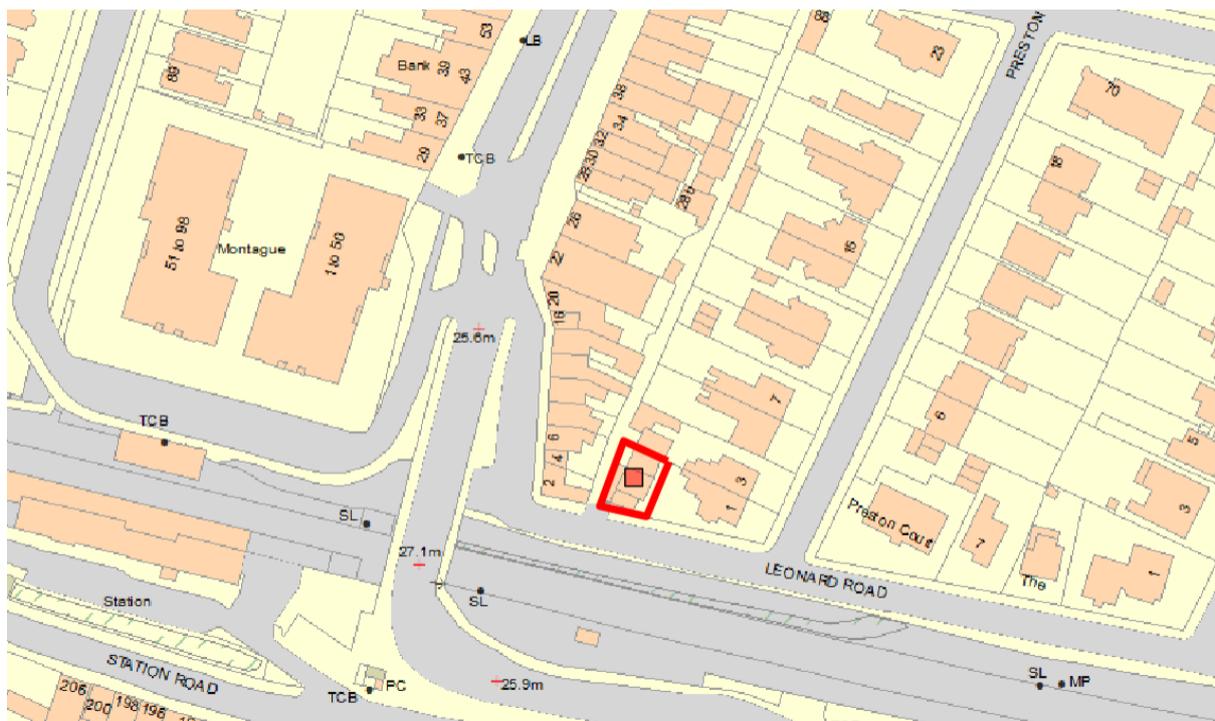


<b>Reference:</b>	16/01650/FUL	
<b>Ward:</b>	Milton	
<b>Proposal:</b>	Demolish existing outbuildings, erect two storey detached dwellinghouse and form layout parking.	
<b>Address:</b>	Rear Of 1 Preston Road, Westcliff-On-Sea, Essex, SS0 7NB	
<b>Applicant:</b>	Miss Tracey White	
<b>Agent:</b>	Stone Me!	
<b>Consultation Expiry:</b>	04/11/16	
<b>Expiry Date:</b>	05/12/16	
<b>Case Officer:</b>	Ian Harrison	
<b>Plan Nos:</b>	02A and 03	
<b>Recommendation:</b>	<b>REFUSE PLANNING PERMISSION</b>	



## **1 The Proposal**

- 1.1 The application seeks planning permission for the erection of a detached dwellinghouse on land at the rear of 1 Preston Road following the clearance of a string of outbuildings at the site.
- 1.2 The application site measures 12.7 metres by 16.1 metres and contains a single storey building that the submissions show to be used as a workshop, a garage and a store. The building features a variety of flat and pitched roofs with a maximum height at the north end of 3.7 metres. The building has an internal floor area of 114 square metres.
- 1.3 The proposed two-storey detached dwelling would be erected following the clearance of the existing buildings at the site. The proposed dwelling would measure 6.9 metres deep and 11 metres wide. The dwelling would feature a pitched roof that would run parallel to Leonard Road and be built to an eaves height of 3.9 metres and a ridge height of 6.2 metres. Two eaves-high dormers would be provided at the front elevation and three would be provided at the rear and two solar panels would be provided between the dormers at the front elevation. An open porch would be provided at the front elevation. The applicant's submissions show that the materials used in the construction of the dwelling and the parking area would include dark red roof tiles, off-white render, a red brick plinth and red block paving.
- 1.4 One parking space would be provided along with a 52 square metre garden area. The proposed dwelling would have an internal floor area of 130 square metres and three bedrooms that would all exceed a floor area of 11.5 square metres.

