

Southend-on-Sea Borough Council

Agenda
Item

Report of the Corporate Director of
Enterprise, Tourism & the Environment
To
Development Control Committee
On
12th December 2012

Report(s) on Pre-Meeting Site Visits
A Part 1 Agenda Item

WARD & TIME	APP/REF NO.	ADDRESS	PAGE
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Pre-Meeting Site Visits – Depart Civic Centre

Southchurch	12/01461/FULH	252 Shoebury Road, Thorpe Bay	3
Leigh	12/01335/FULH	85 Leigh Hill, Leigh-on-Sea	10
Milton	12/00017/BRCN	Tower Hotel 146 Alexandra Road Southend	

Depart Civic Centre at: 11 am

DEVELOPMENT CONTROL COMMITTEE

SITE VISIT PROTOCOL

Purpose of Visits

- (i)** The purpose of the site visits is to enable Members to inspect sites of proposed developments or development which has already been carried out and to enable Members to better understand the impact of that development.
- (ii)** It is not the function of the visit to receive representations or debate issues.
- (iii)** There will be an annual site visit to review a variety of types and scales of development already carried out to assess the quality of previous decisions.

Selecting Site Visits

- (i)** Visits will normally be selected (a) by the Corporate Director of Enterprise, Tourism & the Environment and the reasons for selecting a visit will be set out in his written report or (b) by their duly nominated deputy; or (c) by a majority decision of Development Control Committee, whose reasons for making the visit should be clear.
- (ii)** Site visits will only be selected where there is a clear, substantial benefit to be gained.
- (iii)** Arrangements for visits will not normally be publicised or made known to applicants or agents except where permission is needed to go on land.
- (iv)** Members will be accompanied by at least one Planning Officer.

Procedures on Site Visits

- (i)** The site will be inspected from the viewpoint of both applicant(s) and other persons making representations and will normally be unaccompanied by applicant or other persons making representations.
- ii)** The site will normally be viewed from a public place, such as a road or footpath.
- (iii)** Where it is necessary to enter a building to carry out a visit, representatives of both the applicant(s) and any other persons making representations will normally be given the opportunity to be present. If either party is not present or declines to accept the presence of the other, Members will consider whether to proceed with the visit.
- (iv)** Where applicant(s) and/or other persons making representations are present, the Chairman may invite them to point out matters or features which are relevant to the matter being considered but will first advise them that it is not the function of the visit to receive representations or debate issues. After leaving the site, Members will make a reasoned recommendation to the Development Control Committee.

Version: 6 March 2007

Reference:	12/01461/FULH
Ward:	Southchurch
Proposal:	Erect single storey rear extension (Retrospective)
Address:	252 Shoebury Road, Thorpe Bay, Southend-On-Sea, Essex, SS1 3RG
Applicant:	Muhajid Mohammed
Agent:	DK Building Designs Ltd
Consultation Expiry:	05.12.2012
Expiry Date:	02.01.2013
Case Officer:	Darragh Mc Adam
Plan No's:	2630-11 (Existing & Proposed Floor Plans, Elevations & Roof Plans), 2630-11 (Existing & Proposed Site Plans & Location Plan)
Recommendation:	REFUSE PLANNING PERMISSION and AUTHORISE ENFORCEMENT ACTION



1 The Proposal

- 1.1 Planning permission is sought to erect a single storey rear extension with a dual pitched roof. The extension is approximately 4m deep, 7.5m wide, and has a ridge height of 3.5m. The extension has been substantially built and the application is this retrospective.
- 1.2 The extension is finished in face brick to match existing, concrete tiles, and upvc windows and doors.

2 Site and Surroundings

- 2.1 The application property is a two storey detached dwelling located to the south of Shoebury Road and near the junction of Shoebury Road with Maplin Way. The front curtilage to the property is hard surfaced and used for parking. The property has an average size rear garden, relative to the area, which is bounded to the sides by fencing. There is a detached brick outbuilding to the south east corner of the garden. The dwelling has been previously extended to the rear.
- 2.2 The surrounding area is residential in character. Dwellings in the area are similar in terms of form and architectural style. Land in the area is relatively flat.

3 Planning Considerations

- 3.1 The main considerations of this application are the principle of the development, design (including the impact of the proposed works on the character and appearance of the building), and any impact on neighbouring properties (residential amenity).

