore stated in relation to that datum to enable comparison between developments.

## Dwelling as at 1996

- 1.2 The original dwelling was formed of a rotated 'T' shaped footprint. The central part of the dwelling measured 5 metres deep and 8.7 metres wide with a ridge height of 8.5 metres above the datum point and an eaves height of 5.1 metres at the north west. To the front was a 4.3 metre wide gable projection that had a matching eaves height and a maximum height that was 0.2 metres lower than the main roof. A subservient 3.4 metre deep, 8 metre wide projection existed at the rear of the site which featured cat-slide roofs to both sides. A balcony existed above a small projection at the South corner of the dwelling and a single storey garage existed at the West corner of the dwelling.

## 1996 Planning Permission

- 1.3 Planning permission was granted under the terms of application 96/0365 on 29 November 1996 for the demolition of the front of the dwellinghouse and its rebuilding with a bay feature with a garage at basement level, a balcony at first floor and a new terrace and entrance. A new vehicle access and driveway was approved and a three storey rear extension was also approved. A letter from an Officer of Southend-on-Sea Borough Council dated 24/01/02 identifies that works associated with this permission had commenced within the 5 year period from the date of the decision. Therefore, the permission is considered to be extant and can still be implemented despite the lengthy delay in works occurring.
- 1.4 The previously approved development would have seen the demolition of the forward projecting two storey bay along with the forward facing walls of the existing dwelling and a single storey garage. The demolished structures would have been replaced with front extensions that would have seen a three storey bay provided at the South East corner of the dwelling including a basement garage. The two storey part of the North West elevation of the dwelling would have been extended forward to measure 8.4 metres long at ground floor rather than 6.8 metres long, to provide a dining room at ground floor and a balcony at first floor. The roof of the main part of the dwelling would have been reconfigured to feature a hipped roof with the ridge running parallel to the highway at a height of 9.2 metres above datum with a small element of flat roof and catslide roofs to the front and rear. The bay projection at the front would have had a matching ridge height and an eaves height that would have met the proposed roof at the point where it begins to cat-slide.

At the rear, a three storey extension would have been erected at the East corner of the dwelling. The extension would have appeared as a turret with a conical roof built to an eaves height of 8.1 metres above datum and a maximum height of 9.4 metres above datum.

### 2015 Planning Application

- 1.5 It was identified that the development that has occurred does not accord with the abovementioned 1996 planning permission and therefore the applicant submitted application 15/01340/FULH to seek planning permission for the development that is occurring, but is yet to have been completed. Officers take the view that the development required permission as a different development has occurred to that which was granted planning permission in 1996. However, it was considered that the fallback position should carry significant weight in the assessment of that application.
- 1.6 The development that was considered is the development that has been undertaken. That development has involved the demolition of the front of the former dwelling and its rebuilding to result in the North West elevation measuring 8.6 metres deep. The projection at the front of the dwelling projects forward by 0.9 metres with a 0.7 metre deep bay in front of the main elevation. The roof of the dwelling has been reconfigured with the main part of the dwelling featuring a crown roof with a flat roof at a height of 9.35 metres above datum and pitched roofs to the North West, South West and North East that feature cat-slide roofs to the North West and South West. The eaves height at the rear elevation is 6 metres above datum and the eaves height at the west side is 5.25 metres above datum. The forward projection features a roof that would be built to an eaves height of 6.8 and a ridge height of 9.7 metres. The proposed turret at the East corner of the dwelling has been partially built and the submitted plans showed that it would have been built to a maximum height of 10.8 metres, with a parapet wall built to the sides that would be built to a height 9.8 metres above datum.
- 1.7 Some of the other key differences between the development that has occurred and the development approved in 1996 include the following:
  - The lowering of the height of the chimney by 0.6 metres.
  - The insertion of a dormer on the North East facing roofslope that features a flat roof, measures 1.5 metres tall and 1.2 metres wide and is positioned 1.3 metres above the eaves and 0.3 metres below the flat roof.
  - A 1.2 metre deep, 6.2 metre wide canopy has been provided at the front elevation.
  - The first floor accommodation has been built forward to encompass the balcony that was previously approved.
  - Steps are shown to lead from the highway to the ground level entrance of the dwelling instead of a large, raised terrace at the frontage of the dwelling.