## **2 Site and Surroundings**

- 2.1 The application site and its contents are described above. The site is located to the east of Hamlet Mews which runs between the rear gardens of the properties of Preston Road and Hamlet Court Road. The site is located to the north of Leonard Road which runs to the north side of the C2C railway line.
- 2.2 The properties of Preston Road are in residential use and the properties of Hamlet Court Road feature a variety of commercial and residential properties, albeit with residential properties dominating at the south end. Hamlet Mews features a number of outbuildings and parking areas and it is noted that some of the buildings have been the subject of recent planning permissions to be converted to residential use.

## **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.

## 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 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.”* 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.
- 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. The principle of residential development could be accepted here, however this is subject to the detailed considerations that are set out below.
- 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 existing buildings are reflective of the historic form of Hamlet Mews and the grain of development within the surrounding area, in which small scale informal buildings exist to serve their host properties. The majority of these buildings have not been extensively maintained and therefore have a somewhat neglected appearance that creates a low quality, visually poor environment. In this context it is considered that the replacement of the buildings would be of some benefit to the character and appearance of the site and the surrounding area. It is noted that the clearance of the site and the erection of a dwelling has previously been supported by the Local Planning Authority and therefore the alteration of the character and appearance of the site has previously been accepted.

- 4.9 The proposed building would be subordinate to the properties to the east and west, alike the existing buildings, and it is therefore considered that the dwelling would not exceed the scale of the buildings within the surrounding area. However, by being of low height with a long frontage to Leonard Road, it is considered that the dwelling would have a squat appearance that would not reflect the height and verticality of the dwellings that front the surrounding highways.
- 4.10 It is noted that the area is noted that the area is of mixed character with mostly two storey buildings of varying designs, but also with a three storey block of flats and a bungalow further along Leonard Road. Notwithstanding the varied character of the surrounding area, it is considered that the proposed dwelling would introduce another style of architecture that is not reflective of any other property within the surrounding area. The chalet style form and the detailing of the dwelling and its porch is considered to be at odds with the character and pattern of the surrounding area and therefore the dwelling is not considered appropriate in its context and would be visually harmful.
- 4.11 The dwelling that was previously approved at this site would have been an interesting modern design that also would have conflicted with the character of the surrounding properties. However, the architectural merit of that design would have complimented the form and character of the surrounding area and provided a building of visual interest. The pastiche proposal that is before us is not considered to contribute as positively to the character and appearance of the site and surrounding area.

#### **Impact on Residential Amenity.**

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

- 4.12 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.”
- 4.13 The proposed dwelling would be to the rear of the garden of the care home at 1 Preston Road and it is therefore the case that the dwelling would be conspicuous in views from that property. The proposed dwelling would be immediately adjacent to the rear amenity area of that building and 5 metres from the main part of the rear outrigger. All windows would face away from 1 Preston Road and there would therefore be no loss of privacy caused by the proposed development. However, the increase of the height of built form at the site and the proximity of the dwelling to the boundary would result in the dwelling causing a loss of light within the amenity area of the neighbouring building and have an overbearing impact on outlook and create an unacceptable sense of enclosure within the amenity area of that property.

- 4.14 The proposed north facing dormer windows would face towards the property to the north which also appears to be used as a care home with a large outbuilding to the rear. The easternmost first floor window (which serves the master bedroom of the proposed dwelling) would have unrestricted views towards the amenity area that exists and, albeit at an oblique angle, the windows would also enable views towards the windows in the rear elevation of that property.
- 4.15 Due to the positioning of the dwelling in relation to the properties to the west, the orientation of the proposed dwelling, the open parking use of the rear of those properties and the presence of Hamlet Mews between the properties, it is considered that the proposal would not cause a loss of light, privacy or outlook within the neighbouring properties to the west that would justify the refusal of the application.
- 4.16 It is relevant to the above assessments that planning permission has previously been granted for the erection of a two storey dwelling at the site. However, this would have been dependent on significant changes to ground levels which would have meant that the building would have been only 1.3 metres taller than the existing buildings. Although the building would have presented a tall wall to the north and east elevations (approximately 4.5 metres above ground level), no windows would have been contained within those elevations and the overall height would have been significantly lower than the height of the dwelling that is shown on the submitted plans (6.2 metres above ground level). It is therefore considered that the impacts of the proposal are materially different and worse than the previously approved developments at the site.