4 Appraisal

Principle of Development

National Planning Policy Framework 2012, East of England Plan Policy ENV7, Core Strategy Policies KP2 and CP4, Borough Local Plan Policy C11, H5 and SPD1

- 4.1 This proposal is considered in the context of the Borough Council policies relating to design. Also of relevance include Policy ENV7 of the East of England Plan, Core Strategy DPD Policies KP2 and CP4 and Policy C11 of the Borough Local Plan. These policies and guidance support extensions 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 proposal is considered acceptable in principle.

Design

National Planning Policy Framework 2012, East of England Plan Policy ENV7, Core Strategy Policies KP2 and CP4, Borough Local Plan Policy C11, H5 and SPD1

- 4.2 Policy C11 of the BLP states that new buildings and extensions or alterations to existing buildings should be designed to create a satisfactory relationship with their surroundings in respect of form, scale, massing, height, elevational design and materials. Policy H5 of the BLP requires all development within residential streets to be appropriate in its setting by respecting neighbouring development, existing residential amenities, and the overall character of the locality.
- 4.3 The proposed rear extension includes a dual pitched roof which would be added to an already existing rear extension with a flat roof. The contrasting form of the extension in relation to the main house and an existing rear extension would result in a form of development which fails to satisfactorily integrate with the existing dwellinghouse, to the detriment of its character and appearance, and be contrary to the above policy.
- 4.4 Whilst the extension would be of similar size and footprint to a conservatory permitted under a previous planning application (Ref. No. 12/00787/FULH), design guidance differs with respect to conservatories and more permanent rear extensions (of the type sought in this application). The Design and Townscape Guide acknowledges that many conservatories are not site specific designs and advises that the style of conservatories should respect the period of the original property through either blending in with the period of the building or by having a contrasting simple modern design that does not try to compete with the original building. Conservatories are generally constructed with lightweight materials and their appearance is often that of a non-permanent addition to the original dwelling. Rear extensions on the other hand, are generally constructed of durable heavy materials and are of more permanent appearance. The Design and Townscape Guide states in relation to rear extensions that:

“Whether or not there are any public views, the design of 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”.

Accordingly, the proposed rear extension is considered contrary to design guidance.

Impact on Neighbouring Properties

National Planning Policy Framework 2012, East of England Plan Policy ENV7, Core Strategy Policies KP2 and CP4, Borough Local Plan Policy C11, H5 and SPD1

- 4.5 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 H5 of the Borough local Plan requires that development respect existing residential amenities, and Policy C11 requires that new extensions create a satisfactory relationship with surroundings.
- 4.6 The rear extension being single storey does not provide for opportunities for adverse overlooking into adjoining properties. Given the orientation of the site, any overshadowing would primarily be to the north and against the application dwelling itself. The adjoining dwelling to the west (No. 150) has been extended to the rear with a conservatory and it is not considered there is any adverse overshadowing towards this dwelling due to the southerly aspect. It is not considered there is any overbearing impact to neighbouring properties. The extension is separated from the eastern boundary by approximately 5m and from the southern boundary by approximately 9.4m. Whilst there is a lesser separation distance to the western boundary (approx. 1.2m), the adjoining dwelling in this direction (No. 250) has been extended to the rear and the proposed extension does not extend beyond its rear elevation (i.e. that of conservatory) to such a degree that it is overbearing.

5 Conclusion

- 5.1 The single storey rear extension by reason of its design and form integrates poorly with the existing dwelling and is therefore, contrary to policy and design guidance.

6 Enforcement

- 6.1 The development does not benefit from planning permission and is not in accordance with policy as set out above. By virtue of its form and poor relationship with the original building and previous extensions, the extension results in harm to the visual amenities and character of the immediate area. In order to remedy the breach of planning control it is considered reasonable, expedient and in the public interest to pursue enforcement action by serving an enforcement notice. The enforcement notice should require either the demolition of the unlawful extension or that it be modified so that it is in accordance with planning permission 12/00787/FULH. Given the nature of the remedial works necessary to remedy the breach of planning control, it is considered that a compliance period of 6 months would be reasonable.

7 Human Rights Considerations

- 7.1 Taking enforcement action in this case may amount to an interference with the owner/occupiers' Human Rights. However, it is necessary for the Council to balance the rights of the owner/occupiers against the legitimate aims of the Council to regulate and control land within its area. In this particular case it is considered reasonable, expedient and proportionate and in the public interest to pursue enforcement action in order to address the harm caused to the character and

appearance of the area and in order to comply with planning policy.