- 1.8 The application was refused for the reason set out below and as the application was retrospective, enforcement action was authorised.

*“1. The proposed development, by virtue of the scale, form and architectural features of the resultant dwelling, would cause harm to the appearance of the dwelling at the application site and be a discordant and incongruous addition to the street-scene, thereby not maintaining or enhancing the character or appearance of the Leigh Conservation Area. The proposal is therefore contrary to the National Planning Policy Framework, policies KP2 and CP4 of DPD1 (Core Strategy), policies DM1 and DM5 of DPD2 (Development Management) and the advice contained within SPD1 (Design and Townscape Guidance).”*

#### Subsequent Actions

- 1.9 Soon after those decisions were reached, the former planning agent contacted the Local Planning Authority to ask for a delay in taking enforcement action until opportunity had been given to discuss amendments to the development that has occurred to address the concerns that were raised.
- 1.10 In the subsequent months discussions have occurred, primarily focussed on disputes over the accuracy of the plans which was a criticism of the previous application. Discussions have also occurred in relation to various items at the site including the height of the different elements of the roof and the ‘turret’ extension at the rear of the site, the ground levels of the site and the balcony and first floor door arrangement at the front of the building.

#### Current Planning Application.

- 1.11 Notwithstanding all of the above, this application has to be considered on its own merits, albeit still affording weight to the 1996 permission, the development of which has been accepted to have commenced. Planning legislation makes it possible to apply for developments retrospectively and as such the consideration of the application should not be influenced by the fact that the development has not occurred with the approved plans. The development that is now proposed is an amendment to the 2015 application and therefore, it is necessary to consider the proposal on its own merits, affording very little weight to the development that has occurred and previously been found to be acceptable. In summary, the application should be considered on the basis of the submitted plans and not the development that has occurred at the application site.
- 1.12 The main part of the resultant dwelling would measure 8.6 metres deep at the west elevation and a maximum of 10.8 metres wide with a crown roof built to an eaves height of 5.3 metres at the front elevation and a flat roof height of 9.4 metres. To the South East side of the main part of the dwelling is a three storey projection that measures 4.5 metres wide and projects forward by 1 metre with an additional bay that projects by 0.7 metres. A gable end pitched roof covers the forward projection and the South East corner of the main part of the dwelling, measuring 6.8 metre tall to the eaves and 9.75 metres tall to the top of the finials on the ridge. At the North East corner, the proposed turret would be built to an eave height of 9.3 metres and a maximum height of 10.45 metres.

- 1.13 The dwelling would feature a canopy at the front that would measure 6.2 metres wide and 1.2 metres deep, with two rooflights. Sliding doors would be provided at first floor to serve the bedroom. A dormer window is proposed at the rear.

#### Accuracy of Plans

- 1.14 As set out above, Officers raised concerns in relation to the accuracy of the plans that were submitted in 2015 and to enable the determination of the application, it was considered necessary to use a point on the building that appeared to be consistent as a fixed point to take all measurements from. Recent discussions with the applicant's representatives have focussed on this matter and this has resulted in the submission of a more robust set of plans that have enabled more accurate consideration of the dimensions of the former, approved, built and proposed dimensions. It is therefore the case that a number of the dimensions set out above are not consistent with those that were stated in the previous Officer's Report as the relevant measurements have been verified and corrected as necessary.

## **2 Site and Surroundings**

- 2.1 The application site is located to the North East of Leigh Park Road the site measures 21 metres deep and 14 metres wide. Ground levels change significantly at the site with the Northernmost corner of the site being well above the ground levels at to the South corner of the site.
- 2.2 The properties of the surrounding area are in residential use. The neighbouring property to the south east is a two storey dwelling with a two storey side projection, built on raised ground so that the finished floor levels are only slightly below the original floor levels of the dwelling at the application site. A detached two storey exists to the North West of the site which is set to a finished floor level that is approximately 0.5 metres higher than the floor levels of the original dwelling at the application site.
- 2.3 Two storey dwellings exist on the opposite side of Leigh Park Road, built with the eaves height being marginally above the ground level of the highway and the dwellings to the North are set with the ground level being approximately in line with the ridge of the roof of the dwelling proposed by this application. The dwellings to the North East are positioned approximately 45 metres from the rear elevation of the proposed dwelling.
- 2.4 The application site is located within the Leigh Conservation Area and is the subject of an Article 4 direction. The Leigh Conservation Area Character Appraisal identifies that due to the time when they were built, the dwellings of Leigh Park Road are reflecting of the "Arts and Craft" style. It was also considered that the building makes a 'positive contribution through design, age, materials or detailing'.

