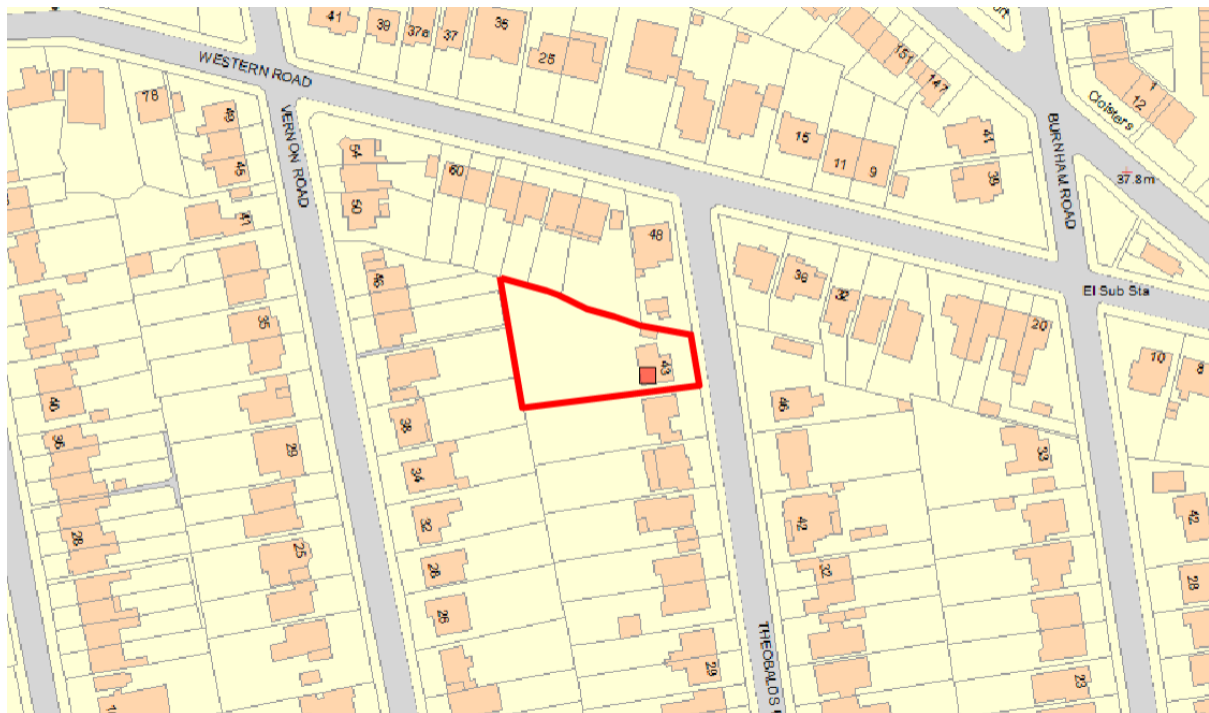


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|----------------------|---|--|
| Reference: | 16/02040/FULH | |
| Ward: | West Leigh | |
| Proposal: | Erect single storey outbuilding at rear to be used as a summer house. | |
| Address: | 43 Theobalds Road Leigh-On-Sea Essex SS9 2NE | |
| Applicant: | Mr & Mrs Webb | |
| Agent: | Knight Gratrix | |
| Consultation Expiry: | 05.01.2017 | |
| Expiry Date: | 12.12.2016 | |
| Case Officer: | Ciara Cosgrave | |
| Plan Nos: | 1057/010/F | |
| Recommendation: | GRANT PLANNING PERMISSION | |



1 The Proposal

- 1.1 The application seeks permission for a detached single storey outbuilding with a flat roof located at the north-west point of the rear garden. The proposed development will be set 1 metre from the north and west boundaries with a maximum height of 3 metres and measuring 8.75 x 10.7 x 4.5 x 7.6 metres. It will replicate the quadrilateral shape of the boundary edges.
- 1.2 Materials to be used include smooth finish render and aluminium glazed windows and bi-folding doors. There is a proposed deck along the south and east elevations and a timber pergola style canopy to the south elevation.
- 1.3 The outbuilding is proposed to be used as a garden room.
- 1.4 A similar building has been granted a Certificate of Lawfulness (Ref: 16/01537/CLP). The dimensions of the outbuilding remain the same however it is proposed to be set 1m from the boundary, rather than the 2m previously approved. Two windows that were on the north and west elevations of the prior approval application have been removed and the roof is proposed to be entirely flat.

