

**Public Document Pack  
SOUTHEND-ON-SEA BOROUGH COUNCIL**

**Development Control Committee**

**Date: Wednesday, 2nd October, 2019**

**Time: 2.00 pm**

**Place: Committee Room 1 - Civic Suite**

**Contact: Tim Row - Principal Committee Officer**

**Email: [committeesection@southend.gov.uk](mailto:committeesection@southend.gov.uk)**

**A G E N D A**

**1 Apologies for Absence**

**2 Declarations of Interest**

**3 Supplementary Report**

**\*\*\*\* Applications with Pre-Meeting Site Visits**

**4 19/01331/FUL - 1333 London Road, Leigh-on-Sea (Belfairs Ward)  
(Pages 7 - 30)**

**5 19/01441/FUL - 1333 London Road, Leigh-on-Sea (Belfairs Ward)  
(Pages 31 - 52)**

**6 19/01417/FUL - 135 Marine Parade, Leigh-on-Sea (West Leigh Ward)  
(Pages 53 - 110)**

**7 19/01565/FUL - Viscount House, 7 Rochford Road, Southend-on-Sea  
(St Laurence Ward) (Pages 111 - 128)**

**8 18/00342/UNAU\_B - 72 Boscombe Road, Southend-on-Sea  
(Kursaal Ward) (Pages 129 - 144)**

**TO: The Chairman & Members of the Development Control Committee:**

Councillor N Ward (Chair)

Councillors M Borton (Vice-Chair), B Ayling, J Beck, A Chalk, D Cowan, A Dear,  
F Evans, D Garston, S Habermel, D Jarvis, A Jones, H McDonald, C Mulroney,  
A Thompson, P Van Looy and C Walker

**PLEASE NOTE: The minibus for the site visits will depart from the bus stop at the front of the Civic Centre at 10.45 a.m.**

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**DEVELOPMENT CONTROL COMMITTEE**

**AGENDA: 2<sup>nd</sup> October 2019**

<b>WARD</b>	<b>APP/REF NO.</b>	<b>ADDRESS</b>
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<b>Pre Site Plans Report</b>		
<b>Belfairs</b>	19/01331/FUL	<b>1333 London Road Leigh-On-Sea</b>
<b>Belfairs</b>	19/01441/FUL	<b>1333 London Road Leigh-On-Sea</b>
<b>West Leigh</b>	19/01417/FUL	<b>135 Marine Parade Leigh-On-Sea</b>
<b>St Laurence</b>	19/01565/FUL	<b>Viscount House 97 Rochford Road</b>
<b>Kursaal</b>	18/00342/UNAU_B	<b>72 Boscombe Road Southend-On-Sea</b>

## **DEVELOPMENT CONTROL COMMITTEE**

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## DEVELOPMENT CONTROL COMMITTEE

### INTRODUCTION

- (i) **Recommendations in capitals at the end of each report are those of the Corporate Director of Place, are not the decision of the Committee and are subject to Member consideration.**
- (ii) All plans have been considered in the context of the Borough Council's Environmental Charter. An assessment of the environmental implications of development proposals is inherent in the development control process and implicit in the reports.
- (iii) Reports will not necessarily be dealt with in the order in which they are printed.
- (iv) The following abbreviations are used in the reports:-

BLP	- Borough Local Plan
DAS	- Design & Access Statement
DEFRA	- Department of Environment, Food and Rural Affairs
DPD	- Development Plan Document
EA	- Environmental Agency
EPOA	- Essex Planning Officer's Association
DCLG	- Department of Communities and Local Government
NPPF	- National Planning Policy Framework
NPPG	- National Planning Practice Guidance
SPD	- Supplementary Planning Document
SSSI	- Sites of Special Scientific Interest. A national designation. SSSIs are the country's very best wildlife and geological sites.
SPA	- Special Protection Area. An area designated for special protection under the terms of the European Community Directive on the Conservation of Wild Birds.
Ramsar Site	- Describes sites that meet the criteria for inclusion in the list of Wetlands of International Importance under the Ramsar Convention. (Named after a town in Iran, the Ramsar Convention is concerned with the protection of wetlands, especially those important for migratory birds)

### **Background Papers**

- (i) Planning applications and supporting documents and plans
- (ii) Application worksheets and supporting papers
- (iii) Non-exempt contents of property files
- (iv) Consultation and publicity responses
- (v) NPPF and NPPG
- (vi) Core Strategy
- (vii) Borough Local Plan

**NB** Other letters and papers not taken into account in preparing this report but received subsequently will be reported to the Committee either orally or in a supplementary report.

## DEVELOPMENT CONTROL COMMITTEE

### Use Classes

- Class A1 - Shops
- Class A2 - Financial & Professional Services
- Class A3 - Restaurants & Cafes
- Class A4 - Drinking Establishments
- Class A5 - Hot Food Take-away
  
- Class B1 - Business
- Class B2 - General Industrial
- Class B8 - Storage or Distribution
  
- Class C1 - Hotels
- Class C2 - Residential Institutions
- Class C3 - Dwellinghouses
- Class C4 - Small House in Multiple Occupation
  
- Class D1 - Non-Residential Institutions
- Class D2 - Assembly and Leisure
- Sui Generis - A use on its own, for which any change of use will require planning permission

## **DEVELOPMENT CONTROL COMMITTEE**

### **SITE VISIT PROTOCOL**

#### **1. Necessity**

A site visit is only likely to be necessary if either:

- (i) The proposed development is difficult to visualise from the plans, photographs and supporting material; or
- (ii) There is good reason why the comments of the applicant and / or objector(s) cannot be expressed adequately in writing; or
- (iii) The proposal is particularly contentious; or
- (iv) A particular Member requests it and the request is agreed by the Chairman of DCC.

#### **2. Selecting Site Visits**

- (i) Members can request a site visit by contacting the Head of Planning and Transport or the Group Manager for Planning; providing the reason for the request. The officers will consult with the Chairman.
- (ii) If the agenda has not yet been printed, notification of the site visit will be included on the agenda. If the agenda has already been printed, officers will notify Members separately of the additional site visit.
- (iii) Arrangements for visits will not normally be publicised or made known to applicants or agents unless access is required to be able to go on land.

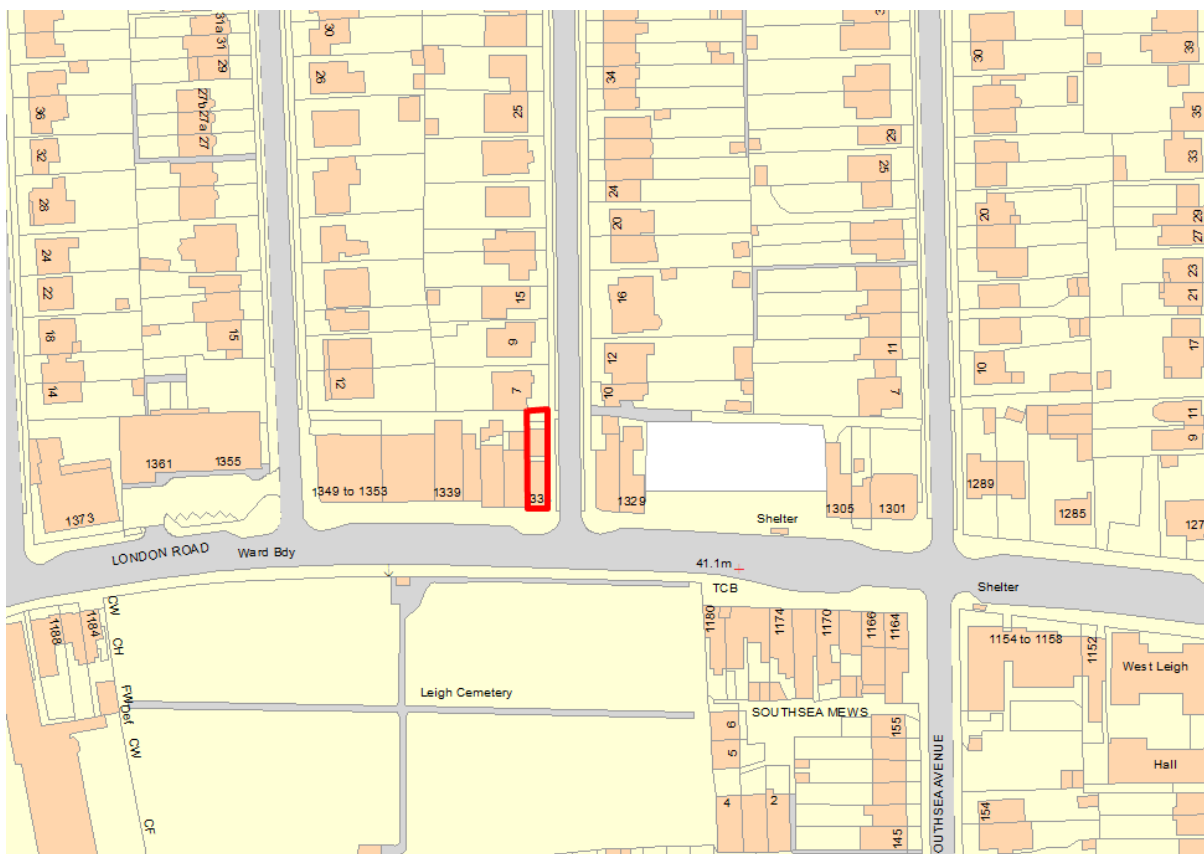
#### **3. Procedures on Site Visits**

- (i) Visits will normally take place during the morning of DCC.
- (ii) A planning officer will always attend and conduct the site visit, and will bring relevant issues to the attention of Members. The officer will keep a record of the attendance, and a brief note of the visit.
- (iii) The site will normally be viewed from a public place, such as a road or footpath.
- (iv) Representations will not be heard, and material will not be accepted. No debate with any party will take place. Where applicant(s) and/or other interested person(s) are present, the Chairman may invite them to point out matters or features which are relevant to the matter being considered having first explained to them that it is not the function of the visit to accept representations or to debate.

**Version: April 2016**

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<b>Reference:</b>	19/01331/FUL	<b>4</b>
<b>Application Type:</b>	Full Application	
<b>Ward:</b>	Belfairs	
<b>Proposal:</b>	Erect two storey rear extension to form two self-contained flats (Class C3), install balconies to side, with associated bin and bike stores	
<b>Address:</b>	1333 London Road, Leigh-On-Sea, Essex	
<b>Applicant:</b>	Mr M Saunders	
<b>Agent:</b>	Mr Alan Gloyne of SKArchitects	
<b>Consultation Expiry:</b>	10 <sup>th</sup> September 2019	
<b>Expiry Date:</b>	7 <sup>th</sup> October 2019	
<b>Case Officer:</b>	Janine Rowley	
<b>Plan Nos:</b>	<b>493-P01; 493-P03 Revision A</b>	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>	



## **1 Site and Surroundings**

- 1.1 The site contains an existing two storey building with a commercial unit to the ground floor front of the site and residential flats to the rear of the ground floor and at first floor level (the lawful use of the commercial unit to the front of the site is for Class A1 retail purposes). The site is located on the northern side of London Road at its junction with Tankerville Drive. Opposite the site is Leigh Cemetery and the surrounding area to the east and west of the site contains commercial premises to the ground floor with residential flats above. To the rear of the site is Tankerville Drive, characterised by two storey residential properties. There are street trees within Tankerville Drive.
- 1.2 The site is not the subject of any site specific policy designations.

## **2 The Proposal**

- 2.1 Planning permission is sought to erect a two storey rear extension and to convert the extended structure to form two one bedroom self-contained flats (Class C3), install balconies to side, with associated bin and bike stores.
- 2.2 The proposed two storey extension would have a depth of some 10.7m, a width of some 5.4m and a height of some 7.6m to 7.8m due to the varying site levels. The extension has been designed with a dual pitched roof and is of a traditional design. A first floor balcony serving the lounge/diner/kitchen is proposed on the eastern elevation measuring some 3.8sqm. A Juliette balcony is proposed to the eastern elevation serving the bedrooms at ground and first floor.
- 2.3 Cycle and refuse storage is provided to the rear/side accessed via the existing Tankerville Drive vehicle access serving the commercial properties fronting London Road.
- 2.4 The proposed development would provide a one bedroom flat to the first floor measuring 42sqm and a one bedroom flat to the ground floor measuring 37.4sqm. Both units by reason of bedroom size (some 7.5sqm) constitute a single occupancy dwelling.
- 2.5 The application follows a previous approval 19/00089/FUL to convert part of ground floor storage to rear (Class B8) and erect first floor rear extension to form one self-contained flat (Class C3) with balconies to side, alter elevations and layout parking space.
- 2.6 There are a number of previous refusals for larger developments at the site as detailed in the planning history section of this report. Following prior approval in 2016 (16/02245/PA3COU), one ground floor studio flat has been implemented which changed the use of part of the ground floor shop (Class A1) to one self-contained flat. There is also an existing second floor flat within the main frontage building some 60sqm in internal floorspace.
- 2.7 Separate application 19/01441/FUL seeks permission to erect a two storey rear extension to form a dwelling (Class C3) install balconies to side, alter elevations, layout garden space with associated bin and bike stores. That is pending consideration.
- 2.8 Application 18/00903/FUL sought permission to convert part of ground floor storage to rear (Class B8) and erect first floor rear extension to form one self-contained flat (Class C3) with balcony to side, layout parking space and install vehicular access on to Tankerville Drive. The application was refused for the following reasons:

1. *“The proposed development by reason of its poor design, height, size, scale, bulk and poor relationship with the existing building would appear out of keeping and incongruent in its setting and would therefore result in demonstrable harm to the character and appearance of the site, streetscene and wider area. This is contrary to the National Planning Policy Framework, Core Strategy (2007) Policies KP2 and CP4, Policies DM1 and DM3 of the Development Management Document (2015) and advice contained within the Design and Townscape Guide (2009)”.*
2. *“The proposed development would, by reason of the limited internal size of the dwelling, result in poor quality living environment for future occupiers. This would be contrary to National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy (2007), policies DM1, DM3 and DM8 of the Development Management (2015) and National Technical Housing Standards (2015)”.*

2.9 An appeal was subsequently dismissed in relation to the above application (reference: APP/D1590/W/18/3214270). The Inspector concluded the living conditions with regard to the size of the dwelling and outdoor amenity space for a 4 person residential unit would not be satisfactory. The Inspector found that the design and character of the development was acceptable.

### **3 Relevant Planning History**

- 3.1 19/01441/FUL- Erect first floor extension to rear and convert part of rear ground floor from storage (Class B8) to form one self-contained flat (Class C3), install balconies to side, alter elevations, layout parking space with associated bin and bike stores- Pending consideration.
- 3.2 19/00089/FUL- Convert part of ground floor storage to rear (Class B8) and erect first floor rear extension to form one self-contained flat (Class C3) with balconies to side, alter elevations and layout parking space (Amended Proposal)- Planning permission granted.
- 3.3 18/01781/FUL - Convert part of ground floor storage to rear (Class B8) and erect first floor rear extension to form one self-contained flat (Class C3) with balconies to side, alter elevations, layout parking space and install vehicular access on to Tankerville Drive (Amended Proposal) – Planning permission refused.
- 3.4 18/00903/FUL - Convert part of ground floor storage to rear (Class B8) and erect first floor rear extension to form one self-contained flat (Class C3) with balcony to side, layout parking space and install vehicular access on to Tankerville Drive – Planning permission refused and appeal dismissed.
- 3.5 17/01703/FUL - Erect three storey rear extension, form third floor to form five self-contained flats, alter elevations, layout parking and bin store and form vehicular access onto Tankerville Drive (Amended Proposal) – Planning permission refused.
- 3.6 17/00303/FUL - Erect part three/part four storey rear extension, form third and fourth floors to form six self-contained flats, alter elevations, layout parking and bin store and form vehicular access onto Tankerville Drive – Planning permission refused.
- 3.7 16/02245/PA3COU - Change of use of part of ground floor shop (Class A1) to one self-contained flat (Class C3) (Prior Approval) - Prior approved granted.