- 2.5 The assessment of the group of properties consisting of 7 to 13 Leigh Road identifies that *“All originally similar with an entrance door to the left hand side beneath a lean-to roof, a gable with a projecting bay, and to the right hand side a first floor balcony. To judge from no. 11 which best preserves its original appearance, being derelict and potentially at risk (though a notice indicates ‘Construction in progress’), they were originally red brick with render and half timbering to the gable and over the entrance door, with stucco window surrounds and interlocking tiles on the roof. Today they are all differently treated. The top lights of the windows are leaded with cathedral glass; these mostly survive. The balconies of nos 9 and 7 are glazed in. No. 7 has original tiles like no. 11, but the others have been re-roofed with concrete tiles. No. 7 has an ugly asphalted parking bay. Boundaries to the front have largely been eroded, although the effect of this is mitigated somewhat by some attractive shrubs and planting in sloping gardens. No. 13 is a prominent and attractive feature on the bend in the road, with an additional gabled bay in the flank wall facing up the hill, and glazed-in balcony.”*

### **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 and the impact on residential amenity.

### **4 Appraisal**

#### **Principle of Development**

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

- 4.1 This proposal is considered in the context of the National Planning Policy Framework 2012 and Core Strategy Policies KP2 and CP4. Also of relevance are policies relating to design that are contained within the Development Management DPD. These policies and guidance support extensions to properties in most cases but require that such alterations and extensions respect the existing character and appearance of the building. Subject to detailed considerations, the proposed extension to the dwelling is considered to be acceptable in principle.

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

#### **National Planning Policy Framework 2012, Core Strategy Policies KP2 and CP4, Development Management DPD Policies DM1 and DM5 and SPD1**

- 4.2 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 Councils 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.”*

- 4.3 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.”
- 4.4 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act imposes a duty to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area. This is reiterated in national guidance in the NPPF. Policy DM5 states that *“Development proposals that result in the total loss of or substantial harm to the significance of a designated heritage asset, including listed buildings and buildings within conservation areas, will be resisted.”*
- 4.5 The site is located in the Leigh Conservation Area and therefore special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. The NPPF states that:
- “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation”.*
- 4.6 Relevant extracts of the Leigh Conservation Area Appraisal are set out at paragraphs 2.4 and 2.5 above and it is considered that his background is of relevance to the character of the site and the surrounding properties of Leigh Park Road.
- 4.7 A section of the Conservation Area Appraisal attempts to inform new development setting out that *“Nearly all buildings are two or three storeys in height and domestic in scale. The scale of features such as doors, windows, storey heights and roof slopes should be dictated by nearby buildings.”* It also states that the detailing of buildings should also feature *“False half-timbering on gables, black window frames, casement windows and machine made clay plain tile roofs on Arts and Crafts inspired buildings.”*
- 4.8 The footprint of the dwelling would be largely the same as the development that was previously approved and it is therefore considered that the width and depth of the dwelling should not be found to be objectionable. The most significant alterations relate to the modification of the dwellings roof and it is in this respect that the proposed development would appear to be materially different to the original dwelling or the previously approved development. The proposed flat part of the roof would be enlarged and positioned slightly further to the east, but as this is only a small element of the roof, it is considered that it would not be obvious from the street-scene and would not become a prominent feature at the site. By comparing the previously approved and submitted plans, it is shown that the main part of the proposed roof would be 0.25 metres taller than the previously approved dwelling and the roof of the front projection would be 0.55 metres taller than the approved dwelling.
- 4.9 Paragraph 375 of SPD1 states that *“In a few cases it may be possible to extend*

*a property upward by adding an additional storey however this will only be appropriate where it does not conflict with the character of the street. For example adding another storey to a bungalow will not be considered appropriate where the street comprises predominately of single storey dwellings or where there is a regular pattern of bungalows and other style of properties which is part of the local character.*” In this case it is noted that the dwellings of the surrounding area are not of consistent height and due to the changing ground levels, there is not a uniform or consistent roof height. It is therefore considered that there is scope for the roof height to be varied without causing material harm to the character or appearance of the site or the surrounding area. It is however noted that the dwellings were originally of consistent scale and therefore a staggered arrangement existed as the roof heights were stepped in a manner that reflected the changing ground levels.

