

Reference:	16/02036/FULH	
Ward:	Leigh	
Proposal:	Install cladding to elevations (Retrospective)	
Address:	The Old Coach House, 2A Lymington Avenue, Leigh-On-Sea, Essex, SS9 2AU	
Applicant:	Mr Bryant	
Agent:	Mr Howell	
Consultation Expiry:	22/12/16	
Expiry Date:	12/01/17	
Case Officer:	Ian Harrison	
Plan Nos:	3308/10/16/01	
Recommendation:	GRANT Planning Permission	



1 The Proposal

- 1.1 The application seeks retrospective planning permission for the installation of cladding to the elevations of the existing dwelling at the abovementioned property.
- 1.2 The existing two storey dwelling measures 7 metres deep and 6.2 metres wide with a single storey rear projection that forms a balcony at first floor. Until summer 2016 the building featured white painted, rendered elevations. Photographs provided by the applicant demonstrate that the render was in poor condition.
- 1.3 The applicant has clad the building with grey and white cement weatherboarding that masks insulation boarding that has been applied to the external elevation of the dwelling. The applicant has stated that these works were undertaken to address issues of poor insulation and ventilation which were causing condensation and rising damp within the building which has been evidenced through the submission of photographs. It is stated that this is a reflection of the manner in which the former coach house was converted.
- 1.4 The applicant states that they were unaware that planning permission was required and that this represents an honest mistake. It is considered relevant to note that until permitted development rights were changed in 2008, the installation of cladding to buildings outside of conservation areas was always deemed to be permitted development. It has only been through the publication of more recent clarification documents from the DCLG that it has been widely interpreted to be the case that such developments require planning permission where the appearance of the materials is substantially different.

2 Site and Surroundings

- 2.1 The site is located to the east of Lymington Avenue. The site contains a two storey detached dwelling.
- 2.2 The surrounding buildings of the Lymington Avenue are mostly in residential use, with the exceptions being the single storey plumbers office opposite the site and the commercial properties of Rectory Grove further to the south.
- 2.3 It is considered relevant to note that surrounding properties feature various materials including render painted in various different colours, buff brick, red brick, painted brick work, pebble dashing and modern tile cladding on Rectory Grove. In the wider area it is noted that the recently constructed building in the comparable position within Southsea Avenue features buff brickwork and hanging tiles to the elevations and as such represents a departure from the character of the other properties of the surrounding area.

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 Policy DM1 and DM3 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 is Development Management DPD Policy DM1 which relates to design quality. These policies and guidance support extensions and alterations 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 alterations to the dwelling can be considered to be acceptable in principle.
- 4.2 Section 73A of the Town and Country Planning Act 1990 and Planning Practice Guidance (paragraph 12) combine to set out that a local planning authority can invite a retrospective application and approve development after the works have already been undertaken. Therefore, the fact that the application has been submitted retrospectively should not be a reason to object to the application.

Design and Impact on the Character of the Area:

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

- 4.3 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 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.”*
- 4.4 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.”
- 4.5 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.”* 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.”

- 4.6 The surrounding buildings are mostly of two storey form and many of the surrounding dwellings feature similar architectural detailing. However, as set out above, the materials used on the facing elevations of the surrounding buildings vary substantially and create a mixed environment.
- 4.7 It appears that the building at the application site was converted at a different time and as such the dwelling was already of a materially different appearance to most surrounding properties. The first floor bay windows, the roof form, the mock Tudor detailing to the front gable and the window proportions are all significantly different from all other properties of the surrounding area and as such it is considered that the dwelling was already a departure from the surrounding properties even before the works that have been undertaken that are the subject of this application.
- 4.8 In this instance it is considered that the cladding that has been added has enhanced the appearance of the dwelling. The white painted render that formerly existed was in a poor condition and was failing in places. It is acknowledged that this could have been repaired or maintained, but for the reasons set out above, the applicant undertook to clad the building in order to improve its thermal and structural condition. It is considered that the cladding that has been installed improves the appearance of the dwelling and makes a better contribution to the streetscene.
- 4.9 As set out above, it is considered that the relationship of the dwelling at the site is comparable to the first dwelling on the east side of Southsea Avenue and as that dwelling is of materially different materials and appearance it is considered that this approach to the application site is not out-of-keeping with the general pattern of development of the wider area.

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))

- 4.10 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.”
- 4.11 The addition of cladding to the building adds to the size of the building by the smallest of amounts, 50mm according to the submitted plans. It is therefore the case that the development does not materially affect the light, privacy or outlook of any neighbouring property. It is noted that the neighbouring property to the north has no windows in the side elevation.

- 4.12 No other properties would be significantly affected by the proposed developments.
- 4.13 Objections have been received on the grounds that the cladding overhangs the right of way that runs between 2 and 2A Lymington Avenue. The overhanging of land or building on the land of another person is a matter relating to land ownership that the Local Planning Authority and the Council more generally have no scope, remit or control over. This has been explained to the owner of the neighbouring property. This is a civil matter that the Local Planning Authority has no grounds to intervene in and should not be a matter that is given any consideration or weight in the assessment of this planning application.
- 4.14 It should be noted that objections have been received on a large number of other grounds that are set out below. In most respects the comments received are not relevant to the assessment of a planning application but where they are, it is considered that they have been addressed above.