- 3.8 02/00969/FUL - Erect single storey rear extension, lay out one parking space to rear and erect 1.8 metre high timber fence to side boundaries – Planning permission granted.

#### **4 Representation Summary**

##### **4.1 Public Consultation**

9 neighbouring properties were consulted and a site notice displayed. 20 letters of representation from 17 households have been received including following renotification stating:

- Lack of parking
- Insufficient on road parking to accommodate additional parking requirements
- Overdevelopment
- Highway safety concerns
- Existing pattern of unlawful parking in Tankerville Drive
- Emergency vehicle and access implications
- Waste storage management arrangements insufficient
- No provision for recycling bins and storage
- Bicycle storage insufficient size
- Building over property boundary
- Rental of serviced apartments and concern that the additional flats may be used in this way
- Impact on Right of way
- Too much building work along London Road/cumulative impact of development
- Already at capacity for schools, doctors with no provision for infrastructure
- New application would not be able to fulfil the requirements of the previous application 19/00089/FUL
- Overlooking
- Out of keeping
- Overcrowding
- Proposal commercially driven

A letter of objection has been received from Sir David Amess objecting to the proposal on behalf of an existing resident to overdevelopment of the site.

Officer comment: The concerns raised are noted and they have been taken into account in the assessment of the proposal. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case. The concerns relating to the use of the existing flats were previously reported to the Planning Enforcement Team for investigation and it was confirmed that the use of the flats being rented out on a nightly basis had ceased.

- 4.2 Councillor Aylen has called the application in for consideration by the Development Control Committee.

##### **4.3 Leigh Town Council**

Objection. Overdevelopment of the site. Fails to provide parking.

##### **4.4 Highways Team**

No objections.



**4.5 Environmental Health**  
No objections.

**5 Planning Policy Summary**

- 5.1 The National Planning Policy Framework (NPPF) (2019)
- 5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generating Development), CP2 (Town Centre and Retail Development), Policy CP3 (Transport and Accessibility), CP4 (Environment & Urban Renaissance) and CP8 (Dwelling Provision)
- 5.3 Development Management Document (2015) Policies DM1(Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM8 (Residential Standards) and DM15 (Sustainable Transport Management)
- 5.4 Design & Townscape Guide (2009)
- 5.5 National Technical Housing Standards (2015)
- 5.6 CIL Charging Schedule (2015)

**6 Planning Considerations**

- 6.1 The main considerations in relation to this application are the principle of development, design and impact on the streetscene and impact on neighbouring occupiers, standard of accommodation for future occupiers, parking and highways impacts, sustainability and community infrastructure levy.

**7 Appraisal**

**Principle of Development**

- 7.1 Paragraph 117 of the NPPF states *'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other users, while safeguarding and improving the environment and ensuring safe and healthy living conditions.'*
- 7.2 Paragraph 124 of the NPPF states; *"The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this.'*
- 7.3 Policy DM3 of the Development Management Document states: *"Alterations and additions to a building will be expected to make a positive contribution to the character of the original building and the surrounding area through:*
  - (i) The use of materials and detailing that draws reference from, and where appropriate enhances, the original building and ensures successful integration with it; and*
  - (ii) Adopting a scale that is respectful and subservient to that of the original building and surrounding area; and*

*(iii) Where alternative materials and detailing to those of the prevailing character of the area are proposed, the Council will look favourably upon proposals that demonstrate high levels of innovative and sustainable design that positively enhances the character of the original building or surrounding area."*

- 7.4 Whilst the description states that the development would result in the change of use of a B8 use, it is considered that the rear storage area to the ground floor is ancillary to the commercial use of the ground floor (the authorised use for which is retail) and is not a separate B8 use. Therefore, consistent with the basis of decision on the previously refused application, and the Planning Inspector's reasoning on the dismissed planning appeal, there is no requirement to consider the principle of loss of a separate employment generating B class use under Policy DM11.
- 7.5 The provision of additional dwellings is considered acceptable in principle, subject to compliance with other relevant planning policies and guidance. Furthermore, the principle of the development was considered acceptable at the time of the previous applications and it is not considered that there are any new material considerations or policies which alter this conclusion.
- 7.6 There is no objection in principle to the introduction of residential accommodation and extending the building, subject to the proposal's assessment against the material planning considerations detailed below.

### **Design and Impact on the Character of the Area**

- 7.7 Paragraph 124 of the NPPF states *"The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations and how these will be tested, is essential for achieving this"*.
- 7.8 Policy KP2 of the Core Strategy advocates 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"*. Policy CP4 of the Core Strategy states *"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"*.
- 7.9 Policy DM1 of the Development Management Document advocates the need for good quality design that contributes positively to the creation of successful places. All developments should respect the character of the site, its local context and surroundings in terms of its architectural approach, height, scale, form and proportions.
- 7.10 London Road is generally characterised by a fine grain of traditional buildings, mostly of two storeys abutted together to form terrace blocks. The buildings are of mixed designs but within the individual street blocks is an element of consistency in style although there are, in places, variations in the heights of the buildings. Despite this mix of styles and heights, the fine grain of the buildings is a key characteristic of the street.
- 7.11 The proposed two storey extension has been designed with a dual pitched roof which is

complementary in appearance, subservient to the main building and subservient to the existing rear outrigger. The main change in the extension's form and design compared to the previously approved application 19/00089/FUL is the inclusion of additional fenestration to the ground floor for the new flat, which will articulate the overall form. It is considered that the development is of an acceptable overall design and the materials to be used in the construction of the extension are complementary. The proposal would not result in any material harm to the character and appearance of the host building, the streetscene, or the wider surrounding area.

7.12 The development is located close to a street tree in Tankerville Drive. To ensure the development does not adversely impact the health of the street tree, which would be detriment to the character and appearance of the area, a condition can be imposed on any grant of consent requiring tree protection details. Subject to such a condition no objection is raised on this basis.

7.13 The development is acceptable and policy compliant in the above regards.

### **Living Conditions for Future Occupiers**

7.14 Paragraph 127 of the NPPF states that planning policies and decisions should “*create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users...*” 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 sizes for 1 bedroom, 1 person units with a shower room of 37sqm.
- Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5m<sup>2</sup> for a single bedroom with a minimum width of 2.15m; and 11.5m<sup>2</sup> 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.

7.15 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 1.25m<sup>2</sup> should be provided for 1-2 person dwellings. A minimum of 0.5m<sup>2</sup> 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.

- 7.16 The proposed flats constitute a 42sqm 1 bedroom, 1 person unit to the first floor and a 37.4sqm 1 bedroom, 1 person unit to the ground floor. The floor and bedroom sizes meet standards and the development is acceptable and policy compliant in this respect.
- 7.17 All habitable rooms will be provided with windows to provide adequate levels of light, outlook and ventilation. The development is acceptable and policy compliant in this respect.
- 7.18 Part M4 (2) of the Building Regulations adopted by the National Technical Housing Standards 1st October 2015 requires the need to provide accessible and adaptable dwellings. It is not considered reasonable to enforce building regulation M4(2) given the proposal is for an extension to the existing building. This did not form a reason for refusal of earlier proposals on the site and was not considered to be an issue preventing the previous approval of application 19/00089/FUL.
- 7.19 A 3.8sqm balcony is proposed to serve the first floor flat which is considered sufficient given that the proposed flat constitutes a 1-bedroom, 1 person unit and was previously accepted under application 19/00089/FUL. The ground floor flat does not benefit from outdoor amenity space. Concerns were previously raised by the Planning Inspector in relation to planning application 18/00903/FUL, which was a proposal for a two bedroom, four person dwelling set over two floors, due to the limited internal size of the dwelling and lack of amenity space. This proposal as set out above is for two 1-bedroom 1 person units. Material weight has to be given to recent planning approvals in the vicinity of the site most notably 1305 London Road (18/01811/FUL) approved 28<sup>th</sup> November 2019, where three flats (two capable of being occupied by two person households) with no amenity space was considered acceptable given the units were not family sized i.e. 3 persons or more and taking into account the existing flat on site did not benefit from amenity space. Taking into account the ground floor and first floor flats are now 1 bedroom, 1 person units and mindful of the access to a range of amenities locally, no objection is raised on balance.
- 7.20 The proposal would provide adequate living conditions for future occupiers of the site and is acceptable and policy compliant in this respect.

### **Impact on Residential Amenity**

- 7.21 Policies DM1 and DM3 of the Development Management Document and CP4 of the Core Strategy refer to the impact of development on surrounding occupiers. High quality development, by definition, should provide a positive living environment for its occupiers

whilst not having an adverse impact on the amenity of neighbours. Protection and enhancement of amenity is essential to maintaining people's quality of life and ensuring the successful integration of proposed development into existing neighbourhoods.

- 7.22 Amenity refers to well-being and takes account of factors such as privacy, overlooking, outlook, noise and disturbance, the sense of enclosure, pollution and daylight and sunlight. Policy DM1 requires that all development should (inter alia):

*“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;”*

- 7.23 The proposed development would be located approximately 2.4m from the rear of the site and the south side elevation of no. 7 Tankerville Drive. Due to its overall height and size, it is not considered that the proposed development would materially harm the amenity of the occupants at 7 Tankerville Drive by way of a material loss of light, or dominant, overbearing impacts or an unacceptable sense of enclosure. Whilst a rear window is proposed facing No.7, this is a secondary window to a bedroom and can be conditioned to be obscure glazed with limited openings to prevent any material overlooking or loss of privacy. Due to the orientation and relationship between No. 7 Tankerville Drive and the proposed development, it would be visible from the south-east corner of the neighbouring dwelling. However, this part of 7 Tankerville Drive contains a garage and garage door as well as a small secondary window. Therefore, it is considered that the impact on the amenities of the neighbouring occupiers at no. 7 would not result in material harm. It is also relevant that no objection was raised on this basis under the previous proposals which were similar in form and relationship.

- 7.24 It is not considered that the proposed development will result in a material loss of privacy or overlooking to the amenities of any other residential occupiers given the separation distances to the other residential properties.

- 7.25 It is therefore considered that the proposal would not have a detrimental impact on the amenities of any neighbouring occupiers and the proposal is acceptable and policy compliant in the above regards.

### **Traffic and Transportation Issues**

- 7.26 The existing site is served by a vehicle crossover to its rear adjoining an access road serving the rear of properties fronting London Road. The existing site does not currently benefit from off street parking and there is a single storey rear extension for storage that serves the retail unit.

- 7.27 Policy DM15 of the Development Management Document states:

*“5. All development should meet the parking standards (including cycle parking) set out in Appendix 6. Residential vehicle parking standards may be applied flexibly where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport and/ or where the rigid application of these standards would have a clear detrimental impact on local character and context.*

*Reliance upon on-street parking will only be considered appropriate where it can*

*be demonstrated by the applicant that there is on-street parking capacity”.*

- 7.28 The maximum standards as set out by the Development Management Document require 1 space per 20sqm for Class A1 retail use and 1 space per 1 bedroom dwelling (2 required). The existing retail floorspace to be lost at ground floor is 26sqm equating to a maximum of 1 parking space in accordance with the above standards.
- 7.29 The vehicle access road to the rear of the site serves premises fronting London Road and will have a width of 2.3m. No objections are raised by the Councils Highways Officer given this element of the proposal is on a private access way not controlled by the local planning authority. The existing ground floor commercial unit fronting London Road would not benefit from any off-street parking, however this is an existing situation. The existing storage to the rear of the site will be removed. The proposed development will not provide any off street parking spaces for the two proposed flats. Material weight has to be given to the appeal decision relating to application 18/00903/FUL. In accordance with Policy DM15 of the Development Management two parking spaces were required for the two bedroom apartment. One parking space was proposed and deemed acceptable by the Inspector as stated in paragraph 22 of the decision *“I have had regard to the proposal not adversely impacting the living conditions of neighbouring occupants, the accessibility of the site to services and facilities and the provision of adequate off-street car parking. However, the absence of harm is a neutral factor weighing neither for nor against the proposal”*. The parking standards set out above would require 2 parking spaces for the proposed development but only 1 net gain space than the existing use. The application site is well-served by sustainable transport options which do not rely on the use of a private motor car. In consideration of availability of local services and facilities within walking distance of the site and good public transport options, it is considered that on balance, the development is unlikely to cause additional on street parking to the detriment of highway safety or the local highway network. The applicant has made reference to 1305 London Road application 18/01811/FUL, whereby no parking provision was considered acceptable for three 1 bedroom flats given the site is located within a sustainable location. Parking was not a reason for refusal of the previous proposals. On balance, taking into account the proposal is for 2 single person flats and the site’s proximity to London Road, it is not considered that parking conditions or highways safety would be materially harmed. Highways have raised no objection to the proposal.
- 7.30 The proposal is acceptable and policy compliant in the above regards.

### **Sustainable Construction**

- 7.31 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. This applies during both construction and the subsequent operation of the development. At least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources), such as those set out in the Design and Townscape Guide”.*
- 7.32 The provision of renewable energy resources should be considered at the earliest opportunity to ensure an intrinsic design. No information has been submitted in this respect but can be controlled by condition. Subject to a condition in this regard no objection is raised on this basis.

- 7.33 Policy DM2 of the Development Management Document part (iv) requires water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption). Such measures will include the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting. Whilst details have not been submitted for consideration at this time, this can be dealt with by condition.

### **Community Infrastructure Levy (CIL)**

- 7.34 This application 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. The proposed development includes a gross internal area of some 92sqm, which may equate to a CIL charge of approximately £1161.92 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the "in-use building" test, as set out in CIL Regulation 40, may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

## **8 Conclusion**

- 8.1 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, street scene and the locality more widely. On balance, there would be no harmful traffic, parking or highways impacts caused by the proposed development. This application is therefore recommended for approval.

## **9 Recommendation**

### **9.1 GRANT PLANNING PERMISSION subject to the following conditions:**

- 01 The development hereby permitted shall be begun not later than 3 years beginning with the date of this permission.**

**Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.**

- 02 The development shall be carried out solely in accordance with the approved plans: 493-P01; 493-P03 Revision A.**

**Reason: To ensure the development is carried out in accordance with the development plan.**

- 03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved the development hereby permitted shall not commence, other than for groundworks and site preparation works, unless and until appropriately sized samples of the materials on the external elevations have been submitted to and**

**approved in writing by the local planning authority. The works must then be carried out in full accordance with the approved materials before the development hereby approved is first occupied.**

**Reason: To safeguard the character and appearance of the surrounding area in accordance with Policies KP2 and CP4 of the Core Strategy (2007), policies DM1 and DM3 of the Development Management Document (2015) and advice contained within the Design and Townscape Guide (2009).**

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

**Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy (2007), Development Management Document (2015) Policy KP2 and advice in the Design and Townscape Guide (2009).**

- 05 Prior to the first occupation of the development hereby approved 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 installed in the development hereby approved and be retained 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, Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and advice in the Councils Design and Townscape Guide (2009).**

- 06 Prior to the first occupation of the dwellings hereby approved, details shall be submitted to and approved in writing by the local planning authority identifying the provision of covered and secure cycle parking and refuse and recycling storage for the existing and proposed commercial and residential units on the site. The approved cycle parking and refuse and recycling storage shall be provided in full and made available for use by the occupiers of the development prior to the first occupation of the dwellings hereby approved and shall be retained as such in perpetuity.**

**Reason: To ensure the provision of adequate cycle parking and refuse storage in accordance with policies DM3, DM8 and DM15 of Development Management Document.**

- 07 The first floor north facing window in the development hereby approved shall be permanently glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and permanently fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal floor level before the development is first occupied and shall be retained as such in perpetuity thereafter. In the case of multiple or double glazed units at least one layer of glass**



**in the relevant units shall be glazed in obscure glass to at least Level 4.**

**Reason:** In the interests of the residential amenity of the adjoining residents and to ensure that the development complies with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and advice in the Design and Townscape Guide (2009).

