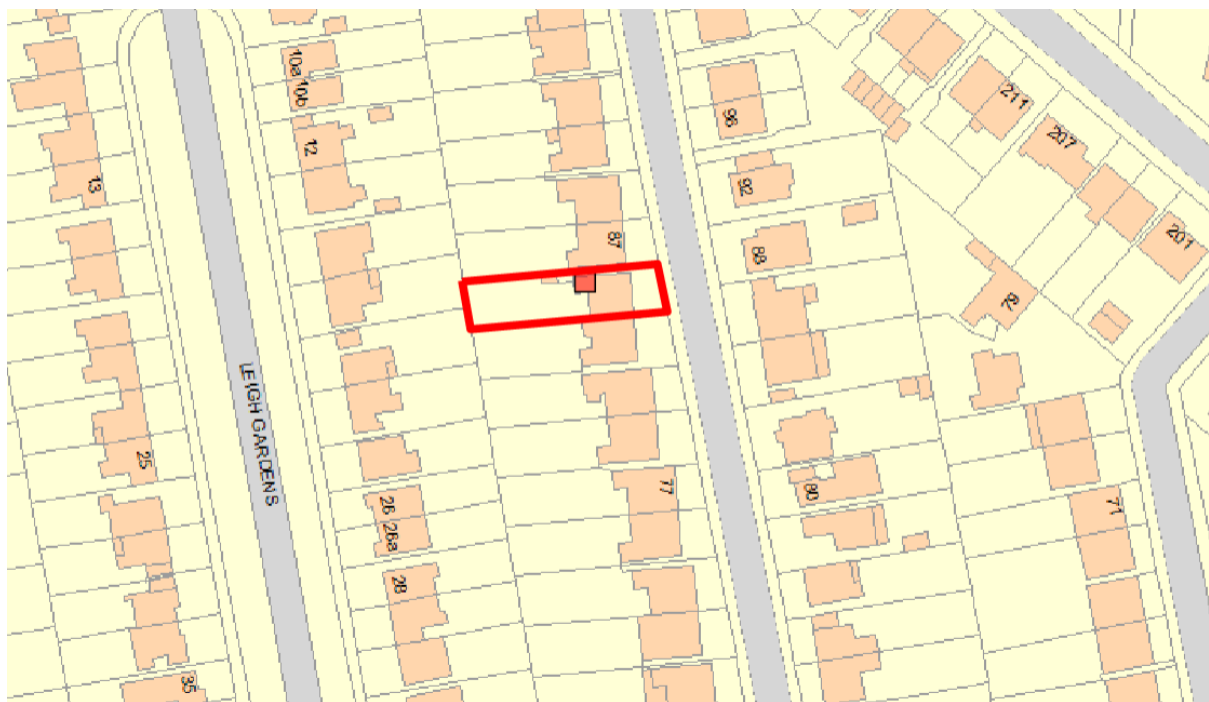


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|----------------------|---|--|
| Reference: | 16/02283/FUL | |
| Ward: | West Leigh | |
| Proposal: | Erect semi-detached chalet bungalow and form vehicular crossover on to Herschell Road | |
| Address: | 85 Herschell Road, Leigh-On-Sea, Essex, SS9 2PU | |
| Applicant: | Mr J Riley | |
| Agent: | Architectural Services Ltd | |
| Consultation Expiry: | 07/02/17 | |
| Expiry Date: | 03/03/17 | |
| Case Officer: | Ian Harrison | |
| Plan Nos: | Location Plan, Existing Plan, Proposed Plan Revision A, AS2137/N1, AS2137/N2A, AS2137/N3, AS2137/N4, AS2137/N5A, AS2137/N6A and AS2137/N7 | |
| Recommendation: | GRANT PLANNING PERMISSION | |



