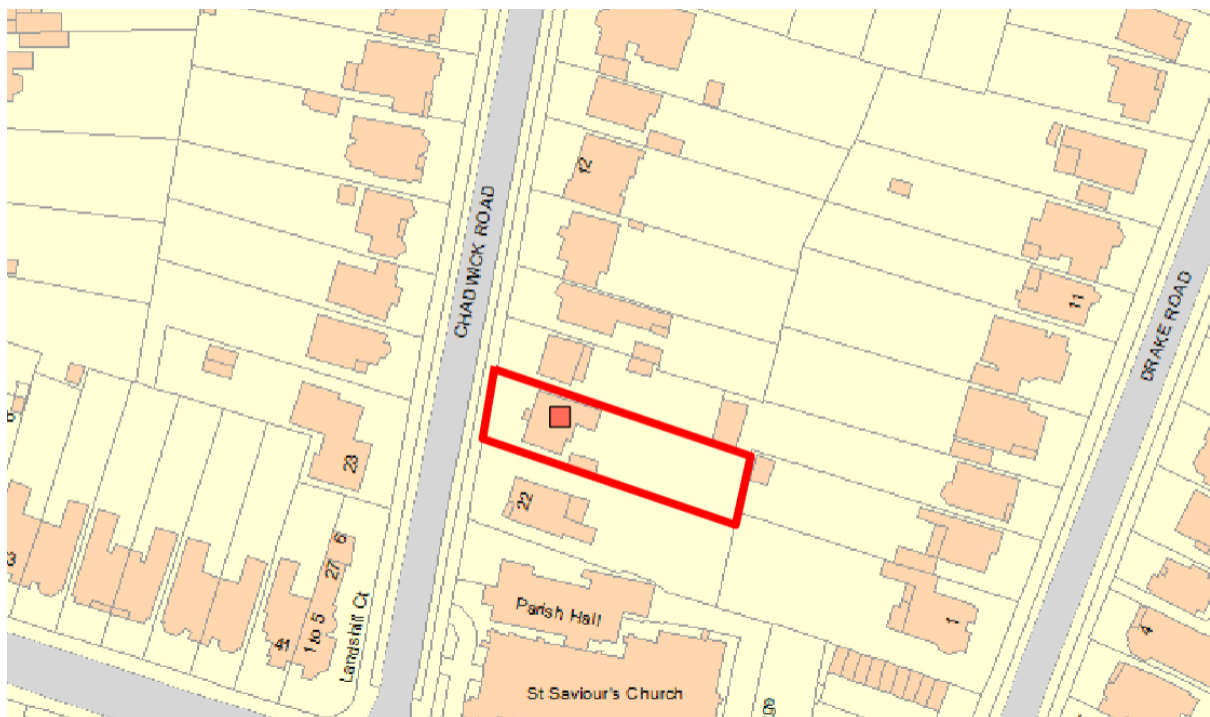


<b>Reference:</b>	16/01772/FULH	
<b>Ward:</b>	Chalkwell	
<b>Proposal:</b>	Erect part single/part two storey rear extension with Juliette balcony to first floor, alter elevations and relocate existing outdoor swimming pool (amended proposal)	
<b>Address:</b>	20 Chadwick Road, Westcliff-on-Sea, SS0 8LS	
<b>Applicant:</b>	Mr & Mrs Cachia	
<b>Agent:</b>	Mr J. Collinson, New World Designers Ltd	
<b>Consultation Expiry:</b>	09.11.16	
<b>Expiry Date:</b>	21.11.16	
<b>Case Officer:</b>	Louise Cook	
<b>Plan Nos:</b>	Sheet 1 of 2 rev 00 and Sheet 2 of 2 rev 00	
<b>Recommendation:</b>	<b>REFUSE PLANNING PERMISSION</b>	