Community Infrastructure Levy

- 4.15 As the development creates no new floorspace at the application site, the development is not CIL liable.

5 Conclusion

- 5.1 The development constitutes minor works of alteration to an existing dwelling. It is considered that the proposed alteration of the appearance of the dwelling does not cause harm to the character or appearance of the existing building or the surrounding area and therefore planning permission should be retrospectively granted. The proposal would not impact on the amenities of any neighbouring residential properties in a manner that would justify the refusal of the application.

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 Policies DM1 (Design Quality) and DM3 (Efficient and Effective Use of Land)

Design and Townscape Guide SPD (adopted December 2009)

Community Infrastructure Levy Charging Schedule.

7 Representation Summary

Leigh-on-Sea Town Council

- 7.1 No objection

Public Consultation

7.2 11 neighbouring properties were notified of the application. Letters of objection have been received from 3 neighbouring properties which have objected on the following grounds:

- If Ownership Certificate B had not been completed correctly, the owner of 2 Lymington Avenue would not have had opportunity to comment on the application. [Officer Note – There are no grounds to believe that the most recently submitted ownership certificate is incorrect and comments have been received which are identified as being from the owners and the occupants of the 2 Lymington Avenue].
- The Planning Portal sets out that materials should match the existing dwelling. [Officer Note – This is true in relation to permitted development rights, but different materials can be approved under the terms of a planning application].
- The surrounding properties feature brick and render and therefore cladding should not be approved as it is out-of-keeping with the character of the surrounding area.
- The surrounding properties have been painted different colours and therefore have a ‘more understated visual natural look.’
- The overhang of the cladding has restricted the use of the adjacent private right of way by 10%. [Officer Note – This relates to a private right of way and is therefore a civil matter between parties that the Local Planning Authority has no grounds to intervene in. It is not considered that the situation found would warrant a refusal of planning permission.]
- The gate post was removed at the shared boundary of the site and the gate no longer closes. The adjacent gate should be shown on the submitted plans. [Officer Note – As above, the gate is not a matter for assessment under the terms of this application. That gate is not shown on the plan, but can be seen in photos that will be presented to the Council’s Development Control Committee and all parties are aware of the presence of the gate. Therefore, it not being shown on the submitted plans does not give grounds to refuse or delay the determination of the application].
- The dark colour of the cladding is imposing, daunting and overpowering. The white walls created a sense of openness.
- Wires are protruding from below the cladding. [Officer Note – As above, this is a civil matter relating to the overhang of a boundary not a planning matter. The Local Planning Authority has no role in the assessment of the safety of a site or a property]
- Rain flowing from the roof flows onto the passageway to the north of the application site which causes flooding. [Officer Note – As above, this is a civil matter relating to the overhang of a boundary not a planning matter. It is not found that the impacts of this water are such that a refusal of planning permission would be justified in this instance.]

- Rain flowing from the roof causes noise disturbance that has disrupted the sleep of the neighbours children. [Officer Note – The noise impact of rainfall and flowing water would not be at a level that would justify the refusal of a planning application].
- The water is causing damp. [Officer Note – Civil Matter. Not a ground to refuse planning permission in this case.]
- Metal trim has been used at the corners of the dwelling which provides a route for water to flow. [Officer Note – Civil Matter. Not a ground to refuse planning permission in this case.]
- The neighbouring resident has set out the history of communications between officers, landowners and neighbours in relation to the submission of this application.
- The neighbouring resident has highlighted that the name of the property was changed in 2011. The objector relates this to the fact that original features of the building have not been retained as has been suggested by the applicant. [Officer Note - Not Relevant].
- Cladding was not an original feature as it has not overhung the boundary before. [Officer Note – Not a ground to refuse planning permission in this case.]
- The type of cladding and the manner in which it has been applied is not in-keeping with the traditional form of timber cladding that exists within some parts of Leigh and is not in-keeping with the period in which the existing building was built.
- The application is retrospective.
- The cladding has been cut around the existing boundary wall.
- Comments have been made about the procedures relating to the submission of the application with it being noted that the applicant or their agent made some mistakes that had to be corrected. [Officer Note – the problems, very minor problems which are not uncommon were corrected. This has not prejudiced the neighbouring landowner from making their opinions of the development known to the Local Planning Authority].
- The children at the neighbouring property can no longer wheel their bikes along the adjacent alleyway.
- The cladding should only have been put on half of the building.

7.3 Three letters of support has been received which states that the cladding is a vast improvement to the appearance of the dwelling.

7.4 One letter has been received which raises no objection. The respondent states that they also share the access to the north side of the application site and that the cladding causes no obstruction.

- 7.5 The public consultation period runs until 22/12/16 and as such it may be the case that further responses will be received. These will be reported to the Council's Development Control Committee in the
- 7.6 The application has been called-in to the Council's Development Control Committee by Cllr Mulroney.

8 Relevant Planning History

- 8.1 Planning permission was granted under the terms of application 05/01677/FUL to convert the integral garage at the site to living accommodation and alter the front elevation.

9 Recommendation

- 9.1 **GRANT PLANNING PERMISSION.** As the development has already been undertaken it is considered that it is not necessary to impose conditions.

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

Informative

You are advised that as the proposed extension(s) to your property 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 for further details about CIL.