8 Planning Policy Summary

- 8.1 National Planning Policy Framework 2012.
- 8.2 East of England Plan (May 2008) Policy ENV7 (Quality in the Built Environment).
- 8.3 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles) and CP4 (Environment & Urban Renaissance).
- 8.4 Southend-on-Sea Borough Local Plan Policies C11 (New Buildings, Extensions and Alterations), and H5 (Residential Design and Layout Considerations).
- 8.5 Supplementary Planning Document 1: Design & Townscape Guide, 2009.

9 Representation Summary

Public Consultation

- 9.1 Three neighbours notified of the application. No responses received at time of writing of report. Any responses received subsequently will be reported via a supplementary report.

10 Relevant Planning History

- 10.1 Enforcement complaint received alleging development not built in accordance with approved plans under 12/00787/FULH. Enforcement Reference 12/00264/UNAU_B.
- 10.2 Planning permission granted in August 2012 to 'Erect conservatory at rear' - 12/00787/FULH.
- 10.3 Lawful development certificate (proposed) refused in April 2012 for rear conservatory - 12/00329/CLP.
- 10.4 Planning permission granted in January 2007 to 'Convert garage into habitable room and alter side elevation' - 06/01418/FUL.
- 10.5 Planning permission granted in February 2006 to 'Erect ground floor extension to front and side elevations, erect first floor extension with a pitched roof to rear

elevation' - 05/01714/FUL.

- 10.6 Planning permission granted in October 2001 to 'Erect first floor front extension and replace door with window and form new window to east elevation (amended scheme)' - 01/00855/FUL.
- 10.7 Planning permission refused in July 2001 to 'Erect single storey rear extension and erect first floor front extension' - 01/00481/FUL.
- 10.8 Planning permission granted in June 2001 to 'Erect single storey rear extension and extend front porch and balustrading' - 01/00231/FUL.

11 Recommendation:

11.1 Members are recommended to REFUSE PLANNING PERMISSION for the following reason:

- 1. The development by reason of its form and roof design and relationship with previous extensions at the property would result in a form of development which fails to satisfactorily integrate with the existing dwellinghouse, to the detriment of its character and appearance, and that of the immediate area. This is contrary to Policies KP2 and CP4 of the Core Strategy, Policy C11 of the Borough Local Plan, Policy ENV7 of the East of England Plan, and advice contained within the Design and Townscape Guide.**

Note:

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 the report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to meet with the Applicant 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.

11.2 Members are recommended to AUTHORISE ENFORCEMENT ACTION to either:

- i) Demolish the unauthorised extension and remove all associated materials from the land, or**
- ii) Construct the extension in accordance with the approved plans as approved by planning permission 12/00787/FULH, on the grounds that the development has a detrimental impact upon the character and**

appearance of the dwelling, and that of the immediate area contrary to policies KP2 and CP4 of the Core Strategy, Policy C11 of the Borough Local Plan, Policy ENV7 of the East of England Plan, and advice contained within the Design and Townscape Guide.

- 11.3 The enforcement action to include (if/as necessary) the service an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of said notice.**
- 11.4 When serving an Enforcement Notice, the local planning authority must ensure a reasonable time for compliance. In this case, a compliance period of 6 months is considered reasonable.**

Reference:	12/01335/FULH
Ward:	Leigh
Proposal:	Details of implementation of privacy screening (variation of condition 03 of planning permission 11/01692/FULH dated 07/03/2012)
Address:	85 Leigh Hill, Leigh-on-Sea, Essex, SS9 1AR
Applicant:	Mr J Cross
Agent:	ACS Design Associates Ltd
Consultation Expiry:	4 December 2012
Expiry Date:	14 December 2012
Case Officer:	Matthew Leigh
Plan Nos:	2940/ TP/01
Recommendation:	REFUSE PLANNING PERMISSION AND AUTHORISE ENFORCEMENT ACTION



1 The Proposal

- 1.1 The application is in relation to the variation condition 03 of planning permission 11/01692/FULH which stated:

“Within two months of the date of this decision a scheme for a privacy screen to the southwest corner and the southern boundary of the decking shall have been submitted to and approved in writing by the local planning authority and the scheme shall include a timetable for its implementation, details of external appearance and materials. The approved scheme shall have been carried out and completed in accordance with the approved plans and timetable. The screen shall be retained in perpetuity thereafter.”