- 4.10 The history of Leigh that is set out within the Conservation Area Appraisal emphasises the importance of the changing ground levels and the relationship of the built form with the cliff face is of great significance to the history and character of the Conservation Area. Streetscene drawings were submitted previously but were not considered to be accurate and it is noted that the relationship with the neighbouring dwellings is not shown on the plans submitted with this application. Having visited the site and neighbouring properties, it is clear that the main roof of the dwelling would be retained at a height that matches the height of 13 Leigh Park Road, with the taller front bay and rear turret being above the height of that dwelling which is set at a higher ground level. The height of the dwelling and the changing ground levels means that the top of the proposed turret would be approximately 2.2 metres above the ridge height of the dwelling of 9 Leigh Park Road.
- 4.11 It is considered that the staggered heights of the dwellings of Leigh Park Road generally reflects the changing ground levels and it would therefore be expected that the height of the dwelling would sit between the two neighbouring dwellings, as was the case with the scheme that was approved in 1996. The main roof has a maximum height that would exceed the previously approved dwelling by 0.25 metres and it appears that this height increase has resulted in the dwelling matching or being very close to the height of 13 Leigh Park Road. It is therefore considered that the impact of the development proposed by this application is materially different to the previously approved scheme and results in the dwelling failing to reflect the staggered heights and topography of the surrounding area. As the changing roof heights is considered to be an established feature of the street-scene it is considered that conflicting with this would not maintain the character of built form within this part of the Leigh Conservation Area.
- 4.12 The proposed rear extension would be largely masked from the street-scene of Leigh Park Road, but due to the height of the turret, it is considered that the top part of the extension would be partially visible from the public domain. Paragraph 348 of SPD1 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.”*



- 4.13 The round built form of the proposed extension and its disconnected relationship with the original dwelling represents the same approach to the extension of the dwelling to the permission that was previously granted. The only significant difference is the increase of the height of the turret by 1.05 metres, thereby causing the turret to be 1.05 metres taller than the height of the dwellings main roof.
- 4.14 The visual impact of the turret would therefore be far more significant than previously approved at this site. By virtue of its height and unusual form, it is considered that the development would become a significant feature of the application site, which would be visible from the public domain due to views several vantage points. The reconfigured roof of the dwelling means that there would be less to mask the roof from the highway to the South of the site and it is therefore considered that the extension would have a much greater impact on the streetscene of Leigh Park Road. While it would always have been the case that the turret would have been at odds with the conventional character of the existing dwelling, its height would have matched the existing dwelling and it would not therefore have had a dominating effect on the character of the area. Now that the extension is proposed to be taller than the host dwelling, it is considered that the turret would become a significant feature of the dwelling and be prominent in public views, thereby having a significant impact on the Conservation Area. In this instance it is considered that the impact would not maintain the character or appearance of the site or the Conservation Area and the proposal is not therefore supported by Officers. It is noted that the height of the turret has been reduced in comparison to the previous proposals, but as it would still be taller than either of the other main elements of roof at the site, it is considered that the proposed modifications would not be sufficient to overcome the concerns that were raised previously.
- 4.15 In summary, and when considered in the content of the advice that is set out within the Leigh Conservation Area and the Council's Design Guidance, it is considered that the resultant roof would be harmfully at odds with the character of the site and the surrounding area. It is considered that, if considered on its own the impact, a lenient approach could be taken to the increased height of the main roof by 0.25 metres in comparison to the previously approved scheme as the main roof would appear to match the height of 13 Leigh Park Road. However, when considered in addition to the other height variations that are set out above, it is considered that the resultant roof form, in its entirety, conflicts with the established character of the site and the surrounding area and causes a reduction of significance of the heritage asset.
- 4.16 Paragraph 366 of SPD1 states that *"Dormer windows, where appropriate, should appear incidental in the roof slope (i.e. set in from both side walls, set well below the ridgeline and well above the eaves). The position of the new opening should correspond with the rhythm and align with existing fenestration on lower floors. It goes on to state that "the materials should be sympathetic to the existing property. The space around the window must be kept to a minimum. Large box style dormers should be avoided, especially where they have public impact, as they appear bulky and unsightly. Smaller individual dormers are preferred."* The dormer that is proposed by this application would be a small addition to the rear elevation of the dwelling.