1 The Proposal

- 1.1 Planning permission is sought for the erection of a dwelling at the application site. As set out in further detail below, it is considered that the application is partially retrospective as works sought under this consent which require, but that have not previously received consent, have already commenced on site.
- 1.2 Until recently the application site contained a single storey dwelling that measured 8.7 metres deep and 8.8 metres wide with small projections to the rear and a pitched roof built to an eaves height of 2.65 metres and a maximum height of 6.1 metres.
- 1.3 Planning permission was granted under the terms of application 15/00520/FULH for the erection of a single storey rear extension and the addition of a dormer window to the rear of the dwelling.
- 1.4 Rather than extending the existing dwelling, the dwelling has been demolished and construction works have commenced in relation to the construction of a new dwelling. The proposed dwelling would measure 8.7 metres wide and 8.8 metres deep, with a single storey rear projection that would measure 4.3 metres deep and 6.7 metres wide. The dwelling would feature a pitched roof built to an eaves height of 2.75 metres and a maximum height of 6.1 metres, with two dormers to the front and a box dormer to the rear.
- 1.5 The proposed dwelling would be different from the dwelling that would have resulted from the approved extensions in the following ways:
 - The addition of two dormers to the front elevation.
 - The single storey rear projection would project by 4.3 metres rather than 4 metres and would feature a roof lantern. The parapet walls of the rear projection would be 0.25 metres higher than approved.
 - One less ground floor window is proposed on the north elevation and a first floor window on the north elevation would be slightly smaller.
 - The dormer would be 0.2 metres wider and has 4 windows rather than 3, albeit the windows appear to be smaller in terms of height.
 - The eaves height appears to be 0.1 metres higher and the ridge height appears to be 0.05 metres higher.
- 1.6 It is proposed to extend the existing vehicle crossover at the site which is shared with 87 Herschell Road. The resultant crossover would measure 11 metres wide. The applicant proposes the provision of permeable hardstanding at the entirety of the site frontage. The boundary of the application site passes centrally through the gap between 85 and 87 Herschell Road. Based on the submitted plans and old photographs of the site, it is assumed that the site would not have previously been able to provide parking spaces of adequate size to comply with the Council's adopted parking standards.

2 Site and Surroundings

- 2.1 The application site is located to the west of Herschell Road and contains a partially constructed replacement dwelling.

- 2.2 The surrounding buildings are features bungalows, chalet style dwellings and two storey dwellings of mixed architectural detailing.

3 Planning Considerations

- 3.1 The key considerations are the principle of the development, design and impact on the character of the area, the amenities of existing and proposed residents and highway implications.

4 Appraisal

Principle of the Development

The National Planning Policy Framework, DPD1 (Core Strategy) policies KP1, KP2, CP4 and CP8; DPD2 (Development Management) policies DM1, DM3 and DM8.

- 4.1 Policy CP8 expects 80% of residential development to be provided on previously developed land. From this basis, it is considered that the principle of undertaking residential development at this site should be supported, subject to the following detailed considerations. This is especially the case given that one of the 12 core principles of sustainable development that are identified within the NPPF is to “promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas.” The proposal does not represent a net increase in the number of dwellings at the site and there is no policy basis to object to the principle of replacing a dwelling and therefore it is considered that the development should not be objected to on those grounds.
- 4.2 Policy DM3 states that *“The conversion or redevelopment of single storey dwellings (bungalows) will generally be resisted. Exceptions will be considered where the proposal:*
- (i) Does not create an unacceptable juxtaposition within the streetscene that would harm the character and appearance of the area; and*
 - (ii) Will not result in a net loss of housing accommodation suitable for the needs of Southend’s older residents having regard to the Lifetime Homes Standards.”*
- 4.3 The former dwelling at the site was a bungalow. Although extensions at the site were approved, as the former dwelling has been demolished it is considered that the previous permission does not provide a fallback position that can be utilised and it is therefore necessary to consider the application in relation to the content of the abovementioned policy. It is noted that the planning application that granted permission for the extension of the former dwelling was determined prior to the adoption of policy DM3.
- 4.4 Since the adoption of the abovementioned policy, Lifetime Homes Standards have been replaced through the modification of Part M of the Building Regulations. The applicant has not demonstrated that the dwelling would comply with Part M4(2) of the Building Regulations (which is the relevant standard in this instance), however it appears to officers that the development would be able conform with the criteria as it includes a level entrance and it is considered that a condition can be imposed to

require compliance with the abovementioned standards.

On this basis the development would be able to accord with the abovementioned policies and it is considered that the loss of a bungalow should not be resisted by the Local Planning Authority.

- 4.5 Herschell Road features a mixture of single and two storey dwellings and it is therefore considered the proposed development would not create an unacceptable juxtaposition within the streetscene that would harm the character and appearance of the area.

Design and Impact on the Character of the Area:

The National Planning Policy Framework; DPD1 (Core Strategy) policies KP2 and CP4; DPD2 (Development Management) policies DM1 and DM3 and the Design and Townscape Guide.