- 1.2 The applicant wishes to vary the condition for the privacy screen to be carried out in accordance with the plans submitted, which only proposes a privacy screen along part of the southern boundary

2 Site and Surroundings

- 2.1 The application property is a grade II listed building located within the Leigh Conservation Area.
- 2.2 The site is located on the southern side of Leigh Hill approximately 45 metres from its junction with Cliff Parade. The rear of the property overlooks views of the estuary and has a very steep sloping rear garden. There is currently an existing area of decking around the swimming pool closer to the house than the proposed area of decking.

3 Planning Considerations

- 3.1 The key planning issues from this application is whether the condition serves a proper planning purpose and if so are there any reasons which would justify varying it.

4 Appraisal

Background to the application

- 4.1 A planning application (SOS/10/00815/FULH) to extend the decking area with balustrade around existing swimming pool at rear of 85 Leigh Hill was approved planning permission on the 17th June 2010.
- 4.2 A complaint was received on the 22nd September 2011 in relation to an alleged unauthorised development. This complaint was investigated and an application was submitted to regularise the development. A condition was imposed requiring details of a privacy screen to be submitted within two months of the date of the decision. This two month period has now expired.
- 4.3 Discussions were undertaken between the applicant and the Council to attempt to come to an acceptable solution. The applicant has submitted the current scheme in an attempt to over come the Council's concerns in relation to overlooking of the adjoining properties.

Principle of the Development

The National Planning Policy Framework, DPD1 (Core Strategy) Policies KP2 and CP4; BLP Policies C4 and C11.

- 4.4 The site is occupied by a residential dwelling. The principle of providing facilities in association with residential accommodation is considered acceptable. Other material planning considerations are discussed below.

Design and Impact on the Conservation of the Area:

The National Planning Policy Framework, East of England Plan Policy ENV7, DPD1 (Core Strategy) Policies KP2 and CP4; BLP Policies C4 and C11.

- 4.5 The importance of good design is reflected in the NPPF as well as Policies C11 and H5 of the Local Plan, Policies KP2 and CP4 of the Core Strategy, Policy ENV7 of the East of England Plan and the Design and Townscape Guide also states that the Council is committed to good design and will seek to create attractive, high-quality living environments. It should also be noted that the site is located within the Leigh Conservation Area and therefore there is a statutory duty to ensure the development either preserves or enhance the historic character of this area.
- 4.6 The proposed screen is to be constructed of timber; this is similar in nature to the existing lawful deck. As the materials match those of the existing decking no objection is raised in design terms or in respect of the Conservation area.

Impact on the Listed Building:

The National Planning Policy Framework, East of England Plan Policy ENV7, DPD1 (Core Strategy) Policies KP2 and CP4; BLP Policies C2 and C11.

- 4.7 At the time of the previous applications (10/00814/FULH and 11/01692/FULH) the decking was considered to be located a significant distance from the main listed dwellinghouse and therefore is perceived as a separate entity from the dwellinghouse which is reinforced by the significant difference in land levels from the rear of the building to where the decking is located.
- 4.8 In light of the above, it is not considered that the screen would be detrimental to the character and setting of the listed building and it is considered that the proposals are sympathetic additions within the curtilage of the building, and as such comply with the policies identified above.

Impact on Residential Amenity:

The National Planning Policy Framework, East of England Plan policies SS1, and ENV7; DPD1 (Core Strategy) policies KP2 and CP4; BLP policies C2, C4, C11 and H5 and the Design and Townscape Guide (2009).

- 4.9 There are differences in land levels both on site and within neighbouring sites. The

decking extends out to the boundary of the site and does introduce a level of overlooking which is intrusive and therefore, materially harmful to residential amenity.