Due to its position at the rear of the dwelling, it would have no impact on the streetscene and no significant impacts on the character or appearance of the dwelling or the Conservation Area. The dormer is considered to be of appropriate size and does not cause harm to the character and appearance of the existing dwelling. The rooflight at the front of the dwelling is also not considered to cause significant visual harm.

- 4.17 The proposed detailing of the dwelling would be modified in comparison to the previous proposal, a full assessment of which has been undertaken by the Council's Design and Regeneration Officer as is set out below. The concerns set out within the detailed design advice are considered to be well founded and should therefore be given significant weight in the assessment of the application, however these have to be balanced with the fact that a planning permission does exist for development at this site which provides a fallback position. It was previously considered that if permission was granted, conditions could be imposed to address a number of matters and it remains the case that clarification and modifications can be sought in relation to the details of the garage doors and new meters being provided at the site frontage. Notwithstanding the design advice received, it is considered that the glazing within the front canopy causes little harm and its alteration should not therefore be sought.
- 4.18 It is however considered that the loss of the balcony and the use of bi-folding doors will clash with the otherwise traditional detailing of the front elevation. The design advice that has been received notes that the surrounding properties either feature balconies that were part of the original character of the streetscene or these have been infilled with the detailing matching the fenestration of the remainder of the dwelling. This application falls between the two approaches and proposes the use of bi-folding doors. Whilst the balustrade would replicate the detailing of the original dwelling, it is considered that the forward positioning of the bi-fold doors conflicts with the established character of the former dwelling and the surrounding area, particularly as the detailing of the doors would have little resemblance to the proportions of the other fenestration in the building.
- 4.19 For the reasons set out above, it is considered that the modified scale of the proposed development and the relationship between the extended dwelling at the application site and its neighbours would result in the dwelling being of a scale and form that would be at odds with the character and appearance of the site and the surrounding Conservation Area. The increased height and visual impact of the proposed turret extension at the rear of the dwelling and the discordant and incongruous architectural features of the resultant dwelling means that the development would cause material harm to the character and appearance of the site and the Leigh Conservation Area, contrary to the abovementioned policies.
- 4.20 The applicant's submissions argue that the loss of heritage significance has already occurred by virtue of the approval of the 1996 scheme and its implementation would have already caused a reduction of heritage value at the site. It is however considered that the scheme that is now proposed is materially worse than the approved scheme and therefore neither maintains nor enhances the character or appearance of the conservation area in the respects that are set out above.

## **Impact on Residential Amenity:**

### **NPPF; DPD 1 (Core Strategy) Policies KP2 and CP4; Development Management DPD Policy DM1 and SPD 1 (Design & Townscape Guide (2009))**

- 4.21 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.”
- 4.22 The resultant dwelling would be no closer to the neighbouring property of 13 Leigh Park Road and would have no additional windows in the side elevation than the previously approved scheme. The height and depth of the North West elevation would be very similar to the previously approved development and it is therefore considered that the development proposed by this application would not cause a loss of light, privacy or outlook within the neighbouring property to an extent that would justify the refusal of the application.
- 4.23 At the south east side and east corner, the dwelling would be materially taller than the previously approved dwelling as the ridge of the front projection and the turret would be taller than the previously approved development. However, the development would be no closer to the neighbouring property and would be no deeper. In this instance, it is considered that the increased height of the dwelling would not have an impact on the light or outlook of the neighbouring property to an extent that would justify the refusal of the application. The small distance between the dwellings means that the existing and approved development would already have an impact on the light received within the amenity area of the neighbouring property and the rooms that face the dwelling at the application site. The increased height of the building would cause the loss of additional light, but not in a manner that would be materially worse than the existing situation.
- 4.24 The resultant dwelling is 6 metres from the north east boundary of the site and 45 metres from the closest property of The Terrace which is being constructed on elevated ground as described above. The additional height of the dwelling and the rear facing windows is visible from within the neighbours property, but due to the separation distance and the height differences between properties, it is considered that the dwelling at the application site will not cause a loss of light, privacy or outlook from the neighbouring property to an extent that would justify the refusal of the application. The development would have a small impact on the view from that property, but this is not a material planning consideration.