## **1 The Proposal**

- 1.1 Planning permission is sought to erect a part single/part two storey rear extension with Juliette balcony to first floor, alter elevations and relocate existing outdoor swimming pool.
- 1.2 The proposed two storey rear extension would not extend any further rearwards than the existing furthest rear projecting two storey element on the property. The proposed extension at two storeys in height will extend 5m deep x 6.4m wide x 6.9m high and have pitched and flat roofs. A Juliette balcony is proposed in the centre of the first floor.
- 1.3 The proposed single storey rear extension will measure 3m deep x 10.9m wide x 2.94m high and have a flat roof with a lantern roof light. The proposed extensions will be finished in render and roof tiles to match the existing building. No further details of materials have been submitted.
- 1.4 The fenestration on the existing first floor rear projection will be altered by increasing the size of the first floor window on the rear elevation. Additionally two windows are proposed on the front elevation at first floor level together with a small porch canopy.
- 1.5 The existing swimming pool is proposed to be re-sited towards the end of the rear garden which will continue to measure 4m x 7m, set off the rear boundary by a minimum distance of 4.4m, off the northern boundary by 2m and off the southern boundary by 8m.
- 1.6 The application is an amended application following the refusal of planning application ref. 15/01156/FULH which was refused and subsequently dismissed at appeal on 16<sup>th</sup> February 2016.
- 1.7 The proposed extensions are the same size as those previously refused and dismissed at appeal (as above). The only differences is that this application incorporates the relocation of the swimming pool, the fenestration is slightly different than previously proposed and the development incorporates a lantern rooflight to the proposed single storey rear extension.
- 1.8 The application is not CIL liable as the development benefits from Minor Development Exemption (amount of proposed floorspace is under 100sq.m).

## **2 Site and Surroundings**

- 2.1 The property is a two storey detached dwellinghouse located on the eastern side of Chadwick Road, approximately 60m to the north of its junction with Kings Road.
- 2.2 Kings Road is predominantly characterised by large detached dwellinghouses on relatively spacious plots. Land levels drop considerably towards the south of the site to the neighbour's property at no. 22 Chadwick Road.

### **3 Planning Considerations**

- 3.1 The main planning considerations in relation to this application are design, impact on the streetscene, potential impact on neighbouring occupiers and ensuring that the previous reasons for refusal and reasons that the appeal was dismissed have been satisfactorily overcome.

### **4 Appraisal**

#### **Design and Impact on the Streetscene**

#### **National Planning Policy Framework; DPD1 (Core Strategy) Policies KP2, CP4; Development Management Document Policies DM1 and DM3 and the Design and Townscape Guide SPD1 (2009)**

- 4.1 It should be noted that good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in Policy DM1 of the Development Management Document 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.”*
- 4.2 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.”* (Paragraph 56)
- 4.3 Policy DM1 of the Development Management Document states that the Council will support good quality, innovative design that contributes positively to the creation of successful places and add to the overall quality of the area and respect the character of the site, local context and its surroundings.
- 4.4 Policy KP2 of the Core Strategy states that new development should *“respect the character and scale of the existing neighbourhood where appropriate”*. Policy CP4 of the Core Strategy requires that development proposals should *“maintain and enhance the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development”*.
- 4.5 Paragraph 348 of The Design and Townscape Guide (SPD1) states that *“whether or not there are any public views, the design of the 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.”*

- 4.6 In terms of its design and appearance, the proposed development is very similar to that previously proposed under ref. 15/01156/FULH albeit the fenestration is slightly different than previously proposed and a lantern rooflight has been incorporated into the proposed single storey rear extension. The proposed replacement window in the existing two storey rear element of the building will not be as wide as previously proposed and the ground floor windows in the ground floor southern elevation of the proposed two storey rear extension will not be as wide or deep.
- 4.7 The previous application was not refused on design grounds and no objection made to this by the Inspector (the only issue was the impact on the amenity of a neighbouring property). Therefore, the alterations to the proposed fenestration and swimming pool are considered to be satisfactory in terms of design, will not be detrimental to the character and appearance of the existing dwellinghouse or streetscene, and satisfy the policies set out above.

### **Impact on Neighbouring Occupiers**

#### **National Planning Policy Framework; DPD1 (Core Strategy) Policies KP2 and CP4; Development Management Document Policy DM1**

- 4.8 The proposal is considered in the context of Policy CP4 of the Core Strategy (DPD1) which requires all development within residential streets to be appropriate in its setting by respecting neighbouring development, existing residential amenities and overall character of the locality.
- 4.9 Policy DM1 of the Development Management Document states that *“in order to reinforce local distinctiveness all 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...”*
- 4.10 In dismissing the previous appeal and in respect of the impact upon the amenities of no. 18 Chadwick Road, paragraph 4 of the Inspector’s report states:

*“The existing two storey part of the appeal property already extends some distance beyond No. 18’s main rear elevation and, as measured from the appellant’s revised site plan, extends about 3m to the rear of that property’s conservatory. It appears dominant and somewhat overbearing when seen from No. 18 especially since it is immediately to the south... I am nevertheless satisfied that, when considered as a whole, the appeal property’s existing and proposed side walls would cause an unacceptable sense of enclosure and loss of natural light at the rear of No. 18.”*

- 4.11 In respect of the impact on the amenities of no. 22 Chadwick Road, paragraphs 8 and 9 of the appeal decision state:

*“I am satisfied that overlooking from the upper floor windows in the side elevation facing No. 22 could be avoided through obscure glazing and that the position of the Juliette balcony at the rear of No 20 would avoid any serious loss of privacy for No 22. The officer’s report on the application says that neither element of the proposed extension would infringe on a 45 degree angle from No 22’s nearest habitable room window. It then concludes that, despite the difference in levels between the two properties, the extensions would not be overbearing or cause an undue sense of enclosure. The report considers that the extensions would not cause an undue loss of light to No 22 given their position to the north and their distance from No 22’s windows.*

*“Whilst I understand the concerns expressed by No 22’s occupants I agree with the Council’s assessment to the extent that I do not find the concerns a sufficient reason to dismiss the appeal. This does not change my finding that the proposal is unacceptable because of its impact on No 18.”*

- 4.12 It is considered that the proposed alterations to the fenestration in comparison to the previous appeal decision and re-sited swimming pool would not lessen the impact of the extension as discussed above.

- 4.13 Therefore, in accordance with the previous appeal decision, it is considered that the proposed development would cause an unacceptable sense of enclosure and loss of natural light at the rear of no. 18 Chadwick Road, contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy and Policy DM1 of the Development Management Document.

## **5 Conclusion**

- 5.1 It is considered that there has been no material change to the proposals as previously considered at appeal.

## **6 Planning Policy Summary**

- 6.1 National Planning Policy Framework, 2012.
- 6.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance).
- 6.3 Development Management Document Policy DM1 (Design Quality).
- 6.4 Design & Townscape Guide, 2009 (SPD1).

## **7 Representation Summary**

## Design

7.1 No comment.

## Public Consultation

7.2 Neighbours notified – One letter of representation has been received which objects to the proposed development on the following grounds:

- Less natural heat to the neighbour's property and thus an increase in electricity and gas bills. **[Officer comment: This is not a material planning consideration.]**
- Detrimental to the neighbour's outlook.
- Impact on neighbour's property value. **[Officer comment: This is not a material planning consideration.]**

7.3 The application has been called in to committee by Cllr Folkard.

## 8 Relevant Planning History

8.1 16/00559/CLP: Erect single storey 3m rear extension (Lawful Development Certificate - Proposed) – Granted lawful development.

8.2 15/01156/FULH: Erect part single/part two storey rear extension with Juliette balcony to first floor, alter elevations (amended proposal) – Refused; Appeal dismissed.

8.3 15/00664/FULH: Erect two storey rear extension, alter elevations – Refused on 23<sup>rd</sup> June 2015 for the following reasons:

*“01. The proposed development by reason of its height, scale, siting and depth would result in an overly dominant extension which would be overbearing upon and result in an undue sense of enclosure and loss of light, to the detriment of the amenity of neighbouring occupiers. This is exacerbated by changes in land levels to across the site. Therefore, the proposed development is contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy, Policy H5 of the Borough Local Plan and Policy DM1 of the Emerging Development Management Document.*

*02. The proposed development by reason of its excessive scale and size would be out of keeping with the design and appearance of the original dwelling to the detriment of the character thereof and that of the immediate area, contrary to Policy KP2 and CP4 of the Core Strategy, Policy H5 and C11 of the Borough Local Plan, advice contained within the Design and Townscape Guide (SPD1) and Policy DM1 of the Emerging Development Management Document.”*

8.4 91/0235: Erect single storey rear extension – Approved.

## **8 Recommendation**

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

**01. The proposed development would cause an unacceptable sense of enclosure and loss of natural light at the rear of no. 18 Chadwick Road, contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy and Policy DM1 of the Development Management Document.**

**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.**