- 08** Hours of works associated with this consent shall be only between 8am - 6pm Monday to Friday, 8am - 1pm Saturday. No works shall be carried out on Sundays or Bank Holidays.

**Reason:** In the interests of the residential amenity of the adjoining residents and to ensure that the development complies with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and advice in the Design and Townscape Guide (2009).

- 09** Notwithstanding the information submitted with the application, no development shall be undertaken unless and until details of tree protection measures for the street tree to the side of the site in Tankerville Drive have been submitted to and approved in writing by the local planning authority. The development shall be carried out in full accordance with the approved tree protection measures throughout the construction phase of the development.

**Reason:** This pre-commencement condition is needed to safeguard the character and appearance of the surrounding area in accordance with policies DM1 and DM3 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

**Informatives:**

- 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). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notice. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability Notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn 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](http://www.southend.gov.uk/cil).
- 2** You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when

**implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.**



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## Appeal Decision

Site visit made on 23 January 2019

**by E. Brownless, BA (Hons) Solicitor**

**an Inspector appointed by the Secretary of State**

**Decision date: 1<sup>st</sup> March 2019**

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**Appeal Ref: APP/D1590/W/18/3214270**  
**1333 London Road, Leigh-on-Sea, SS9 2AD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr M Saunders of Property Point against the decision of Southend-on-Sea Borough Council.
  - The application Ref: 18/00903/FUL dated 12 June 2018, was refused by notice dated 23 July 2018.
  - The development proposed is described as 'additional two-bedroom apartment, 1 No. parking space and associated bin and bike-stores'.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are i) the effect of the proposal on the character and appearance of the surrounding area; and ii) whether future occupiers of the dwelling would have satisfactory living conditions having particular regard to the size of the dwelling and outdoor amenity space.

### Reasons

#### *Living Conditions*

3. The proposal would reconfigure the ground floor storage area and provide an extension over the existing single storey element that would facilitate a two-bedroom apartment with a combined kitchen/diner area at first floor. The proposed bedrooms vary slightly in size, albeit they are largely the same shape and each bedroom would have en-suite bathroom facilities.
4. There is disagreement between the parties as to whether the proposed dwelling amounts to a three or four-person dwelling. The appellant submits the dwelling is designed to accommodate three persons, based upon a double and single bedroom. However, the nationally described space standards (NDSS) prescribes that a bedroom with a floor area over 11.5 square metres is counted as a double bedroom and consequently, I have assessed the proposal on the basis of it providing two double bedrooms for four persons.
5. Thus, in providing a property size of approximately 68 square metres the proposal would fail to meet the requirements of the NDSS of 79 square metres for a 2-bedroom, 4 person, 2 storey dwelling. Whilst both bedrooms would exceed the minimum floor area and widths for double bedrooms, the shortfall

- in overall gross internal floor space is not off-set by the proposal's compliance with other space standards within the NDSS.
6. Policy DM8 of the Southend-on-Sea Development Management Document (July 2015)(DMD) relates to living conditions and states that the internal environment of all new dwellings must be high quality and flexible to meet the changing needs of residents. Furthermore, in order to achieve this, new dwellings should provide convenient, useable and effective room layouts and meet, if not exceed, the Council's residential space standards and the additional requirements of residential bedroom and amenity standards. In applying the standards of this policy, the proposed dwelling being for four persons would, in some instances, exceed the minimum space requirements, however, overall it would fail to meet the minimum gross internal floor area.
  7. The proposal makes provision for a sizeable communal kitchen/diner area and a relatively small balcony area accessed from the upper floor bedroom. However, having regard to the overall size of the accommodation, the unconventional layout of the proposal and the absence of any significant communal outdoor amenity space for the use of up to four persons, I consider the proposal would result in a poor standard of outdoor amenity space for future occupants.
  8. I have had regard to the aerial image provided by the appellant identifying areas of amenity provision. Whilst I accept there is some potential for occupants to use facilities at the relatively closely located Bonchurch Park, Belton Hills Nature Reserve and other services and facilities that the appellant has advised are available locally, this would not be a reasonable alternative to the use of privately accessed outdoor amenity space.
  9. The appellant has drawn my attention to an appeal decision<sup>1</sup> which concerned with the living conditions of the occupants of a dwelling. I agree with the Inspector in that case that adequate internal space is an important part of ensuring a good standard of amenity for all existing and future occupants, however, in this instance the particular circumstances of this development are not directly comparable to the appeal proposal, given that the Inspector noted the presence of a garden and well laid out flats. As such, a comparison is of limited relevance in this instance and I have considered the appeal before me on its individual planning merits.
  10. For the reasons above, I conclude that future occupiers of the proposed dwelling would not have satisfactory living conditions having particular regard to the size of the dwelling and outdoor amenity space. As such, the proposal would fail to comply with Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (December 2007) (CS), DMD Policies DM1, DM3 and DM8, the guidance of the Design and Townscape Guide (2009)(DTG) and paragraph 127(f) of the National Planning Policy Framework insofar as they require a high standard of amenity and satisfactory living conditions to meet the requirements of future occupants.

#### *Character and appearance*

11. The appeal site sits to the rear of No 1333 London Road, which occupies a prominent location at the junction with Tankerville Drive. Along Tankerville

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<sup>1</sup> APP/M5450/A/13/2210221

Drive are a mixture of single and two-storey dwellings of varying architectural types and styles. Dwellings generally follow a similar build line towards the front of their plots, with small front gardens and hardstanding for the parking of vehicles and as such, Tankerville Drive has a pleasantly attractive appearance.

12. London Road is characterised by traditional buildings, mostly of two-storeys that are abutted together to form terrace blocks. Whilst there is some variety in designs and heights, there is some consistency with styles within terrace blocks. Consequently, London Road has a very separate and distinct character from the dwellings of Tankerville Drive.
13. No 1333 (the host building) is presently a commercial premises at ground floor level with glazed windows comprising the majority of its frontage facing London Road and part of the side elevation to Tankerville Drive. Residential flats sit above the commercial operation. To the rear, the adjoining dwelling, presently in use as flats, is set back from the build line and whilst it shares some similarities with host building, such as the inclusion of a pitched roof, its detail is less refined and consequently, it appears subservient to the host building.
14. Adjoining this dwelling is a substantial single storey rearward projection that is devoid of any windows or detail. As such, this element presently makes very little positive contribution to the character and appearance of the area.
15. I note that the proposal has sought to overcome the reasons for refusal of previous planning applications by a substantial reduction in size, scale, bulk and height. Despite this, the Council's concerns relate, in part, to the inclusion of a flat roof. Albeit, it would be a stark contrast to the pitched roof of the adjoining dwelling, it would largely replicate the length and depth of the existing single storey flat roof element. Whilst it would be at a greater height, it would be in keeping with the height and scale of the host building and the neighbouring two-storey dwelling and, to my mind, it would appear no more dominant or out of keep than the existing structure.
16. Furthermore, I noted at my site visit that there were a number of other flat roof structures within the locality. In particular, within the same terraced block, I observed that Nos. 1339 to 1353 had flat roofs in prominent positions fronting London Road. At the corner of this block, with the junction of Flemming Avenue, the building, complete with a flat roof, wraps around the entire corner. On the opposite corner of Flemming Avenue stands the recently added flat roof modern building accommodating a convenience store at ground floor and residential dwellings above.
17. Opposite the appeal site, the corner plot includes rearward extensions with flat roofs of a smaller scale than the proposal, together with an area of covered parking which is of a similar scale and appearance to the proposed undercroft parking. Albeit, not a common feature of the area, the presence of a similar parking arrangement opposite the site, together with its relatively small scale and numerous vehicles parked to the frontages of dwellings along Tankerville Drive would not lead to this part of the proposal appearing unduly prominent.
18. Further concerns of the Council relate to the proposed windows. Whilst I agree that these are a modern design and are largely unrelated to the host building and the dwellings of Tankerville Drive, there are examples of similar styles of windows within the buildings fronting London Road and those buildings

positioned at its corners with side streets such as Flemming Avenue and Belfairs Drive. As such, their inclusion would generally not be out of keeping with buildings fronting London Road.

19. Taking into account the above, whilst the proposal would not replicate the form and detailing of the host building, I consider that flat roof rearward projections are relatively commonplace additions to the rear of buildings fronting London Road, particularly those on corner plots. As such, the proposal would repeat this general pattern of development. Furthermore, by reason of its position being set back from the flank elevation build line of the host building and its lower eaves height, the proposal would appear more subservient to the host building.
20. Whilst the proposal is of a modern design, the inclusion of features such as a flat roof, Juliette windows and a balcony would reflect the character and appearance of other dwellings along London Road. The proposal would add interest to a presently bland flank wall, thus reducing the overall impact of its mass and the resultant effect would be an improvement to the overall character and appearance of the area.
21. Accordingly, I conclude that the proposal would not harm the character and appearance of the area and the proposal would accord with CS Policies KP2 and CP4, DMD Policies DM1 and DM3 and the guidance contained within the DTG. Among other things, these policies and guidance seek to ensure high quality design that respects the character and scale of the existing neighbourhood and reinforces local distinctiveness.

### **Other Matters**

22. I have had regard to the proposal not adversely impacting the living conditions of neighbouring occupants, the accessibility of the site to services and facilities and the provision of adequate off-street car parking. However, the absence of harm is a neutral factor weighing neither for nor against the proposal.