## **Community Infrastructure Levy**

- 4.25 The proposed development would result in the creation of approximately 72 square metres of floorspace in comparison to the former dwelling at the application site. As the development creates less than 100 square metres of new floorspace at the application site, the development is not considered to be CIL liable.

## **Other Matters**

- 4.26 The provision of a garage at the frontage of the site and a new vehicular access to the site is not different to the previously approved development. These works could be implemented under the terms of the previous permission and it is considered that the proposed development would be no different now, in terms of highway safety and parking provision, than it would have been in 1996. It is therefore considered that the fallback position should carry significant weight and no objection should be raised to the means of accessing the site.
- 4.27 It is noted that the site has been a site of construction for a significant period of time and during that time the building and the site has not contributed positively to the streetscene. However, it is considered that this is a temporary situation and should not form a basis for supporting the application. Whilst the applicant, the local planning authority and presumably all other parties would like to see a development completed at this site, it is considered that this should not provide a basis to support an otherwise unacceptable development and in this regard it is considered that the harmful visual impact would last longer than the injury to visual amenity that is caused while the site features an uncompleted development.
- 4.28 The Council's Development Control Committee has previously resolved to take enforcement action in relation to the development that has occurred at the application site. This resolution remains and as such it is considered that it is not necessary to seek further authorisation in this regard.

## **5 Conclusion**

- 5.1 It is considered that the modified scale of the dwelling and the relationship between the extended dwelling at the application site and its neighbours would result in the dwelling being of a scale and form that would be at odds with the character and appearance of the site and the surrounding Conservation Area. The height and visual impact of the proposed turret extension at the rear of the dwelling and the discordant and incongruous architectural features of the resultant dwelling means that the development would cause material harm to the character and appearance of the site and the Leigh Conservation Area, contrary to the policies of the Development Plan. Whilst the proposal is an improvement in comparison to the development that has been partially completed, it is considered that the reason for the refusal of application 15/01340/FULH has not been satisfactorily overcome by this proposal.

## **6 Planning Policy Summary**

- 6.1 National Planning Policy Framework

Core Strategy DPD (adopted December 2007) Policies KP2 (Spatial Strategy) and CP4 (Development Principles)

Development Management DPD Policy DM1 (Design Quality), DM5 (Southend-on-Sea's Historic Environment) and DM15 (Sustainable Transport Management)

Community Infrastructure Levy Charging Schedule

## 7 Representation Summary

### Design and Regeneration Team

- 7.1 11 Park Road is one of a group of Arts and Crafts style properties on the northern side of Leigh Park Road. Their style reflects the fashions during the time of Leigh's period of rapid growth at the beginning of the 20th century which changed from more the more formal Victorian terraces seen elsewhere in the conservation area to the more informal Edwardian / Arts and Crafts style including the features such as decorative half-timbered gables, casement windows and ornate timber balconies. This group of properties is identified in the Leigh Conservation Area Appraisal as making a positive contribution to the character of the conservation area

11 Leigh Park Road has been vacant for a number of years and at the time of the appraisal in 2009 it was noted as the property which 'most preserves its original appearance but being derelict and potentially at risk'. Since this time, however, renovation works have progressed on an application originally approved in 1996.

The change to the front elevation in particular seems to have arisen from the presence of subsidence and cracking to the front elevation. Given the circumstances at the time this change to the frontage, was considered to be acceptable. The streetscene at this point includes some variation in design and the proposed swapping of the gable to the east side does not appear out of place especially as the original materials have been reused. Therefore although this is not the original design in principle the property still has the potential to integrate well into the streetscene and make a positive contribution to the character of the conservation area.