- 4.6 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF as well as Policies DM1 and DM3 of the Development Management DPD and Policies KP2 and CP4 of the Core Strategy. The Design and Townscape Guide (SPD1) also states that the Council is committed to good design and will seek to create attractive, high-quality living environments.
- 4.7 In determining an appropriate contextual relationship with surrounding development, factors such as height, scale, massing and siting are material considerations. Details such as architectural style, along with colour texture of materials, are also fundamental in ensuring the appearance of any new development is sympathetic to its surrounding and therefore wholly appropriate in its context.
- 4.8 The NPPF states that *“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”*.
- 4.9 The Design and Townscape Guide (SPD1) states that *The successful integration of any new development is dependent upon the appropriate scale, height and massing in relation to the existing built fabric. Buildings that are over scaled will appear dominant... the easiest option is to draw reference from the surrounding buildings.”* Paragraphs 375 and 376 of SPD1 state 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. It is advisable to establish the principle of this kind of development with the Council before progressing onto the detailed design. Where it is considered acceptable in principle, in order to achieve a cohesive development it is essential that the additional storey draws strong references from the lower floors and adjacent properties, or an overall integrated design is developed.*

It is also important to ensure that proposed new windows, particularly on the side and rear elevations, do not give rise to any overlooking (or perceived overlooking) of habitable rooms in neighbouring properties or unreasonably overlook into private gardens.”

- 4.10 It is acknowledged that the submitted plans state that the dwelling would be built to the same eaves and ridge heights as the existing dwelling. Measurements taken by officers suggest that the eaves height would be increased by 0.1 metres and the ridge height would be increased by 0.05 metres. In this regard it is noted that the former dwellings were already stepped in height to reflect the changing ground levels and therefore the former dwelling was always taller than its attached neighbour. The height differences that have been identified are considered to be marginal and imperceptible within the streetscene. It is therefore considered that the height of the proposed dwelling would not be discordant with the character and appearance of the site and the surrounding area.
- 4.11 The character of the surrounding area is defined by featuring a mixture of bungalows, chalet style dwellings and two storey dwellings. The existing dwelling is one of a string of bungalows that appears to have not been converted into chalet style dwellings, but it is noted that dormer windows have been installed at the front of several properties to the south. From this basis, as the proposed dormer windows would be in-keeping with the character of other properties within the streetscene, it is considered that their provision on the proposed development would not be at odds with the character of the surrounding area to an extent that would justify the refusal of the application.
- 4.12 The proposed rear dormer would be comparable to the dormer that was previously approved at the site. Whilst that former permission no longer provides a fallback position for the applicant, it is considered that it does demonstrate that the Local Planning Authority has accepted that dormers windows can be erected at the application site without causing harm to the character and appearance of the site or the surrounding area. The proposed dormer is marginally different in terms of its size and the number of windows it contains, but this does not cause the dormer to have a materially worse appearance that would justify the refusal of the application.
- 4.13 The submitted plans show a large amount of hardstanding being provided at the site which would have the potential to dominate the appearance of the frontage of the site. In this regard it is considered that it is reasonable to impose a condition to require some soft landscaping to be provided at the frontage of the site which could soften and mitigate the visual impact of the proposed hardstanding.

Traffic and Transport Issues

The National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP3, CP4; DPD2 (Development Management) Policies DM1, DM3 and DM15

- 4.14 Policy DM15 states that each dwelling of the nature proposed needs to be served by two parking spaces. No details have been provided to demonstrate that this standard would be met by the proposal, but the large area of proposed hardstanding this is shown on the plans would be sufficient to park at least two cars, although it should be noted that some of this will be lost in order for the

applicant to comply with the landscaping requirement that is set out above.

- 4.15 As no parking of adequate size would have previously been able to be provided at the site, it is considered that the provision of parking would represent an improvement in comparison to the former situation. One parking space would be lost within the highway due to the widening of the crossover, but at least two parking spaces would be provided off site and therefore there would be an overall reduction of on-street parking at the site. No objection has been received from the Highway Authority and it is therefore considered that the application can be found acceptable in respect of its highways and parking impacts provided that suitable conditions are imposed.

Impact on Residential Amenity:

The National Planning Policy Framework; DPD1 (Core Strategy) KP2 and CP4; DPD2 (Development Management) Policy DM1; and the Design and Townscape Guide.