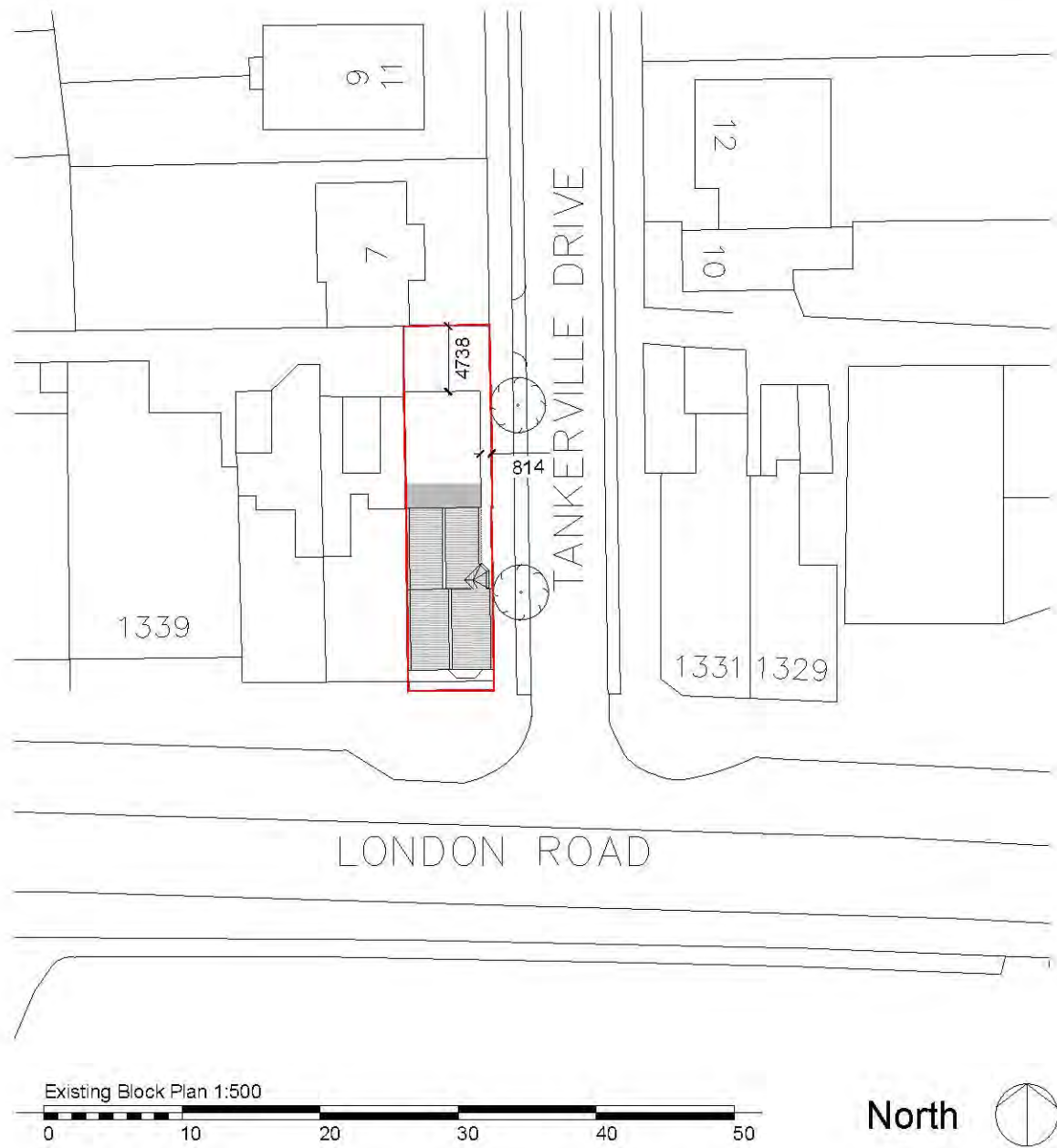
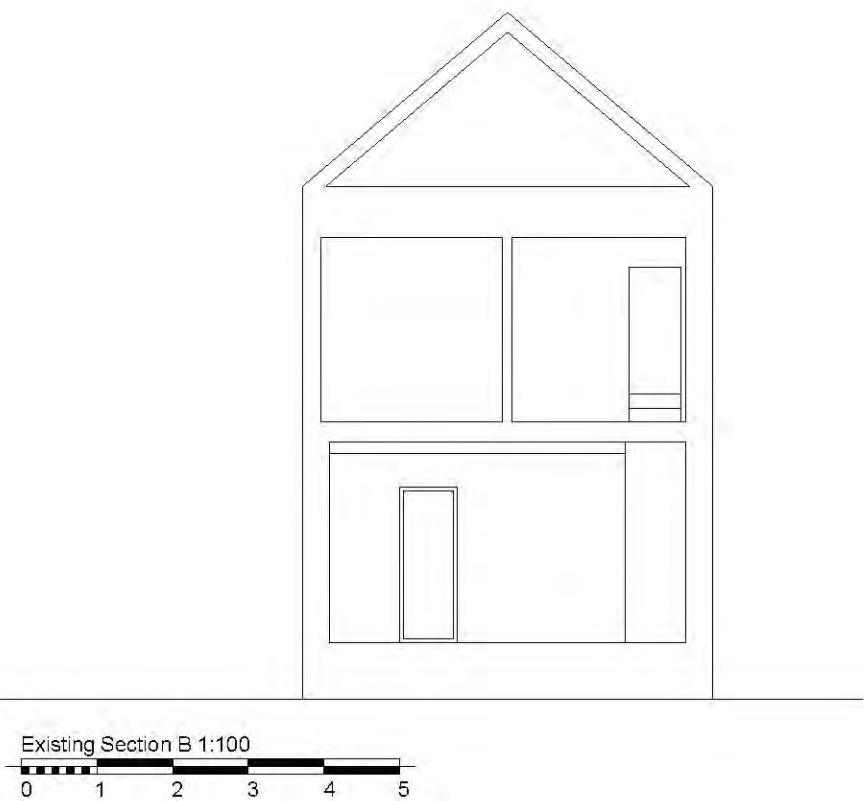
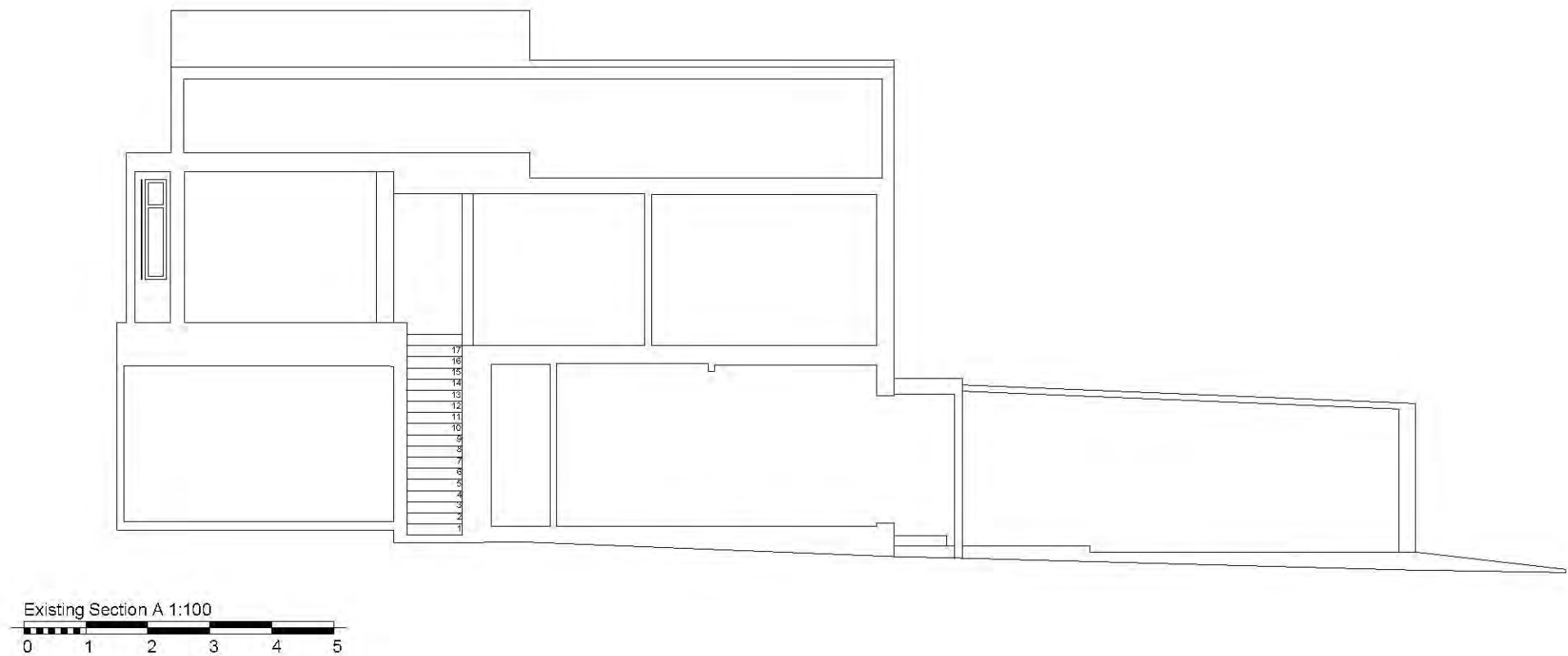
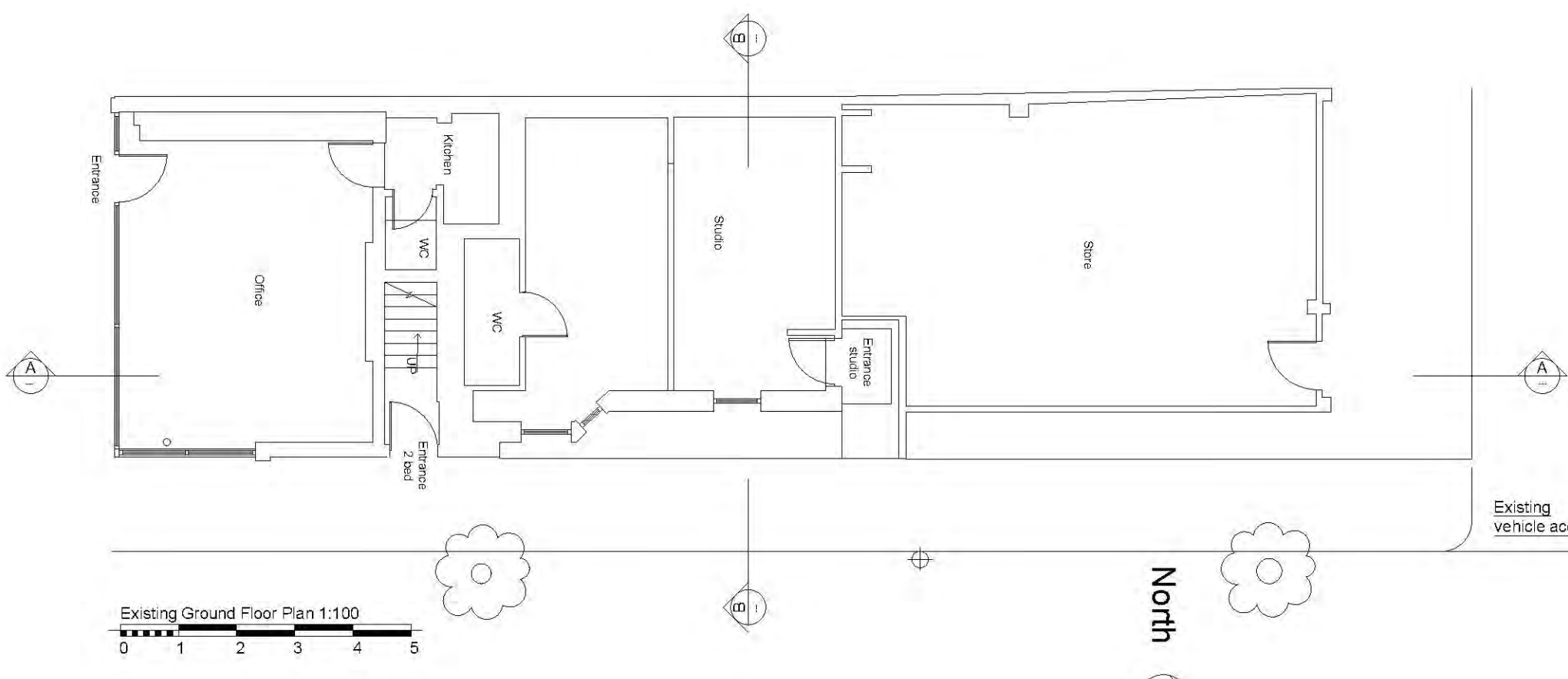
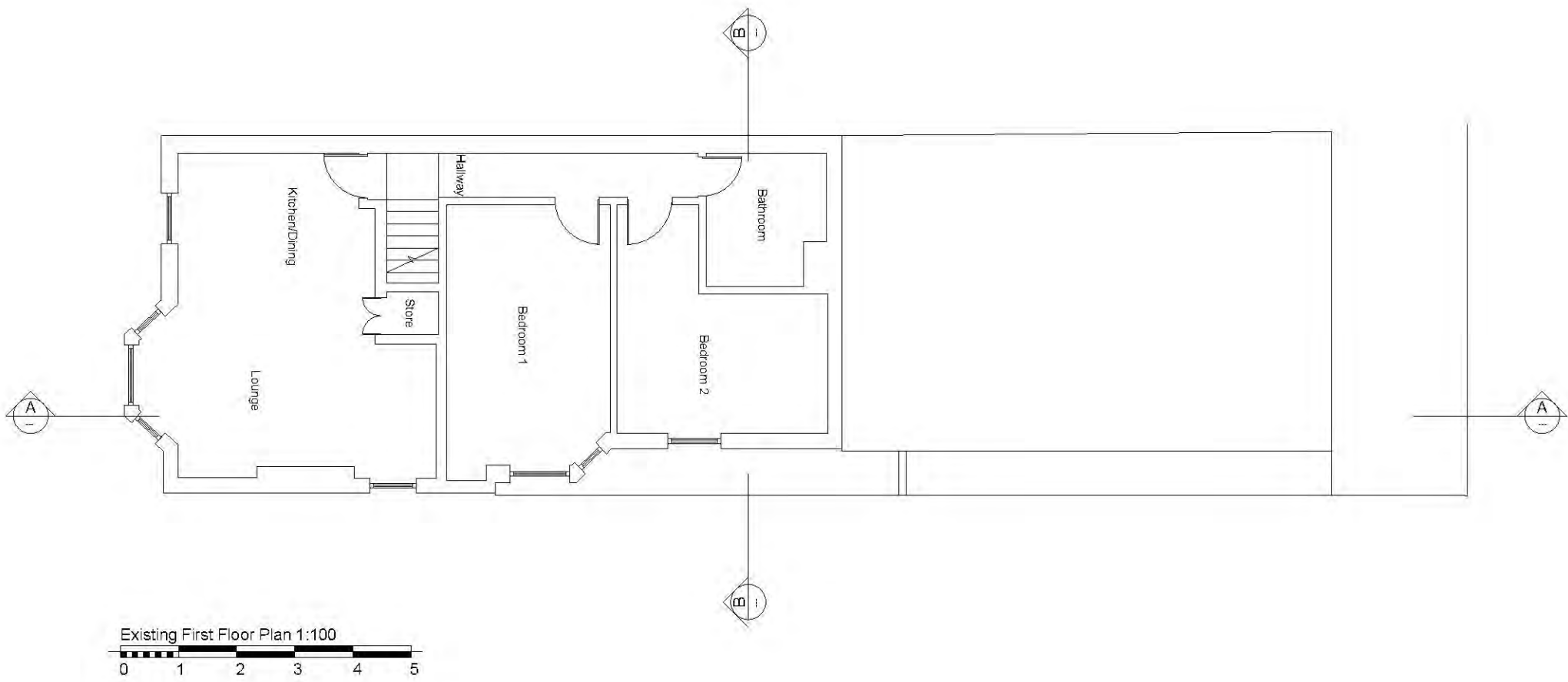
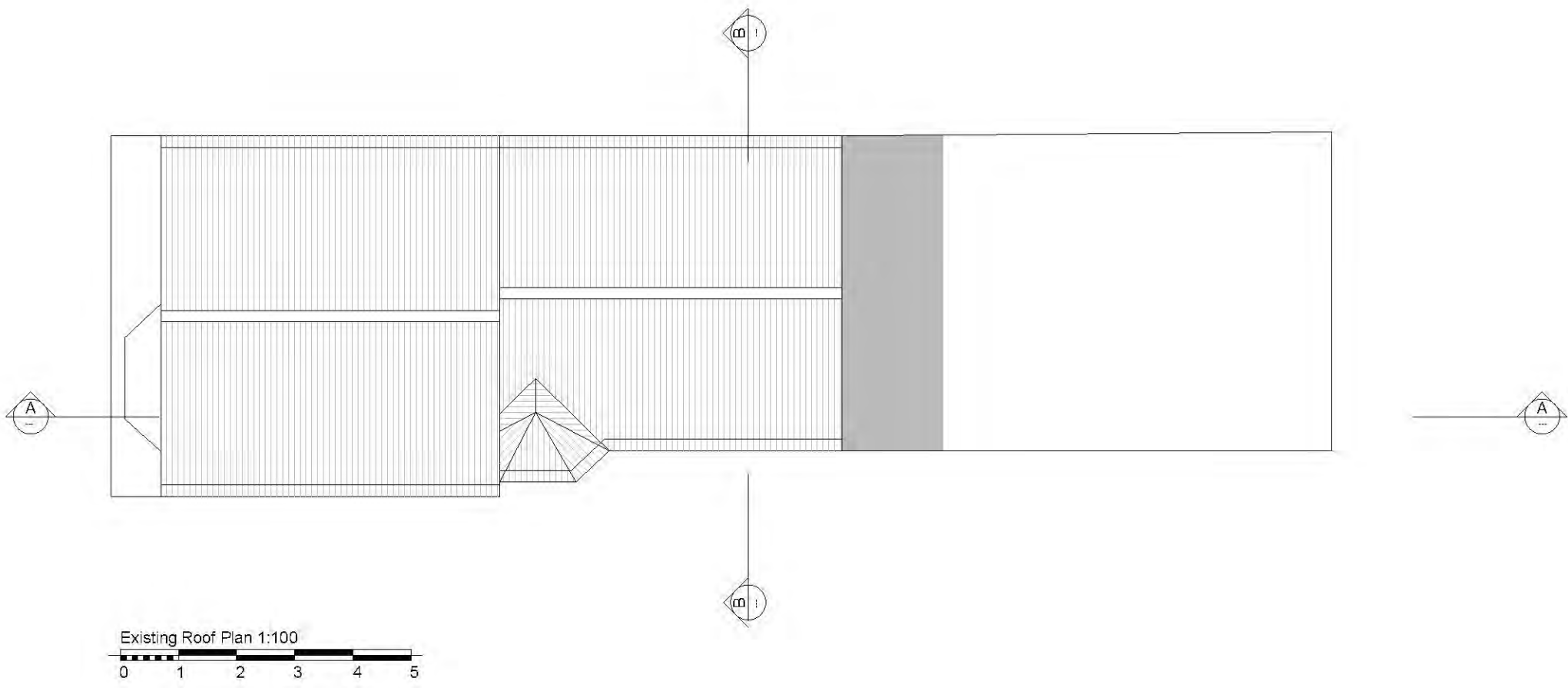
### **Conclusion**

23. No harm has been identified with regard to the character and appearance of the area. Nevertheless, the harm identified in relation to the living conditions of the future occupants of the proposal is decisive.
24. Accordingly, for the reasons stated above, and taking all other matters raised into consideration, the appeal should be dismissed.