The current application seeks to vary this application and the works are in progress. The current proposal has been amended since the 2015 application which was considered to be too different to the originally approved application and detrimental to historic character. These changes will be assessed in turn to determine the impact on the previously approved proposal and on the wider conservation area.

1. Insertion of an additional floor at roof level to provide a study, games room and bathroom including changes to the roof including raising the ridge of the main roof, raising the height of the turret feature to above the height of the increased ridge, an additional window at the new upper level of the turret, a larger area of flat roof, a change in the angle of the front gable to increase head height within this feature and the insertion of a window in this gable, a new rear dormer and a roof light to the front.

Whilst there would be no objection to roof accommodation of some from in the existing or approved roof form the changes that have been made to the approved design to accommodate the additional floorspace in the roof are substantial and have had a significant impact on the property and the wider streetscene. These seem to have been made to increase the headroom in the roofspace over what would have been useable within the approved design. The increase in ridge height has impacted on the dominance of the property in the streetscene where the character is for a stepping of the ridge heights following the topography of the land.

The higher ridge here increases the prominence of the property making it appear more dominant in the streetscene than its neighbours, but it is the increased prominence of the turret feature, which can clearly be viewed from the street, that appears most incongruous in the streetscene and even at the reduced height still dominates the property. In addition to the increased scale the change from a feature clearstory window below the eaves to a basic modern casement facing towards the rear is also considered to have degraded the quality of design of this element resulting in a bland and overscaled addition and the amended turret design completely destroyed all the refinement of the approved design. The amended proposal therefore is considered to still be over dominant and detrimental to the character of the existing property and the wider streetscene. A reduction to the approved height or alternative better integrated design should be sought.

An objection has previously been raised to the insertion of a window in the main front gable element as it would be an inappropriate modern addition in a traditional feature and may set a precedent for others in the street which could fundamentally change its historic character. This has happened to properties in Leigh Cliff Conservation Area (Cliff Parade) and is noted in the Appraisal of that conservation area as being particularly harmful to its historic character. It is noted that there is a simple rectangular window to the gables at number 13 but this is much smaller than proposed and has a more limited impact. However, if this element is considered to be permissible it should be timber framed to better integrate into the decoration of the gable. **[Officer Note – The submitted plans do not reflect the window that has been inserted and it is noted that the window is designed to reflect the detailing of the building]**

The proposed rear dormer will have no public impact and is not objected to. The rooflight to the front is a small conservation style rooflight and on balance this has limited impact although it is noted that rooflights are not a feature of the area generally and its removal would be preferred.

2. Changes to the front elevation detailing and fenestration including changing for windows to French doors in the dining room, roof lights inserted into veranda roof in front of the front door , change form a single door and window with covered balcony to omission of the balcony altogether and replacement with bi-fold doors and glass Juliette set forward on the front building line in bed 2 and reduction of the width of the bathroom window - the amended 2016 plans now include a timber Juliette balustrade to the ground and first floors but otherwise this element remains unchanged.

Despite the significant changes that have been approved to the front elevation the design and window/balustrade detailing of this element in the 1996 application respected the historic character of the building and the street and was considered to successfully integrate with the wider conservation area. The approved plans at first floor showed a traditional balcony with a timber balustrade and traditional fenestration including a single narrow door and window. At ground level a wide window similar to the original design was proposed. The 2015 application removed the first floor balcony altogether and replaced it with modern bi-fold doors and a glazed balustrade set directly on the front building line and it was considered that this change will clash with the otherwise traditional detailing of the front elevation potentially opening up a large void in the building when open and an over scaled area of modern glazing when closed.

In the current application the balustrade has been changed from glass to timber but the extent and design of the opening will still be readily apparent in the streetscene and still appear as a large void in the building on the front elevation. This remains detrimental to the character of the existing building and the wider streetscene and is unacceptable.

There seems to be a conflict here between seeking to expand the internal floor space and retaining a balcony of some form. Unfortunately it seems that these two objectives are incompatible and a choice needs to be made. It should be noted that recent applications at number 7 and 9 next door have both amended this element of the property successfully. Number 7 (completed) has in filled the balcony to gain more floorspace and has matched the window detailing in with the main window of the property. Number 9 (approved and pending 15/01627/FULH) has reinstated this feature which had been lost with a traditional balustrade detail and timber French doors behind. Either of these two options would be acceptable in this case but the proposal for large modern bi folds and a Juliette of any design would be completely out of character with the existing building and detrimental the wider conservation area.