- 4.16 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.”
- 4.17 The neighbouring property to the south is the formerly attached bungalow that is now detached due to the demolition of the former dwelling at the application site. That dwelling features no windows in the side elevation and therefore, as the majority of the new dwelling would be built in the same position as the former dwelling, it is considered that the main part of the proposed dwelling would have no impacts on the amenities of the neighbouring dwellings that are worse than the former situation. Through the planning history at this site, it has been established that a flat roofed single storey rear projection can be erected, that would measure 4 metres deep, 6.6 metres wide, 3.2 metres tall and be set 2 metres from the boundary that is shared with 83 Herschell Road, without causing unacceptable harm to the amenities of neighbouring residents. The proposed rear extension would project 0.3 metres further and be 0.2 metres taller. However, as the extension would remain a significant distance from the boundary of the site, it is considered that the development would not cause a loss of light or outlook that is materially worse than the previously approved development or cause more harm to an extent that would justify the refusal of the application.
- 4.18 The neighbouring property to the north (87 Herschell Road) is positioned 2 metres from the proposed dwelling. Similar to 83 Herschell Road, despite the minor increases in the size of the dwelling in comparison to the former dwelling, it is considered that the development would not cause a sense of enclosure or loss of light or outlook that is either significantly worse than the previously approved development or be unacceptable to an extent that would justify the refusal of the application.

- 4.19 The dormer windows would face the properties to the east and west, but due to the separation distance of 38 metres from the properties of Leigh Gardens and the presence of the public domain between the proposed front dormers and the properties to the east of Herschell Road, it is considered that the proposed dwelling would not cause overlooking or a loss of privacy that would justify the refusal of the application.

Living Conditions for Future Occupiers

National Planning Policy Framework 2012; National Technical Housing Standards 2015; DPD1 (Core Strategy) KP2 and CP4; DPD2 (Development Management) Policies DM1, DM3, DM8 and SPD1

- 4.20 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 4 bedroom (7 bed space) dwelling over two storeys shall be 115 square metres
- Bedroom Sizes : The minimum floor area for bedrooms to be no less than 7.5m² for a single bedroom with a minimum width of 2.15m² ; and 11.5m² 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 1.25m² should be provided for 1-2 person dwellings. A minimum of 0.5m² 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.

4.21 The proposed dwelling would measure 137 square metres and would therefore comply with the abovementioned standards. It is therefore recommended that no objection is raised on the grounds of the standard of the accommodation. Adequate amenity space would be provided at the rear of the dwellings.

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. In this instance the appropriate standard would be M4(2) of the Building Regulations. It is considered that this standard should now provide the basis for the determination of this application. There is no reason why the proposed development should not be required to accord with the abovementioned standard and it is noted that the applicant's documents state that the proposal will accord with Part M4, although it does not specify which section of that Part. It appears to officers that compliance will be achievable and therefore it is considered appropriate to impose a condition to ensure compliance with Part M4(2) of the Building Regulations.

Sustainable Construction:

The National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP4 and CP8; DPD2 DM1 and DM2

4.23 Policy KP2 of the Core Strategy states; *"All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources"* and that *"at least 10% of the energy needs of a new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)"*. The provision of renewable energy resources should be considered at the earliest opportunity to ensure an integral design

4.24 No details of renewable energy generation have been submitted. It would however be possible to secure the submission and agreement of details of such installations under the terms of a condition.

Community Infrastructure Levy

4.25 This development is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions.

- 4.26 This application is being considered on the basis that it is partially retrospective. At the time of this planning application there is no existing building or contained floor area remaining on site, and therefore no deduction can be made for the previously existing floorspace. The replacement dwelling measures 137 square metres in area which will equate to a CIL contribution of approximately £9,042. As development has commenced in relation to this chargeable development, residential exemptions can no longer be applied for.

5 Conclusion

- 5.1 The principle of residential development can be supported at this site. The replacement dwelling would have no additional visual impacts or impacts on residential amenity that would be materially different than the development that was previously approved at this site. Therefore, subject to the imposition of additional conditions to reflect that the applicant is proposing a replacement dwelling rather than an extension to the former dwelling, it is considered that the development complies with policy.

6 Planning Policy Summary

- 6.1 National Planning Policy Framework.
- 6.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), and CP8 (Dwelling Provision).
- 6.3 Supplementary Planning Document 1: Design & Townscape Guide (2009)
- 6.4 Development Management DPD policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (The Efficient and Effective Use of Land) DM8 (Residential Standards) and DM15 (Sustainable Transport Management).
- 6.5 CIL Charging Schedule
- 6.6 Technical Housing Standards Transitional Policy Statement (October 2015)

Representation Summary

Highway Authority

- 7.1 There are no highway objections to this proposal however the maximum size of a vehicle crossover is 4.8m, this measurement should be taken from the boundary of the property.

Essex and Suffolk Water

- 7.2 No objection is raised and it is advised that they have no assets that would be affected by the proposed development.