*E Brownless*

INSPECTOR



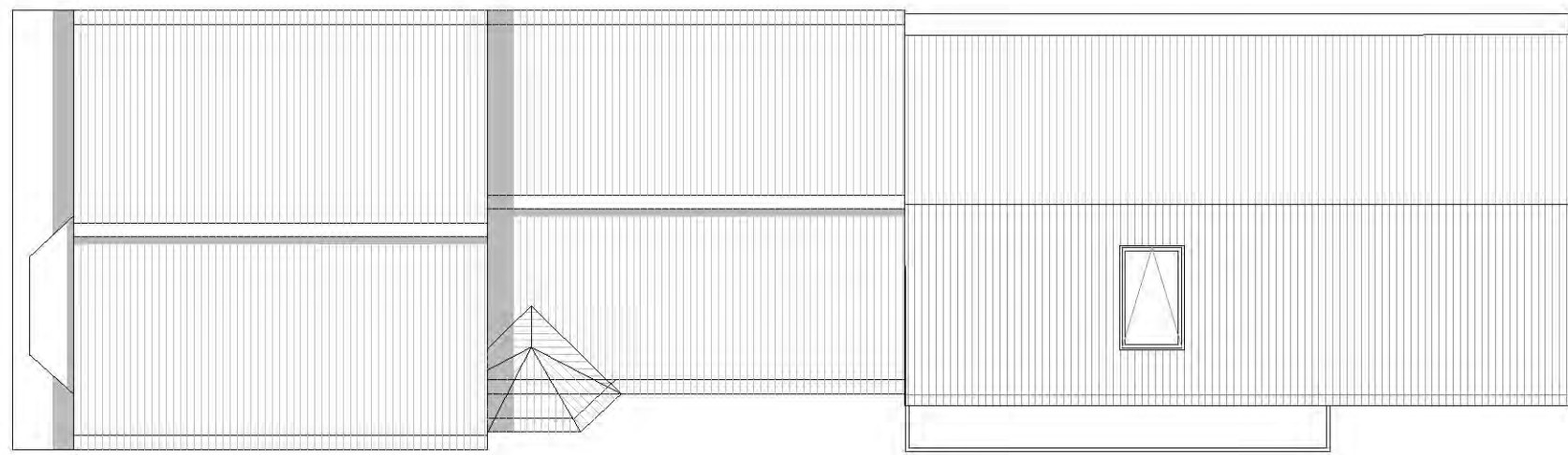


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F	Car access amendment	WRS	08/10/2018
E	Crossover location - existing	DS	04/10/2018
D	Labels amendment for planning	WRS	01/10/2018
C	Planning Resubmission	ABG	20/08/2018
B	- Pitched roof scheme	WRS	12/08/2018
A	- Outline red amendment	WRS	12/08/2018
Rev	Planning Submission	ABG	08/05/2018
Comment		By	Date

Stage:	3 - Developed Design
Client:	Mr Saunders
Project:	1333 London Road Leigh - on-Sea Essex SS62AD
Drawing Title:	Existing
Drawing no:	493-P01
Revision:	G
Drawn by:	ABG, WRS
Project no:	493
Drawn by:	WRS
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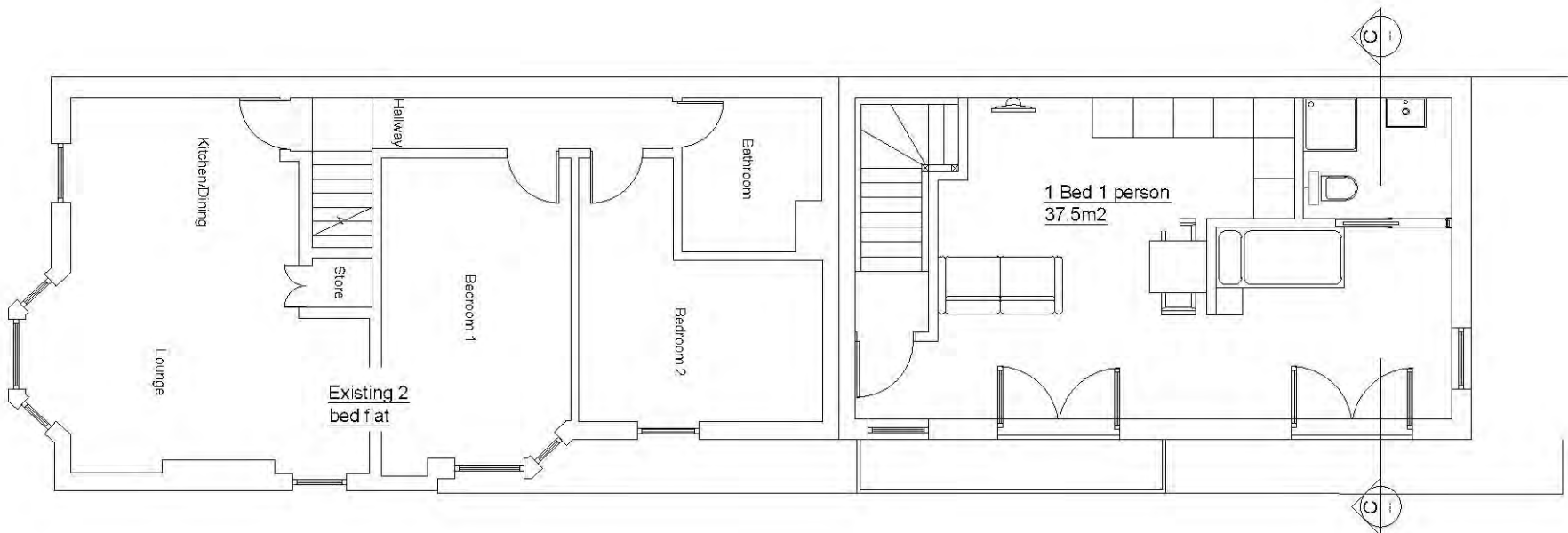
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Proposed South Facing Elevation 1:100



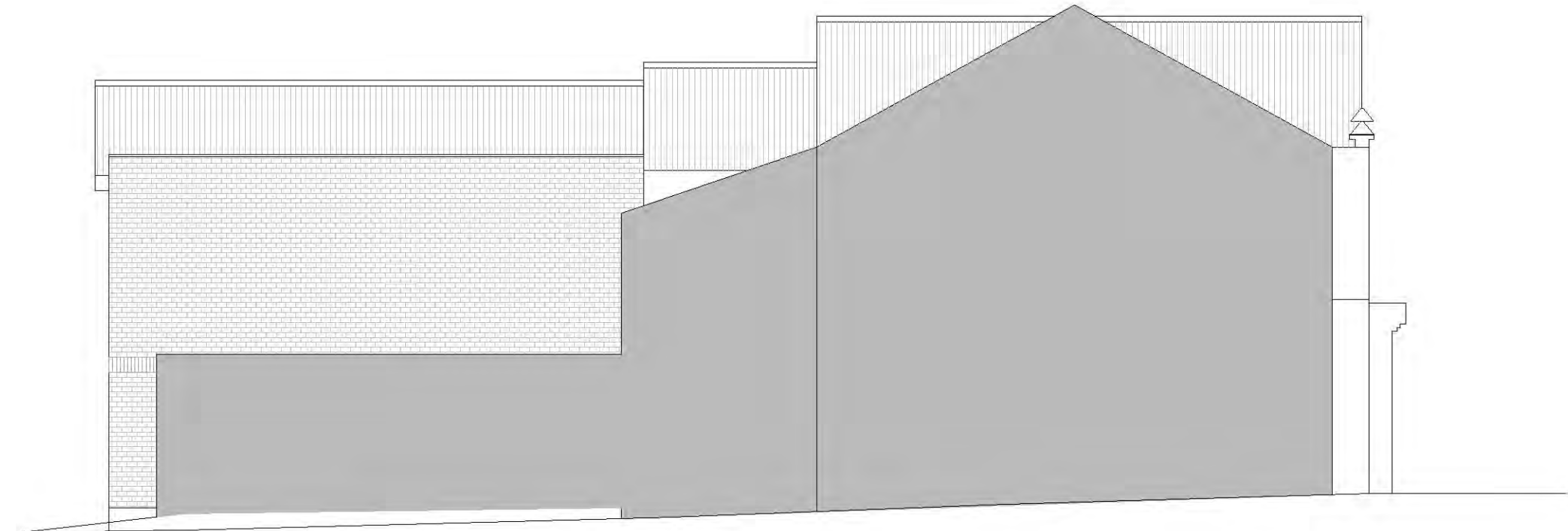
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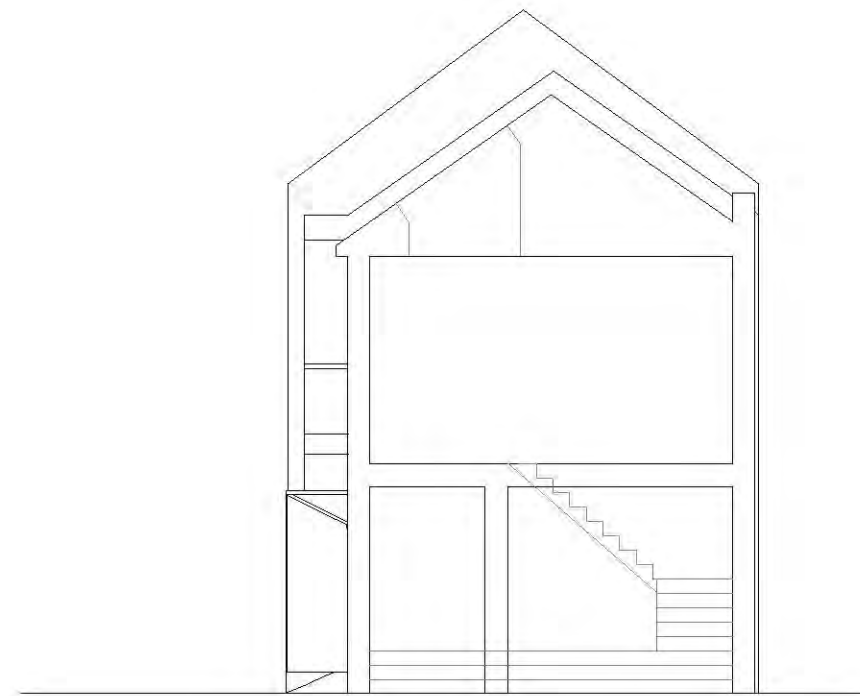
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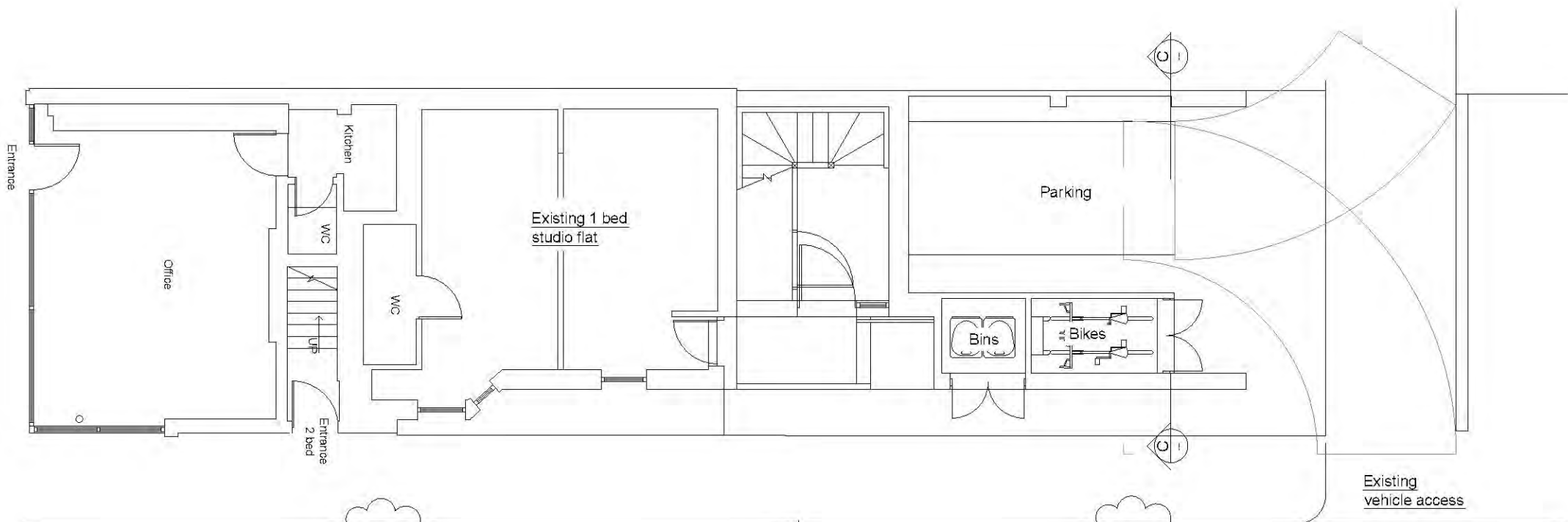
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Proposed West Facing Elevation 1:100