#### **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.**

- 4.16 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 102 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.

- 4.20 The proposed residential unit is shown to have a four bed spaces, but the bedroom sizes would be adequate to be used as doubles and therefore it is considered appropriate to determine the application on the basis that it constitutes a 3 bedroom, 6 bed space dwelling. The proposed dwelling would be of adequate size to comply with the space standards set out above.
- 4.21 The amenity space provision (50 square metres) for the proposed dwelling is considered to be adequate.
- 4.22 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. In this instance it is considered that there is no known reason why the proposed development could not accord with the abovementioned standards and it has not been demonstrated that the proposed development would comply with those standards. It is therefore considered that the proposed development should be refused on the grounds that it has not been demonstrated that the development would accord with Part M of the Building Regulations. Given that meeting Part M requirements may have design implications it is not considered that this matter can be addressed through the imposition of a condition.

## **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.**

- 4.23 The existing vehicular access point to the site is proposed to be amended, being repositioned further to the South than the existing shared crossover. The Highway Authority has raised no objection to this element of the proposal and it is therefore considered that the means of accessing the site should not be found objectionable on highway safety grounds.
- 4.24 Policy DM15 states that each dwelling should be served by two parking spaces. The proposal does not comply with these requirements and for these reasons it is considered that inadequate parking is provided at the site to comply with the requirements of the development plan. However, it is noted that the site is a particularly sustainable location being within walking distance of Westcliff Train Station and the District Shopping Centre. On-street parking already occurs extensively within the vicinity of the site and whilst this proposal may lead to additional demand for on-street parking, it is considered that this can safely occur without restricting the free-flow of traffic or a reduction in highway safety.

## **Sustainability**

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

- 4.25 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. Although two solar panels have been shown, it has not been demonstrated that this proposal would provide 10% of the energy needs, it is considered this could be required by condition if permission is granted.
- 4.26 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**

- 4.27 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 130 square metres in internal area.

The proposed development would require a CIL payment of £2750.00. It is noted that the applicant states that the building has been in use, but no evidence has been submitted to support this claim and on visiting the site and reviewing photographs available on the internet, there is no basis to apply a discount to the CIL charge on the grounds of the presence of 'in use' floorspace at the site.

## **Conclusion**

- 4.28 It is considered that the proposed development would cause harm to the character and appearance of the application site and the surrounding area by virtue of its scale, form and architectural style that fails to contribute positively to the character of the area. It is also considered that the application should be refused on the grounds that the proposed dwelling would have an unacceptable impact on the amenities of neighbouring residents and the applicant has not demonstrated that the proposed development would accord with Part M4(2) of the Building Regulations. It is therefore considered that the proposed development is contrary to development plan policies.

## **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, DM2, DM3, DM7, DM8 and DM15
- 5.4 Community Infrastructure Levy Charging Schedule
- 5.5 Design & Townscape Guide 2009 (SPD1).

## **6 Representation Summary**

### **Traffic & Highways Network**

- 6.1 No objection.

### **Public Consultation**

- 6.2 A site notice was displayed and 14 neighbours were notified of the application. At the time of writing, one letter of objection has been received which objects to the proposal on the grounds that the development would restrict access to the adjacent garages. It should be noted that the public consultation exercise runs until 04/11/16.
- 6.3 The application has been called-in to the Council's Development Control Committee by Cllr Ware-Lane.

## **7 Relevant Planning History**

- 7.1 Planning permission was granted for the erection of a dwelling at the site under the terms of planning application 13/00556/FUL. That permission will have now expired. Earlier application 08/01315/FUL) also approved the erection of a dwelling

at the site.

## **8 Recommendation**

**REFUSE PLANNING PERMISSION for the following reasons:**

- 01 The proposed development, by virtue of the scale, massing and design of the proposed dwelling, would harmfully conflict with the character and appearance of the surrounding area. The proposal is therefore contrary to the National Planning Policy Framework, DPD1 (Core Strategy) policies KP2 and CP4, DPD2 (Development Management) policies DM1 and DM3 and SPD1 (Design and Townscape Guidance)**
- 02 The proposed development, by virtue of its scale and relationship with neighbouring dwellings and the amenity areas of those dwellings, would have an overbearing impact on the neighbouring dwellings. 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)**
- 03 The proposal by reason of lack of information which fails to demonstrate accessibility and adaptability of the dwellinghouse in accordance with Building Regulation M4 (2) will result in poor living environment for future occupiers. This is contrary to the NPPF, policies KP2 and CP4 of the Core Strategy, policies DM1, DM3 and DM8 of the Development Management DPD2 and National Technical Housing Standards DCLG 2015.**

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.