There is also a concern raised in regard to the proposed rooflights in the veranda which will also be conspicuous and out of place. These should be better omitted.

There is less of an issue with the changes to the bathroom window and the proposal for French doors at ground level subject to all these being timber and detailing matching the existing fenestration.

### 3. Changes to the rear including alternative window designs and positions – no change in the current plans

Alterations to the rear at the lower levels will not be visible from the public realm and are less of a concern than the issues raised above.

### 4. Various internal room layout changes

Aside from the concerns noted above where internal changes have impacted on the public elevations there are no objections to a revised internal configuration.

### 5. Other issues

A number of areas of the proposal are unclear and should be clarified:

- New meters are shown beside the front steps. These will need to be concealed, details of this and the frontage generally should be sought
- Details of the garage doors should also be clarified. The plan still shows a sliding arrangement but this is unclear. Given the historic context these should be hinged timber barn style doors not modern materials.

## Conclusion

Overall, whilst it is pleasing to see this building given a new lease of life, the changes to the approved plans in the previously refused and currently amended application have fundamentally altered the design and scale of the approved plans and degraded its quality of detailing and are considered to be detrimental to the historic character of the existing building and harmful to the significance of the wider conservation area. They are therefore considered to be unacceptable and more substantial and sympathetic revisions should be sought.

It is noted that the heritage statement seeks to argue that the rebuilt frontage is not the original design and therefore the property has a low significance and contribution to the conservation area however this is contradicted in the design statement where it considers that the rebuilding of the structurally damaged building has had a positive impact on the conservation area particularly as the original materials were reused. Overall it is considered that if the outstanding details to the turret and front windows/balcony areas in particular can be resolved this proposal has the potential to once again make a positive contribution to the historic character of the area albeit not quite as originally intended.

### **Leigh-on-Sea Town Council**

- 7.2 An objection is raised on the grounds that the proposal does not comply with conservation guidelines, and is prominently visible from Leigh Library Gardens within the Conservation Area. There are no other 3 storey houses in the area and so is out of keeping with the street scene, because of its size and bulk. The proposal would be overbearing to neighbouring properties.

### **The Leigh Society.**

- 7.3 No objection is raised to the proposal.

### **Public Consultation**

- 7.4 A site notice was posted and letters were sent to 13 neighbouring residents. Objections have been received from 3 neighbouring residents which object on the following grounds:
- The architect was the owner and now lives in the property but the ownership has changed.
  - The architect should have known that his original approval would not have worked at the site.
  - Enforcement action should be taken.
  - The plans are not of adequate accuracy.
  - The proposal is overbearing to the neighbouring property.
  - The proposal is an eyesore.
- 7.4 One representation has been received in support of the proposal and wishes to see the balcony at the front of the property enclosed and the development completed as soon as possible.



- 7.5 A petition of support has been received which supports the application on the grounds that the work undertaken is magnificent and the Council previously reached the wrong decision.
- 7.6 The application has been called-in to the Council's Development Control Committee by Cllrs Arscott and Mulroney.

## **8 Relevant Planning History**

- 8.1 As set out above, planning permission was granted for the erection of extensions and alterations to the dwelling under the terms of application 96/0365. The relevance of that planning permission is fully discussed above along with the refusal of recent application 15/01340/FULH.
- 8.2 No other planning history is considered to be relevant to this application.

## **9 Recommendation**

- 9.1 **It is recommended that planning permission is REFUSED for the following reason:**

**The proposed development, by virtue of the scale, form and architectural features of the resultant dwelling, would cause harm to the appearance of the dwelling at the application site and be a discordant and incongruous addition to the street-scene, thereby not maintaining or enhancing the character or appearance of the Leigh Conservation Area. The proposal is therefore contrary to the National Planning Policy Framework, policies KP2 and CP4 of DPD1 (Core Strategy), policies DM1 and DM5 of DPD2 (Development Management) and the advice contained within 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**

### **Informative**

**You are advised that as the proposed alterations 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.**