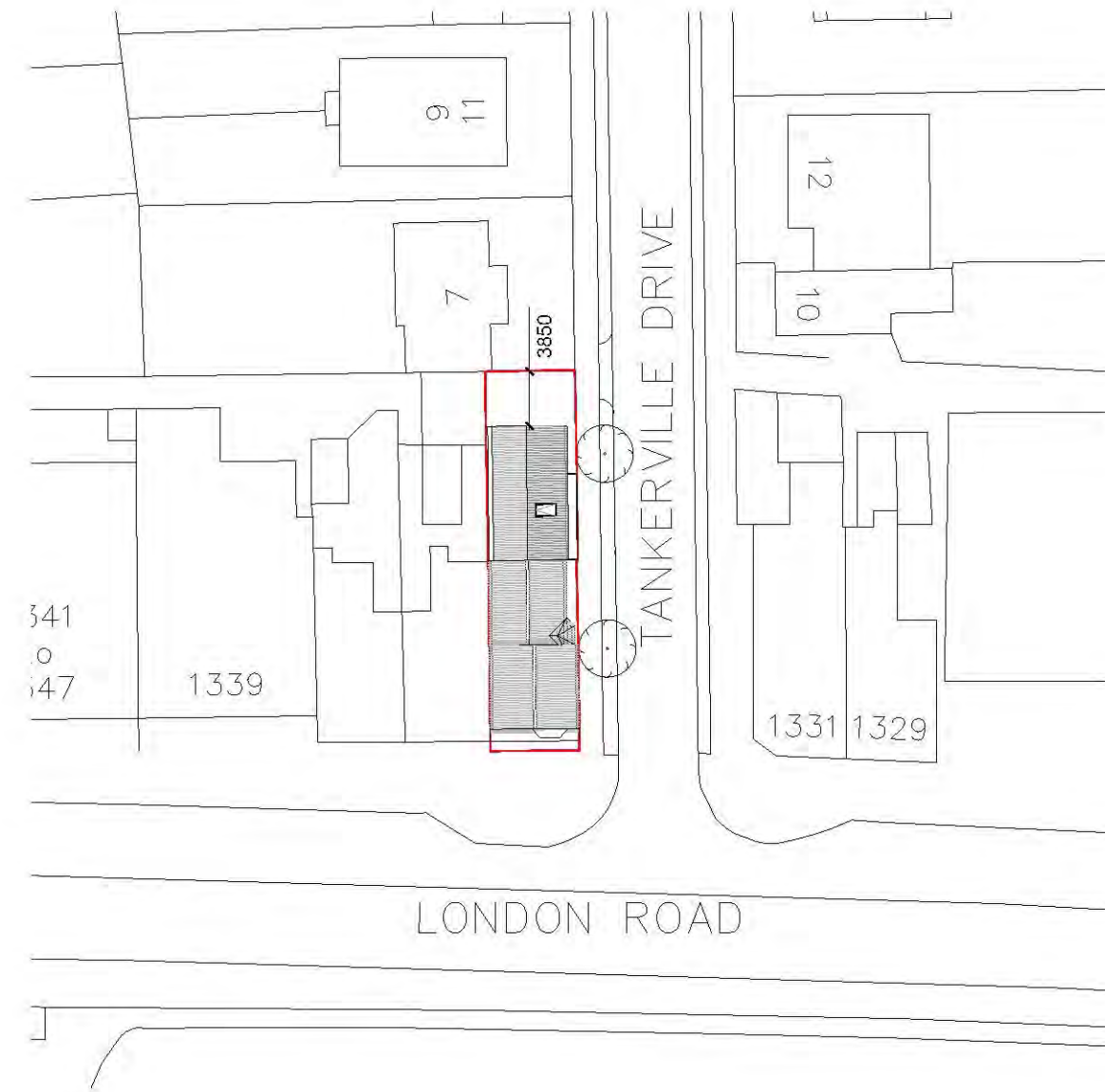
Proposed Section C 1:100



Proposed Ground Floor Plan 1:100



Proposed Location Plan 1:1250



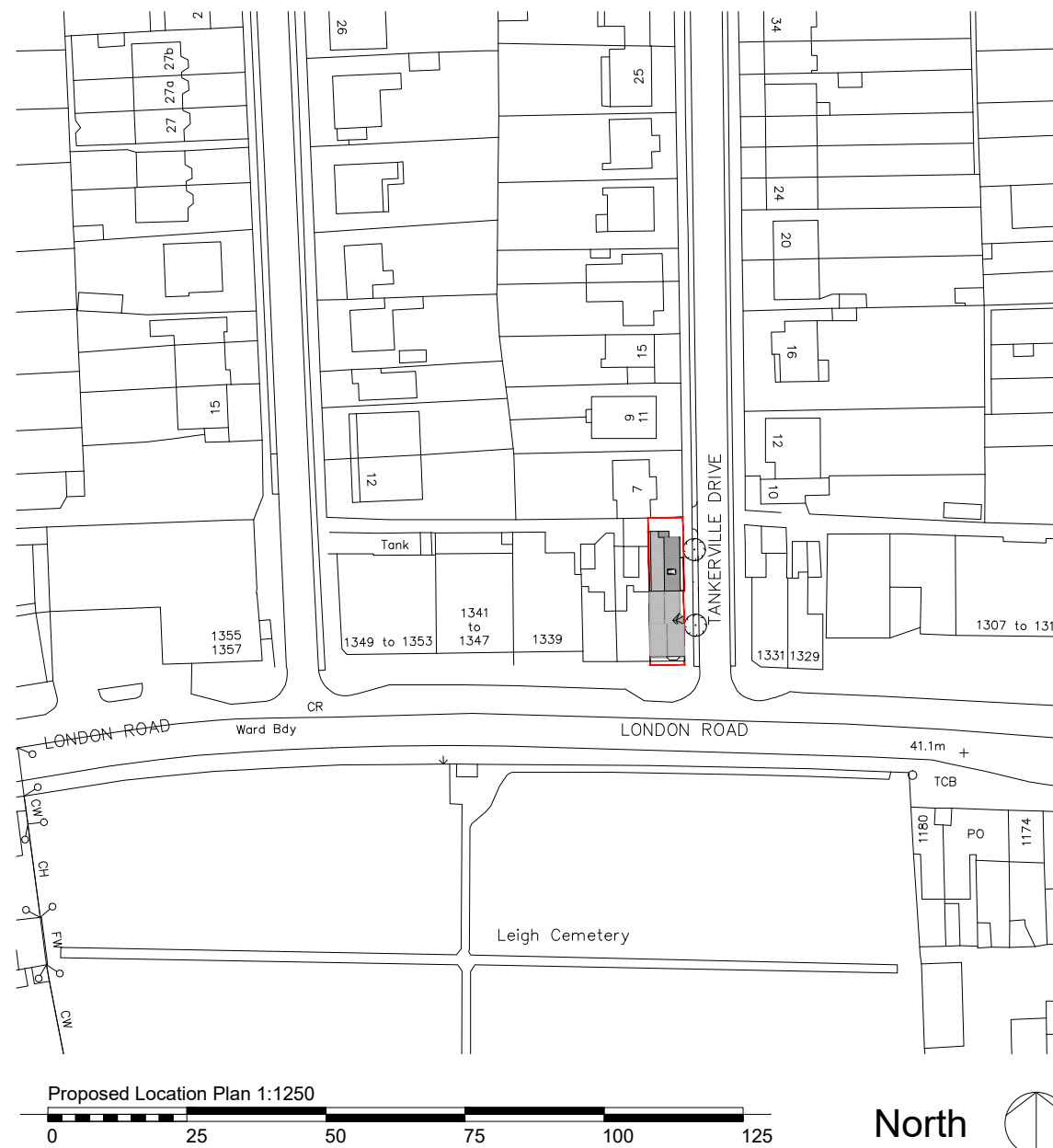
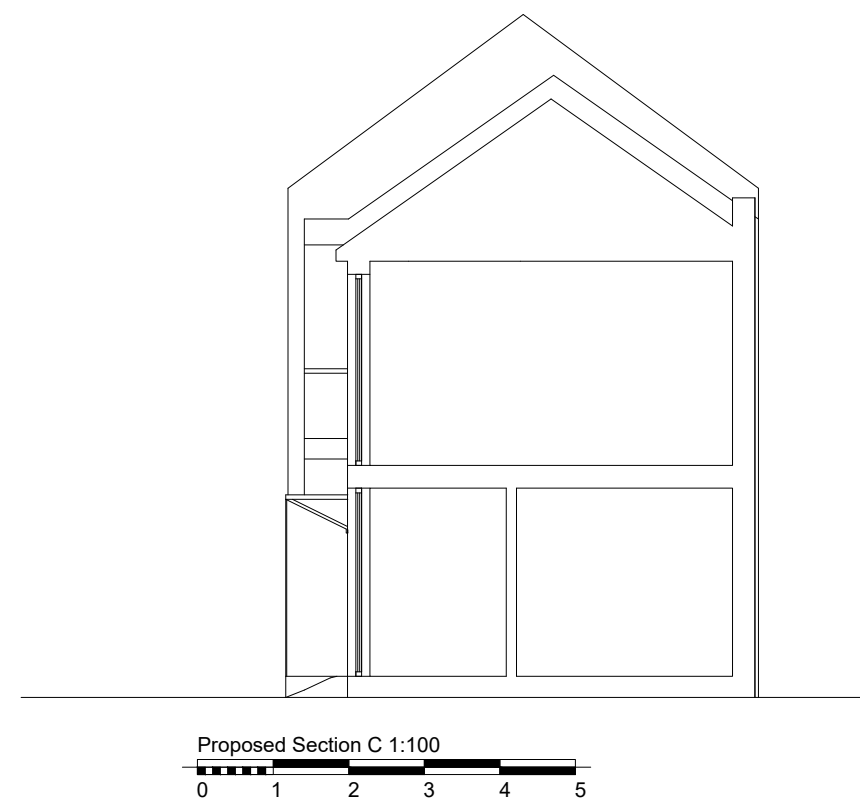
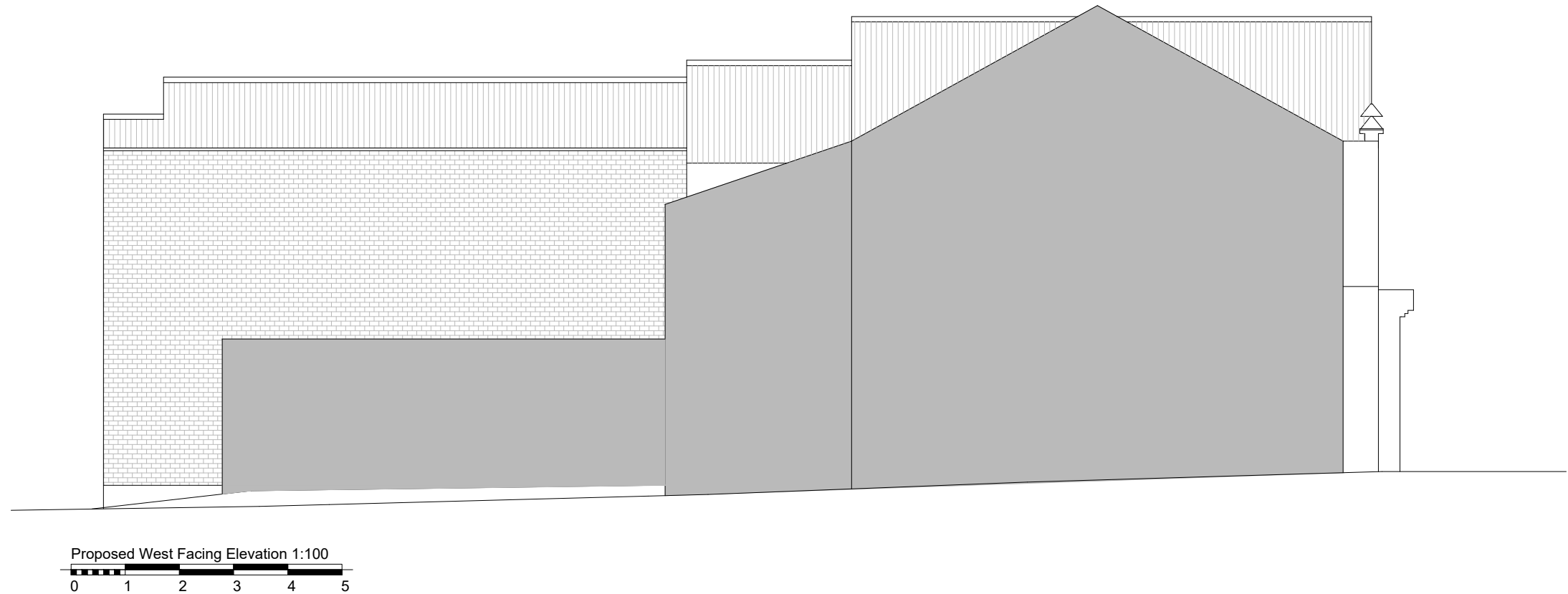
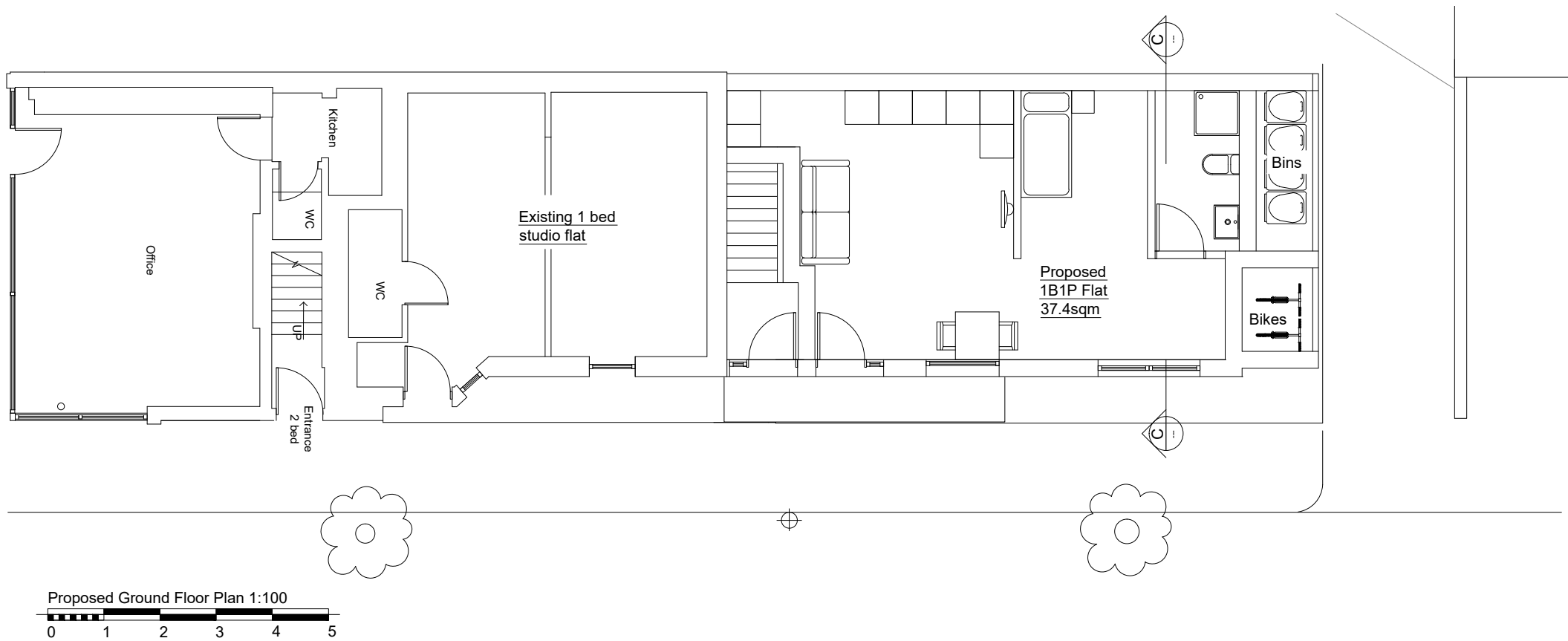
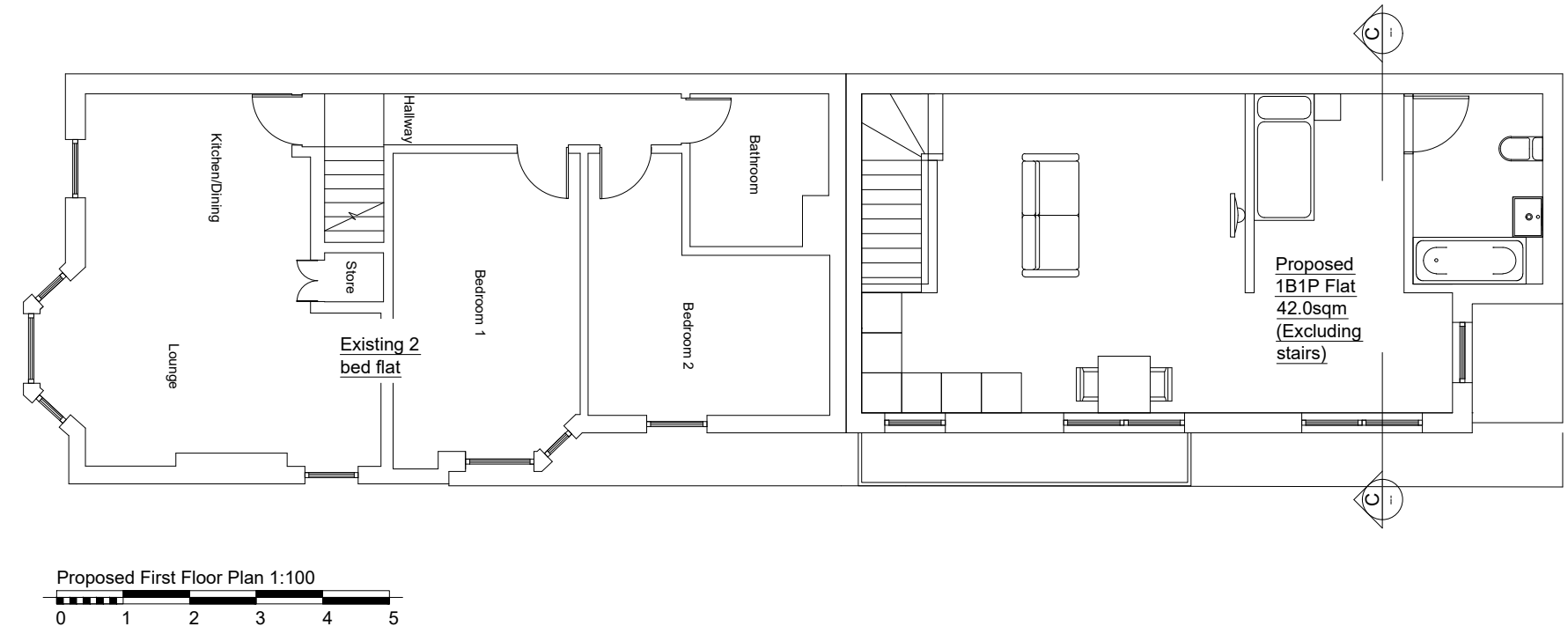
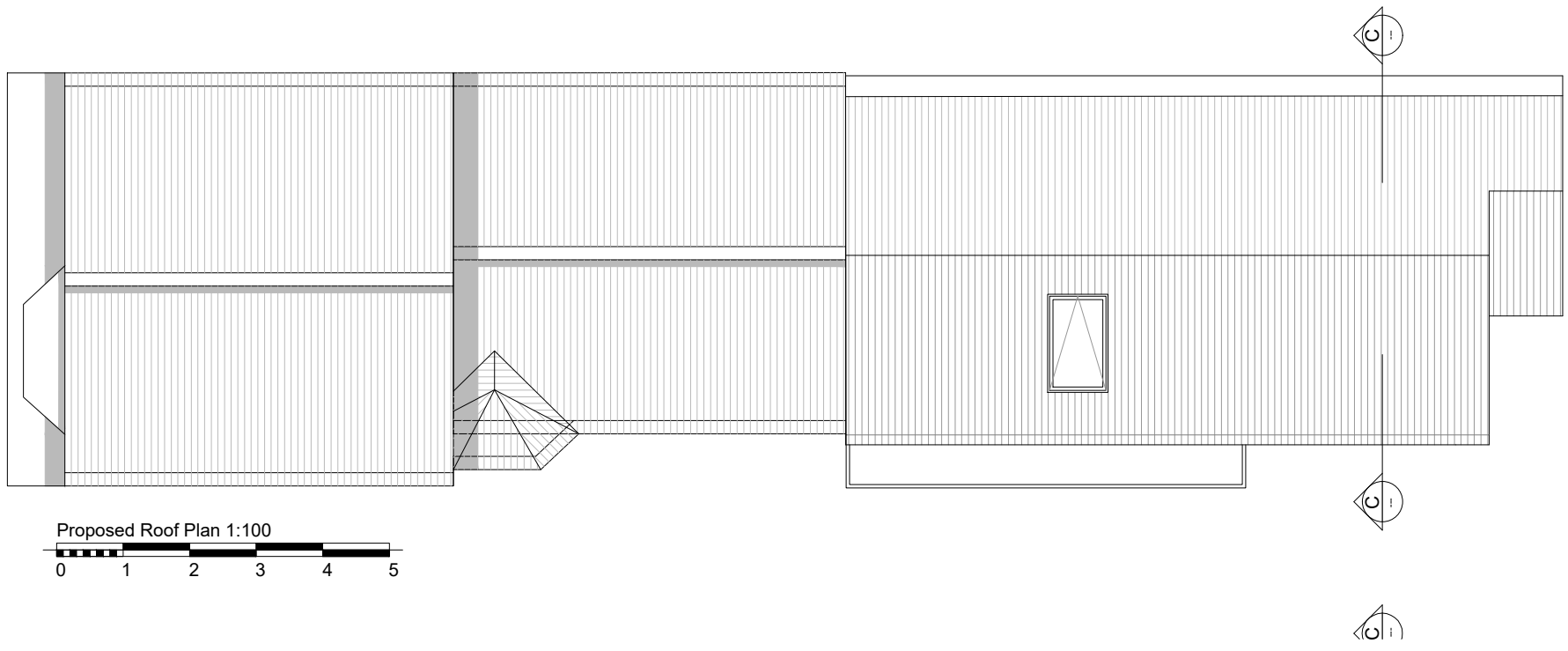
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E	Crossover location - existing	DS	24/10/2018
D	Labels amendment for planning	WRS	01/10/2018
C	Planning Resubmission	ABG	20/09/2018
B	Planned roof scheme	WRS	12/09/2018
A	Outline road amendment	WRS	12/09/2018
	Planning Submission	ABG	08/09/2018
Rev	Comment	By	DWe