2 Site and Surroundings

- 2.1 The site is located to the north of Theobald Road and is occupied by a two storey semi-detached dwellinghouse.
- 2.2 The residential area is characterised by two storey detached dwellings of similar scale.
- 2.3 The dwellings to the north have timber sheds placed against the boundary fence and have trees planted along the boundary, as do properties to the west. The site itself has trees planted along the boundary fence.
- 2.4 The property has a comparatively large garden in relation to the surrounding area. It currently has no outbuildings in the rear garden.

3 Planning Considerations

- 3.1 The key considerations in relation to this application are the principle of the development, design and impact on the character of the area, any traffic and transport issues and the impact on residential amenity. The fact that a Certificate of Lawfulness has been issued for a similar building is also a material consideration.

4 Appraisal

- 4.1 **Principle of Development**
National Planning Policy Framework 2012, Core Strategy Policies KP2 and CP4, Development Management DPD policy DM1 and SPD1.
- 4.2 This proposal is considered in the context of the National Planning Policy Framework 2012 and Core Strategy Policies KP2 and CP4. These policies and guidance support ancillary buildings to properties in most cases but require that

they respect the existing character and appearance of the building.

There is no objection in principal to the outbuilding being built in the rear garden and therefore the principal is acceptable subject to the detailed considerations below.

Design and Impact on the Character of the Area:

- 4.3 The National Planning Policy Framework (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 56 – ‘Requiring good design’).
- 4.4 The Core strategy Policy KP2 states the need for all new development to *“respect the character and scale of the existing neighbourhood where appropriate and secure improvements to the urban environment through quality design”* to create sustainable urban environment.
- 4.5 In addition Core Strategy Policy CP4 stipulates *“development proposals will be expected to contribute to the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend by maintaining and enhancing the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development.”*
- 4.6 The Design and Townscape Guide paragraph 358 understands that *‘Detached garages and other ancillary buildings within the grounds of an existing building should be designed to complement the character of the associated building. As with all new buildings they should embrace the design principles set out in this document’.*
- 4.7 There would be little or no visual impact from the streetscape arising from the proposed development.
- 4.8 There are neighbouring sheds, outbuildings and vegetation within adjoining gardens close to boundary fences. The proposed siting of the outbuilding is logically placed to the rear of the garden. The extent of the timber fence is broken up by the numerous trees and vegetation of the neighbouring properties.
- 4.9 The proposed garden room is of a simplistic design including a timber decking. The glass doors and windows along the east and south elevations face the garden. The design is sympathetic to its environment in terms of form and scale. The proposed outbuilding would not be out of character or of an excessive scale in relation to the existing surrounding development. The proposed garden room although different, the design respects the character of the main dwelling and therefore the proposal is considered acceptable in terms of design and impact on the character of the area.

Traffic and Transport Issues

- 4.10 The proposed development does not increase the requirements for parking or raise any issues in relation to traffic and transport issues.