Leigh-on-Sea Town Council

- 7.3 No objection has been raised.

Public Notification

- 7.4 6 neighbouring properties were notified of the application and a site notice was posted at the site. No letters of objection have been received.
- 7.5 The application has been called-in to the Council's Development Control Committee by Cllr Evans.

8 Relevant Planning History

- 8.1 Application 15/00520/FULH approved the erection of a single storey rear extension and the creation of a dormer at the rear of the site. That permission is discussed above.

9 Recommendation

- 9.1 It is recommended that planning permission is **GRANTED** subject to the following conditions:

- 01 **Condition:** 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.

- 02 **Condition:** The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Existing Plan, Proposed Plan Revision A, AS2137/N1, AS2137/N2A, AS2137/N3, AS2137/N4, AS2137/N5A, AS2137/N6A and AS2137/N7.

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

- 03 **Condition:** The development hereby permitted shall be constructed using the materials shown on the plans hereby approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy KP2 and CP4, DPD2 (Development Management) Policy DM1 and SPD1 (Design and Townscape Guide).

- 04 Condition: Details of the materials to be used in the formation of the hardstanding within the application site shall be submitted to and approved in writing to the Local Planning Authority prior to their installation. The hardstanding at the frontage of the site shall be permeable unless otherwise agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details before the dwelling is first occupied.**

Reason: To ensure the adequate provision of parking at the site in accordance with policy DM15 of the Development Management DPD.

- 05 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the dwelling hereby approved not be occupied until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping. This shall include details of the number, size and location of the trees and shrubs to be planted at the frontage of the together with a planting specification. The landscaping shall be implemented in accordance with the agreed details during the first planting season following the first occupation of the dwelling unless otherwise first agreed in writing by the Local Planning Authority.**

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy, Policy DM1 of the Development Management Document and the Design and Townscape Guide, 2009.

- 06 Notwithstanding the details shown on the plans hereby approved, the proposed vehicle crossover shall not extend for more than 4.8 metres from the point of the highway that is parallel with the north boundary of the application site.**

Reason: In the interests of highway safety in accordance with Policy CP4 of the Core Strategy, Policies DM1, DM3 and DM15 of the Development Management Document and the Design and Townscape Guide, 2009.

- 07 Prior to occupation of the development hereby approved details of the water efficient design measures set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in full accordance with the approved details before the development is occupied and be retained as such in perpetuity thereafter.**

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management Document) policy DM2 and SPD1 (Design and Townscape Guide).

- 08 The development hereby approved shall be carried out in a manner to ensure the dwelling complies fully with Building Regulation M4 (2) 'accessible and adaptable dwellings'.**

Reason: To ensure the residential units hereby approved provides high quality and flexible internal layouts to meet the changing needs of residents in accordance with National Planning Policy Framework, DPD1 (Core Strategy) policy KP2, DPD2 (Development Management Document) policy DM2 and SPD1 (Design and Townscape Guide).

- 09 A scheme detailing how at least 10% of the total energy needs of the dwellinghouse will be supplied using on site renewable sources must be submitted to and agreed in writing by the Local Planning Authority and implemented in full prior to the first occupation of the dwellinghouse. This provision shall be retained for the lifetime of the development.**

Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy (DPD1).

- 10 Notwithstanding the provisions of Classes A, B, D and E of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order 2015 (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force), no extensions or outbuildings shall be erected at the site unless otherwise agreed in writing by the local planning authority.**

Reason: To safeguard the amenity of neighbours and the character and appearance of the surrounding area in accordance with policies DM1 of the Development Management DPD and policies KP2 and CP4 of the Core Strategy

- 11 Hours of construction related to the development hereby approved shall be restricted to 8am – 6pm Monday to Friday, 8am – 1pm Saturday and not at all on Sundays or Bank Holidays.**

Reason: In the interests of the amenities of neighbouring residents in accordance with the National Planning Policy Framework, Policy DM1 of the Development Management Document and the Design and Townscape Guide, 2009

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, 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

- 1. Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). Enclosed with this decision notice is a Community Infrastructure Levy (CIL) Liability Notice for the attention of the applicant and any person who has an interest in the land. This contains details including the chargeable amount and when this is payable. As this chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will shortly be issued. Charges and surcharges may apply if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at www.southend.gov.uk/cil.**
- 2 For the avoidance of any doubt, it is the position of the Local Planning Authority that the development hereby permitted has already commenced and therefore the permission has been implemented.**