Stage: 3 - Developed Design	
Client: Mr Saunders	
Project: 1333 London Road Lough-on-Sea Essex SS92AD	
Drawing Title: Proposed	
Drawing no: <b>493-P02</b>	
Revision: Q	Drawn by: ABG, WRS
Project no: 493	Checked by: MS
Scale: 1:100, 1:500, 1:1250 @ A1	
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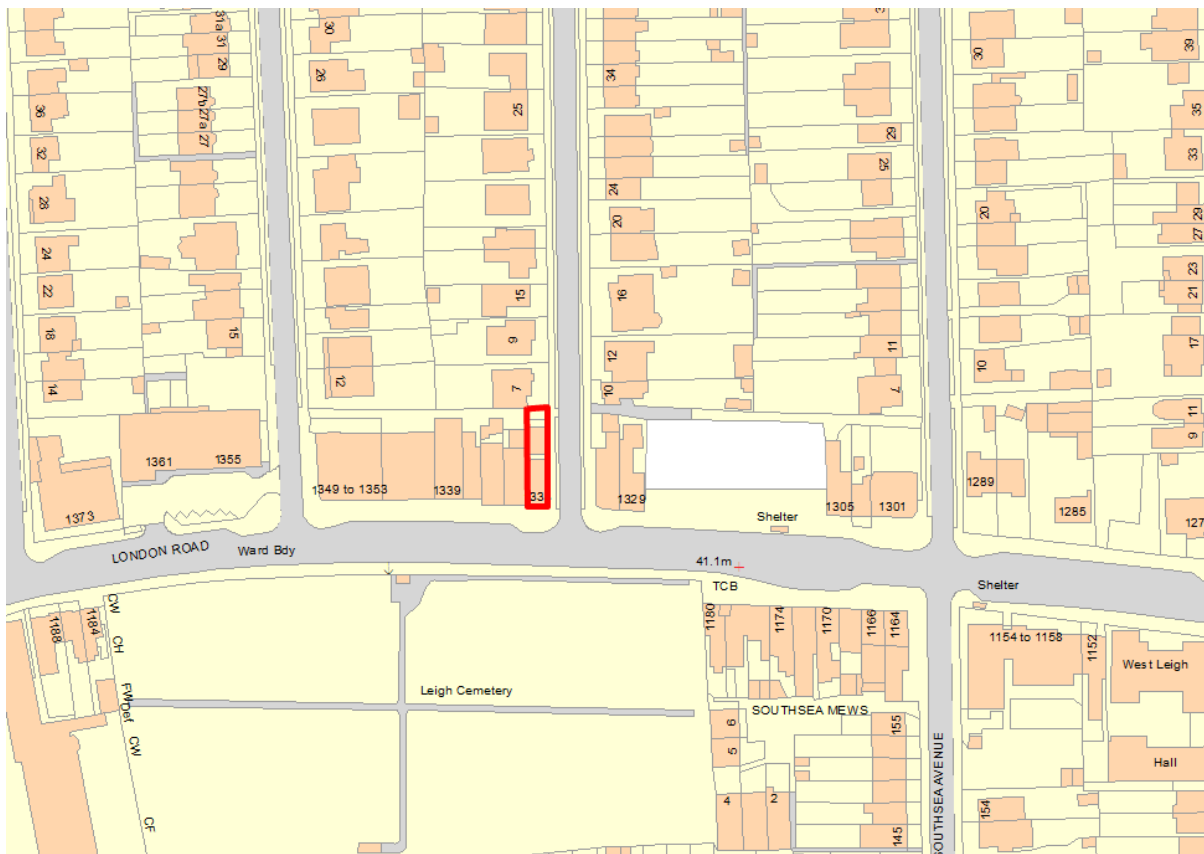


A	Planning Submission	ABG	23/08/2019
-	Planning Submission	ABG	01/08/2019
Rev	Comment	By	Date

Stage: 3 - Developed Design			
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Project: 1333 London Road Leigh - on - Sea Essex SS92AD			
Drawing Title: Proposed			
Drawing no: 493-P03			
Revision:	A	Drawn by:	ABG, WRS
Project no:	493	Chkd by:	MS
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<b>Reference:</b>	19/01441/FUL	<b>5</b>
<b>Application Type:</b>	Full Application	
<b>Ward:</b>	Belfairs	
<b>Proposal:</b>	Erect two storey rear extension to form dwelling (Class C3), install balconies to side, alter elevations, layout garden space with associated bin and bike stores	
<b>Address:</b>	1333 London Road, Leigh-On-Sea, Essex	
<b>Applicant:</b>	Mr M Saunders	
<b>Agent:</b>	Mr Alan Gloyne of SKArchitects	
<b>Consultation Expiry:</b>	10 <sup>th</sup> September 2019	
<b>Expiry Date:</b>	7 <sup>th</sup> October 2019	
<b>Case Officer:</b>	Janine Rowley	
<b>Plan Nos:</b>	<b>493-P01; 493-P04 Revision A</b>	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>	



## **1 Site and Surroundings**

- 1.1 The site contains an existing two storey building with a commercial unit to the ground floor front of the site and residential flats to the rear of the ground floor and at first floor level (the lawful use of the commercial unit to the front of the site is for Class A1 retail purposes). The site is located on the northern side of London Road at its junction with Tankerville Drive. Opposite the site is Leigh Cemetery and the surrounding area to the east and west of the site contains commercial premises to the ground floor with residential flats above. To the rear of the site is Tankerville Drive, characterised by two storey residential properties. There are street trees within Tankerville Drive.
- 1.2 The site is not the subject of any site specific policy designations.

## **2 The Proposal**

- 2.1 Planning permission is sought to erect a two storey extension to the rear, to convert the extended structure to a dwelling, install balconies to side, alter elevations, and layout garden space with associated bin and bike stores.
- 2.2 During the course of this application the description has been amended together with revised plans received substituting an initially proposed and undersized car park space with a new garden area to serve the dwelling.
- 2.3 The proposed two storey extension would have a depth of some 8.5m, a width of some 5.3m and a height of some 7.6m-7.8m due to the varying site levels. The extension has been designed with a dual pitched roof and the design contains traditional elements. A first floor balcony serving the bedroom is proposed on the eastern elevation measuring some 3sqm. A Juliette balcony is proposed to the eastern elevation serving the bedroom at first floor and the lounge/diner to the ground floor. The rear garden amenity space is 12.6sqm.
- 2.4 Cycle and refuse storage is provided to the rear/side accessed via the existing Tankerville Drive vehicle access serving the commercial properties fronting London Road.
- 2.5 The proposed development would provide a 2 bedroom, 3 person unit set over two floors measuring 70sqm. The double bedroom is 14.6sqm sufficient for 2 persons and the single bedroom measures 9.2sqm.
- 2.6 The application follows a previous approval of 19/00089/FUL to convert part of ground floor storage to rear (Class B8) and erect first floor rear extension to form a one single bedroom self-contained flat (Class C3) with balconies to the side, alterations to the elevations and laying out a parking space.
- 2.7 There are a number of previous refusals as detailed in Section 3 of this report. Application reference 18/00903/FUL was to convert part of ground floor storage to rear (Class B8) and erect a first floor rear extension to form one self-contained flat (Class C3) with balcony to side, layout parking space and install vehicular access on to Tankerville Drive. The residential unit was set over two floors and contained two bedrooms with 4 bed spaces in total. The application was refused planning permission for the following reasons:

1. *“The proposed development by reason of its poor design, height, size, scale, bulk and poor relationship with the existing building would appear out of keeping and*

*incongruent in its setting and would therefore result in demonstrable harm to the character and appearance of the site, streetscene and wider area. This is contrary to the National Planning Policy Framework, Core Strategy (2007) Policies KP2 and CP4, Policies DM1 and DM3 of the Development Management Document (2015) and advice contained within the Design and Townscape Guide (2009)”.*

2. “The proposed development would, by reason of the limited internal size of the dwelling, result in poor quality living environment for future occupiers. This would be contrary to National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy (2007), policies DM1, DM3 and DM8 of the Development Management (2015) and National Technical Housing Standards (2015)”.

2.8 A subsequent appeal (APP/D1590/W/18/3214270) in 2019 was dismissed by the Planning Inspector. In dismissing that appeal, the Inspector upheld the second reason for refusal, concluding ‘*future occupiers of the proposed dwelling would not have satisfactory living conditions having particular regard to the size of the dwelling and outdoor amenity space.*’ The Inspector did not uphold the Council’s first reason for refusal, concluding that ‘*the proposal would not harm the character and appearance of the area.*’ A copy of that appeal decision is at Appendix 1 to this report.

2.9 More recently planning application reference 18/01781/FUL sought to convert part of the ground floor storage area to the rear and to erect a first floor rear extension to form one self-contained flat containing one single bedroom with balconies to the side, alter the elevations and lay out a parking space. This application was refused for the following reason:

*“The proposed development would, by reason of the limited internal size of the dwelling proposed, result in a poor quality living environment for future occupiers. This is unacceptable and would be contrary to National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 of the Development Management Document (2015) and the National Technical Housing Standards (2015)”.*

2.10 The difference between the above application and the current proposal is that this application relates to a dwelling set over two floors with two bedrooms (three bed spaces) rather than one flat with one bedroom (one bed space) and that the current proposal has more private amenity space

2.11 There are a number of previous refusals for larger developments, as detailed in the planning history section of this report. Following a 2016 prior approval 16/02245/PA3COU, one ground floor studio flat has been implemented which changed the use of part of the ground floor shop (Class A1) to one self-contained flat. There is also an existing second floor flat within the main building with some 60sqm of internal floorspace.

2.12 A separate current planning application 19/01331/FUL for an alternative scheme seeks to erect a two storey rear extension to form two one bedroom (one bed space) self-contained flats, install balconies to side and alter elevations. That is pending consideration.

### **3 Relevant Planning History**

3.1 19/01331/FUL- Convert rear of ground floor from storage (Class B8) to one self-contained

flat (Class C3), erect first floor extension to rear to form one self-contained flat, install balconies to side and alter elevations- Pending consideration.

- 3.2 19/00089/FUL- Convert part of ground floor storage to rear (Class B8) and erect first floor rear extension to form one self-contained flat (Class C3) with balconies to side, alter elevations and layout parking space (Amended Proposal)- Planning permission granted.
- 3.3 18/01781/FUL - Convert part of ground floor storage to rear (Class B8) and erect first floor rear extension to form one self-contained flat (Class C3) with balconies to side, alter elevations, layout parking space and install vehicular access on to Tankerville Drive (Amended Proposal) – Planning permission refused.
- 3.4 18/00903/FUL - Convert part of ground floor storage to rear (Class B8) and erect first floor rear extension to form one self-contained flat (Class C3) with balcony to side, layout parking space and install vehicular access on to Tankerville Drive – Planning permission refused and appeal dismissed.
- 3.5 17/01703/FUL - Erect three storey rear extension, form third floor to form five self-contained flats, alter elevations, layout parking and bin store and form vehicular access onto Tankerville Drive (Amended Proposal) – Planning permission refused.
- 3.6 17/00303/FUL - Erect part three/part four storey rear extension, form third and fourth floors to form six self-contained flats, alter elevations, layout parking and bin store and form vehicular access onto Tankerville Drive – Planning permission refused.
- 3.7 16/02245/PA3COU - Change of use of part of ground floor shop (Class A1) to one self-contained flat (Class C3) (Prior Approval) - Prior approved granted.
- 3.8 02/00969/FUL - Erect single storey rear extension, lay out one parking space to rear and erect 1.8 metre high timber fence to side boundaries – Planning permission granted.

## **4 Representation Summary**

### **4.1 Public Consultation**

9 neighbouring properties were consulted and a site notice was displayed. 16 letters of objection have been received including following renotification of revised plans stating:

- Design and visual impact unacceptable
- Neighbour amenity impacts
- Overdevelopment
- Insufficient provision for waste storage and recycling
- No parking and inadequate parking
- Pressure on impact on highway safety and highway network
- Increased congestion
- Vehicle access should remain to serve properties in London Road
- Too many flats along London Road
- Vehicle access to the rear needs to be retained for commercial premises fronting London Road
- Poor quality of living for future and existing residents
- Should be conditioned to be a 2 bedroom flat not made into two flats
- Overlooking



- Not in keeping with the streetscene and location of the area
- Building over property boundary
- Successive nature of applications
- Cycle provision insufficient offset for no parking
- Nature of previous building works
- Impact on local infrastructure including sewerage

A letter of objection has been received from Sir David Amess objecting to the proposal on behalf of an existing resident to overdevelopment of the site.