Impact on Residential Amenity:

- 4.11 Policy DM1 of the Development Management DPD stipulates that development should *“Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight.”*
- 4.12 The garden room would be sited adjacent to the rear boundary of properties of 52 and 54 Western Road and 42 and 44 Vernon Road. There is a 15.8m and 17.3m separation distance from the rear of 52 and 54 Western Road respectively to the north elevation of the outbuilding. From 38, 40 and 42 Vernon Road the separation distance is considerably greater 29.4m, 21.15m and 23.9m respectively. The proposed windows and doors will face south and east onto the garden and will consist of a flat roof, these measures will eliminate any concerns of overlooking.
- 4.13 Although it is in close proximity to the boundary, there is a considerable separation between the garden room and neighbouring dwellings and the building is low level therefore it will not appear overbearing.
- 4.14 Permitted development rights allow for outbuildings to be built to a maximum of 3 metres to the eaves where they are located 2m from the boundary. Outbuildings can be 2.5 metres to the eaves where they are built within 2 metres of the boundary. The 1 metre difference in distance from the boundary between the granted prior approval scheme and the proposed development will not result in a materially greater impact on residential amenity in relation to loss of light or sense of enclosure. It must be noted as discussed above that the boundary has a sufficient separation distance from surrounding dwellings. Under permitted development rights boundary fences can be built to a maximum of two metres, the proposed outbuilding is to be built to a maximum of three metres.
- 4.15 The proposed garden room would be used for purposes ancillary to the main dwelling. There is no evidence to suggest that the proposal will be the origin of any noise and disturbance that is not already associated with the use of a rear garden.

5 Conclusion

- 5.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The proposal would have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site, the street scene and the locality more widely. There is no impact on highways. This application is therefore recommended for approval subject to conditions.

6 Community Infrastructure Levy (CIL)

- 6.1 The proposal for the existing property equates to less than 100sqm of new floor space, the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

7 Planning Policy Summary

- 7.1 The National Planning Policy Framework (2012) : Section 7 (Requiring Good design)
- 7.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles) and CP4 (Environment & Urban Renaissance)
- 7.3 Development Management DPD 2015: DM1 (Design Quality) Policy DM3 (The Efficient and Effective Use of Land) and DM15 (Sustainable Transport Management)
- 7.4 Supplementary Planning Document 1: Design & Townscape Guide (2009)
- 7.5 CIL Charging Schedule 2015

8 Representation Summary

Public Consultation

- 8.1 Twelve neighbours were consulted, nine letters objecting to the proposal were received, relating to the following issues:
 - The size of the building is inconsistent with surrounding garden buildings.
 - It will dominate the view from most adjoining properties/ will destroy the peaceful garden feel/ will have a detrimental aesthetic impact on the neighbourhood / severely impair the privacy of all neighbours.
 - 1m from the boundary is inappropriate.
 - The owners use their garden to entertain friends, resulting in loud music being played late into the evening.
 - The footprint of the main dwelling has increased by nearly 100% and it's difficult to understand the need for such a large and permanent garden structure.
 - Presents the possibility of a future application to convert the summer house into self-contained accommodation. **[Officer comment: Any use that is not ancillary to the main dwelling would require separate planning permission]**
 - The proposed location of the games room is closer to the six neighbours' properties affected by this than it is to the applicant's own house/ impact of the re-sited building would be pushed nearer neighbouring properties.
 - Concerned as to how this would affect the water table, flooding and flood damage. **[Officer comment: Officers are satisfied the development would not result in increased flood risk.]**
- 8.2 This application was called-in by Cllr Lamb

9 Relevant Planning History

- 9.1 16/01537/CLP - Outbuilding to rear (Lawful Development Certificate - Proposed) – Grant Lawful Development Certificate

10 Recommendation

- 10.1 **Members are recommended to GRANT PLANNING PERMISSION subject to the following conditions:**

- 01 **The development hereby permitted shall begin not later than 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.

- 03 **The development hereby permitted shall be carried out in accordance with the following approved plans: 1057/010/F**

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

- 03 **The facing materials used in construction of the development must be in accordance with submitted details.**

Reason: To safeguard the appearance of the area, in accordance with National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy CP4, policy DM1 of Development Management Document DPD2 and SPD1 (Design and Townscape Guide).

- 04 **The outbuilding hereby permitted shall not be occupied at any time other than purposes incidental to the residential use of the dwelling known as 43 Theobalds Road.**

Reason: To ensure the use of the building remains incidental to the main dwelling in accordance with policies DM1 and DM3 of the Development Management Document DPD2.