- 4.10 The development clearly overlooks the adjoining residents to the south and west. In order to address this issue a condition was imposed requiring screening to be provided. The current application has been submitted in an attempt to overcome the impact upon the amenity of the adjoining residents.
- 4.11 The scheme includes the provision of a timber visibility screen a maximum of 5.75m wide along part of the southern boundary of the site; the screen would have a return frontage along the western boundary of around 0.5m.
- 4.12 Currently the properties to the south are screened by vegetation, however this is not considered to be an acceptable long term solution as they could be cut back or removed at any time. It is considered that privacy screening needs to run along the entire length of the southern boundary to adequately protect the amenity of the adjoining residents. It is not therefore, considered that the proposed screening would adequately protect the amenity of the adjoining residents to the south.
- 4.13 To the western boundary the screening would be around 0.5m in length. This is not considered to be an acceptable length to protect the amenity of the residents of the adjoining properties, particularly at 51 Leigh Hill.
- 4.14 It should also be noted that the window in the shed has not been obscure glazed in accordance with condition 04 of planning permission 11/01692/FULH.

5 Conclusion

- 5.1 Whilst the visibility screen is considered to preserve the character and appearance of the Leigh Conservation Area it is not considered to protect the amenity of the adjoining residents.

6 Enforcement

- 6.1 The site is currently in breach of conditions 03 and 04 of permission 11/01692/FULH. These conditions were imposed to make the development acceptable in planning terms and therefore serve a proper planning purpose. In order to remedy the breach of planning control it is considered reasonable, expedient and in the public interest to peruse enforcement action by serving an enforcement notice. Given the nature of the remedial works necessary to remedy the breach of planning control, it is considered that a compliance period of 3 months would be reasonable.

7 Human Rights Considerations

- 7.1 Taking enforcement action in this case may amount to an interference with the owner/occupiers Human Rights. However, it is necessary for the Council to balance the rights of the owner/occupiers against the legitimate aims of the Council to regulate and control land within its area. In this particular case it is considered reasonable, expedient and proportionate and in the public interest to pursue enforcement action to secure compliance with relevant conditions on planning application 11/01692/FULH.

8 Planning Policy Summary

- 8.1 The National Planning Policy Framework (NPPF)
- 8.2 East of England Plan Policies SS1 (Achieving Sustainable Development), ENV6 (The Historic Environment) and ENV7 (Quality in the built Environment).
- 8.3 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance).
- 8.4 Supplementary Planning Document 1: Design & Townscape Guide (2009)
- 8.5 Borough Local Plan Policies C2 (Historic Buildings), C4 (Conservation Areas), C11 (New Buildings, Extensions and Alterations) and H5 (Residential Design and Layout Considerations).

9 Representation Summary

Leigh Town Council

- 9.1 No objection.

The Leigh Society

- 9.2 No response received at the time of writing the report.

Design and Regeneration

- 9.3 No response received at the time of writing the report.

Public Consultation

- 9.4 At the time of writing the report no neighbour responses had been received.

10 Relevant Planning History

- 10.1 2010 – A planning application (SOS/10/00815/FULH) to extend the decking area and the provision of a balustrade around existing swimming pool at rear of 85 Leigh Road was approved planning permission.
- 10.2 2011 – A retrospective planning application (11/01692/FULH) for the erection of a shed and decking at 85 Leigh Hill. The application was approved.

11 Recommendation

- 11.1 **Members are recommended to REFUSE PLANNING PERMISSION, for the following reason;**

01 The proposed visibility screen is not considered to adequately protect the amenity of the adjoining residents and therefore results in a loss of privacy for the occupiers of the adjoining dwellings, to the detriment of the residential amenities of those occupiers, contrary to Policies C4, C11 and H5 of the

Borough Local Plan and Policies KP2 and CP4 of the Core Strategy and advice contained within the adopted Design and Townscape Guide (SPD1) and NPPF.

- 11.2 Members are recommended to **AUTHORISE ENFORCEMENT ACTION** to secure compliance with Conditions 03 (screening) and 04 (obscure glazing) of planning permission 11/01692/FULH on the grounds that the development has a detrimental impact upon the amenity of the adjoining residents due to overlooking and loss of privacy contrary to Policy to Polices C4, C11 and H5 of the Borough Local Plan and KP2 and CP4 of the Core Strategy and advice contained within the adopted Design and Townscape Guide (SPD1).
- 11.3 The enforcement action to include (if/as necessary) the service an Breach of Condition Notice under Section 181 of the Town and Country Planning Act 1990 and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of said Notice.
- 11.4 When serving an Enforcement Notice, the local planning authority must ensure a reasonable time for compliance. In this case, a compliance period of 3 months is considered reasonable.

Note

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. The proposal is not considered to represent sustainable development. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal – which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.