The concerns raised are noted and they have been taken into account in the assessment of the proposal. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case. Where appropriate, these issues are discussed in greater detail in subsequent sections of this report.

#### **4.2 Leigh Town Council**

Objection. Overdevelopment. No parking.

#### **4.3 Highways Team**

No objections.

#### **4.4 Environmental Health**

No objections.

4.5 Councillor Aylen has requested this application be dealt with by Development Control Committee.

### **5 Planning Policy Summary**

5.1 The National Planning Policy Framework (NPPF) (2019)

5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generating Development), CP2 (Town Centre and Retail Development), Policy CP3 (Transport and Accessibility), CP4 (Environment & Urban Renaissance) and CP8 (Dwelling Provision)

5.3 Development Management Document (2015) Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM8 (Residential Standards) and DM15 (Sustainable Transport Management)

5.4 Design & Townscape Guide (2009)

5.5 National Technical Housing Standards (2015)

5.6 CIL Charging Schedule (2015)

### **6 Planning Considerations**

6.1 The main considerations in relation to this application are the principle of development, design and impact on the streetscene and impact on neighbouring occupiers, standard of accommodation for future occupiers, parking and highways impacts, sustainability and community infrastructure levy and whether this proposal has overcome the reason for

which planning application 18/00903/FUL was refused and the subsequent appeal dismissed.

## 7 Appraisal

### Principle of Development

- 7.1 Paragraph 117 of the NPPF states *'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other users, while safeguarding and improving the environment and ensuring safe and healthy living conditions.'*
- 7.2 Paragraph 124 of the NPPF states; *"The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this."*
- 7.3 Policy DM3 of the Development Management Document states: *"Alterations and additions to a building will be expected to make a positive contribution to the character of the original building and the surrounding area through:*
- (i) The use of materials and detailing that draws reference from, and where appropriate enhances, the original building and ensures successful integration with it; and*
  - (ii) Adopting a scale that is respectful and subservient to that of the original building and surrounding area; and*
  - (iii) Where alternative materials and detailing to those of the prevailing character of the area are proposed, the Council will look favourably upon proposals that demonstrate high levels of innovative and sustainable design that positively enhances the character of the original building or surrounding area."*
- 7.4 Whilst the description states that the development would result in the change of use of a B8 use, it is considered that the rear storage area to the ground floor is ancillary to the commercial use of the ground floor (the authorised use for which is retail) and is not a separate B8 use. Therefore, consistent with the basis of the decision on the previously refused application, and the findings of the appeal Inspector, there is no requirement to consider the principle of loss of a separate employment generating B class use under Policy DM11.
- 7.5 The provision of an additional dwelling is considered acceptable in principle, subject to compliance with other relevant planning policies and guidance. Furthermore, the principle of the development was considered acceptable at the time of the previous applications and it is not considered that there are any new material considerations or policies which alter this conclusion.
- 7.6 There is no objection in principle to the introduction of residential accommodation and extending the building, subject to the proposals assessment against the material planning considerations detailed below.

### Design and Impact on the Character of the Area

- 7.7 Paragraph 124 of the NPPF states *"The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design*

*is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations and how these will be tested, is essential for achieving this”.*

- 7.8 Policy KP2 of the Core Strategy advocates 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*”. Policy CP4 of the Core Strategy states “*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*”.
- 7.9 Policy DM1 of the Development Management Document advocates the need for good quality design that contributes positively to the creation of successful places. All developments should respect the character of the site, its local context and surroundings in terms of its architectural approach, height, scale, form and proportions.
- 7.10 London Road is generally characterised by a fine grain of traditional buildings, mostly of two storeys abutted together to form terrace blocks. The buildings are of mixed designs but within the individual street blocks is an element of consistency in style although there are, in places, variations in the heights of the buildings. Despite this mix of styles and heights, the fine grain of the buildings is a key characteristic of the street.
- 7.11 The proposed extension has been designed with a dual pitched roof which is complementary in appearance, subservient to the main building and subservient to the existing rear outrigger. The development is considered to be satisfactorily in-keeping with the existing building.
- 7.12 The rear patio doors to the dwelling to serve the garden area and cycle store would be visible from Tankerville Drive but given the character and appearance of the existing rear elevation of the application building it is not considered that this part of the proposal would impact harmfully on the character and appearance of the building and the surrounding area. As such, on balance, it is considered that the development is of an acceptable overall design that would not result in any material harm to the character and appearance of the host building the streetscene or the wider surrounding area.
- 7.13 The development is located close to a street tree in Tankerville Drive. To ensure the development does not adversely impact the health of the street tree, which would be detrimental to the character and appearance of the area, a condition can be imposed on requiring tree protection details. Subject to such a condition no objection is raised on this basis.
- 7.14 The development is acceptable and policy compliant in the above regards.

### **Living Conditions for Future Occupiers**

- 7.15 Paragraph 127 of the NPPF states that planning policies and decisions should “*create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users...*’ 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 sizes for 2 bedroom, 3 person units set over two storeys is 70sqm
- Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5m<sup>2</sup> for a single bedroom with a minimum width of 2.15m; and 11.5m<sup>2</sup> 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.

7.16 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 1.25m<sup>2</sup> should be provided for 1-2 person dwellings. A minimum of 0.5m<sup>2</sup> 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.

7.17 The proposed dwelling set over two floors constitutes a 2 bedroom, 3 person unit measuring 70sqm. The size of the double bedroom is in excess of 14.6sqm and the single bedroom has an internal floorspace of 9.2sqm. The development is acceptable and policy compliant in this respect.

7.18 All habitable rooms will be provided with windows to provide adequate levels of light, outlook and ventilation. The development is acceptable and policy compliant in this respect.

7.19 Part M4 (2) of the Building Regulations adopted by the National Technical Housing Standards 1st October 2015 requires the need to provide accessible and adaptable

dwellings. It is not considered reasonable to enforce building regulation M4(2) given the proposal is for an extension of the existing building. This did not form a reason for refusal of earlier proposals on the site and was not considered to be an issue preventing approval of application 19/00089/FUL.

- 7.20 A 3.7sqm side balcony is proposed to the double bedroom at first floor with a 12.6sqm amenity space to the rear of the building. The required amount of amenity space for a development will be determined on a site by site basis taking into account a range of factors such as local facilities parks and the constraints of the site. Developments that provide little or no private amenity space will only be acceptable in exceptional circumstances and will be required to justify their reasons. Bonchurch Park is a small children's park located approximately a 5 minute walk from the application site. Belfairs Park is approximately a 13 minute walk from the application site. The external space provided is considered acceptable for the scheme proposed.
- 7.21 The proposal is therefore acceptable and policy compliant in the above regards.

### **Impact on Residential Amenity**

- 7.22 Policies DM1 and DM3 of the Development Management Document and CP4 of the Core Strategy refer to the impact of development on surrounding occupiers. High quality development, by definition, should provide a positive living environment for its occupiers whilst not having an adverse impact on the amenity of neighbours. Protection and enhancement of amenity is essential to maintaining people's quality of life and ensuring the successful integration of proposed development into existing neighbourhoods.
- 7.23 Amenity refers to well-being and takes account of factors such as privacy, overlooking, outlook, noise and disturbance, the sense of enclosure, pollution and daylight and sunlight. Policy DM1 of the Development Management requires that all development should (inter alia):

*“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;”*

- 7.24 The proposed development would be located approximately 4.7m from the rear of the site and the south side elevation of no. 7 Tankerville Drive. Due to its overall height and size, it is not considered that the proposed development would result in a material loss of amenity for the occupants at 7 Tankerville Drive by way of a material loss of light, dominant, overbearing impacts or an unacceptable sense of enclosure. Whilst a rear window is proposed facing No.7, this is a secondary window to a bedroom and could therefore be conditioned to be obscure glazed with limited openings to prevent any material overlooking or loss of privacy without harming the internal bedroom environment were the proposal otherwise acceptable. Due to the orientation and relationship between No. 7 Tankerville Drive and the proposed development, the scheme would be visible from the south-east corner of the neighbouring dwelling. However, this part of 7 Tankerville Drive contains a garage and garage door as well as a small secondary window. For the above reasons, it is considered that the impacts on the amenities of the neighbouring occupiers at no. 7 would not result in material harm. It is also relevant that no objection was raised on this basis under the previous applications.

- 7.25 It is not considered that the proposed development will result in a material loss of privacy or overlooking to the amenities of any other residential occupiers given the overall separation distances to the other residential properties. In order to safeguard the amenities of nearby residents permitted development rights will be restricted and controlled by condition.
- 7.26 It is therefore considered that the proposal would not have a detrimental impact on the amenities of any neighbouring occupiers and so it is acceptable and policy compliant in the above regards.

### **Traffic and Transportation Issues**

- 7.27 The existing site is served by a vehicle crossover to its rear adjoining an access road serving the rear of properties fronting London Road. The existing site does not currently benefit from off street parking and there is a single storey rear extension for storage that serves the retail unit.

- 7.28 Policy DM15 of the Development Management Document states:

*“5. All development should meet the parking standards (including cycle parking) set out in Appendix 6. Residential vehicle parking standards may be applied flexibly where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport and/ or where the rigid application of these standards would have a clear detrimental impact on local character and context.*

*Reliance upon on-street parking will only be considered appropriate where it can be demonstrated by the applicant that there is on-street parking capacity”.*

- 7.29 The maximum standards as set out by the Development Management Document require 1 space per 20sqm for Class A1 retail use and 2 spaces per 2 bedroom plus dwelling. The existing retail floorspace to be lost at ground floor is 26sqm equating to 1 parking space in accordance with the above standards.
- 7.30 The existing ground floor commercial unit fronting London Road would not benefit from any off-street parking; however this is an existing situation. The vehicle access road to the rear of the site serves premises fronting London Road and will have a width of 2.3m. No objections are raised by the Councils Highways Officer given this element of the proposal is on a private access way not controlled by the local planning authority. The existing storage to the rear of the site will be removed. The proposed development will provide no off street parking for the two bedroom dwelling. Material weight has to be given to the appeal decision relating to application 18/00903/FUL. In accordance with Policy DM15 of the Development Management Document two parking spaces were required for the two bedroom apartment. One parking space was proposed and deemed acceptable by the Inspector as stated in paragraph 22 of the decision *“I have had regard to the proposal not adversely impacting the living conditions of neighbouring occupants, the accessibility of the site to services and facilities and the provision of adequate off-street car parking. However, the absence of harm is a neutral factor weighing neither for nor against the proposal”.* The parking standards set out above would require 2 parking spaces for the proposed development but only 1 net gain space than the existing use. The application site is well-served by sustainable transport options which do not rely on the use of a private motor car. In consideration of availability of local services and facilities within walking distance of the site and good public transport options, it is considered that

on balance, the development is unlikely to cause additional on street parking to the detriment of highway safety or the local highway network. The applicant has made reference to 1305 London Road application 18/01811/FUL, whereby no parking provision was considered acceptable for three 1 bedroom flats given the site is located within a sustainable location. Parking was not a reason for refusal of the previous proposals. On balance, taking into account the 2 bedroom dwelling and proximity to London Road, it is not considered that parking conditions or highways safety would be materially harmed. Highways have raised no objection to the proposal.

- 7.31 The development is therefore acceptable and policy compliant in this respect.

### **Sustainable Construction**

- 7.32 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. This applies during both construction and the subsequent operation of the development. At least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources), such as those set out in the Design and Townscape Guide”.*

- 7.33 The provision of renewable energy resources should be considered at the earliest opportunity to ensure an intrinsic design. No information has been submitted in this respect. This could be controlled by condition were the proposal otherwise acceptable so no objection is raised on this basis.
- 7.34 Policy DM2 of the Development Management Document part (iv) requires water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption). Such measures will include the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting. Whilst details have not been submitted for consideration at this time, this could be dealt with by condition were the proposal otherwise acceptable.

### **Community Infrastructure Levy (CIL)**

- 7.35 This application 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. The proposed development includes a gross internal area of some 75qm, which may equate to a CIL charge of approximately £746.08 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the “in-use building” test, as set out in CIL Regulation 40, may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

## **8 Conclusion**

- 8.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would, on balance, 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, street scene and the locality more widely. On balance, there would be no harmful traffic, parking or highways impacts caused by the proposed development. This application is therefore recommended for approval.

## **9 Recommendation**

- 01 The development hereby permitted shall be begun not later than 3 years beginning with the date of this permission.**

**Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.**

- 02 The development shall be carried out solely in accordance with the approved plans: 493-P01; 493-P04 Revision A.**

**Reason: To ensure the development is carried out in accordance with the development plan.**

- 03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved the development hereby permitted shall not commence, other than for groundworks and site preparation works, unless and until appropriately sized samples of the materials to be used on the external elevations of the development have been submitted to and approved in writing by the local planning authority. The works must then be carried out in full accordance with the approved materials before the development hereby approved is first occupied.**

**Reason: To safeguard the character and appearance of the surrounding area in accordance with Policies KP2 and CP4 of the Core Strategy (2007), policies DM1 and DM3 of the Development Management Document (2015) and advice contained within the Design and Townscape Guide (2009).**

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

**Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy (2007), Development Management Document (2015) Policy KP2 and advice in the Design and Townscape Guide (2009).**

- 05 Prior to the first occupation of the development hereby approved 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 installed in the development hereby approved and be retained 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, Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and advice in the Councils Design and Townscape Guide (2009).

- 06** Prior to the first occupation of the development hereby approved, details shall be submitted to and approved in writing by the local planning authority identifying the provision of covered and secure cycle parking and refuse and recycling storage for the existing and proposed commercial and residential units on the site. The approved cycle parking and refuse and recycling storage shall be provided in full and made available for use by the occupants prior to the first occupation of the dwelling hereby approved and shall be retained as such in perpetuity.

**Reason:** To ensure the provision of adequate cycle parking and refuse storage in accordance with policies DM3, DM8 and DM15 of Development Management Document.

- 07** The first floor north facing window in the development hereby approved shall be permanently glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and permanently fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal floor level before the development is first occupied and shall be retained as such in perpetuity thereafter. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.

**Reason:** In the interests of the residential amenity of the adjoining residents and to ensure that the development complies with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and advice in the Design and Townscape Guide (2009).

- 08** Hours of works associated with this consent shall be only between 8am - 6pm Monday to Friday, 8am - 1pm Saturday. No works shall be carried out on Sundays or Bank Holidays.

**Reason:** In the interests of the residential amenity of the adjoining residents and to ensure that the development complies with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and advice in the Design and Townscape Guide (2009).

- 09** Notwithstanding the information submitted with the application, no development shall be undertaken unless and until details of tree protection measures for the street tree to the side of the site in Tankerville Drive have been submitted to and approved in writing by the local planning authority. The development shall be carried out in full accordance with the approved tree protection measures throughout the construction phase of the development.

**Reason:** This pre-commencement condition is needed to safeguard the character and appearance of the surrounding area in accordance with policies DM1 and DM3 of the Development Management Document (2015) and Policies KP2 and CP4 of the Core Strategy (2007).

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015, or any order revoking or re-enacting that Order with or without modification, no development shall be carried out on the new dwellinghouses hereby approved within Schedule 2, Part 1, Classes A, B, D or E to those Orders.**

**Reason:** To safeguard the design and appearance of the proposed development in the interest of visual amenities of the locality in accordance with the National Planning Policy Framework (2012), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and advice contained within the Design and Townscape Guide (2009).

**Informatives:**

- 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). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notice. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability Notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn 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](http://www.southend.gov.uk/cil).**
- 2 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.**



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## Appeal Decision

Site visit made on 23 January 2019

**by E. Brownless, BA (Hons) Solicitor**

**an Inspector appointed by the Secretary of State**

**Decision date: 1<sup>st</sup> March 2019**

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**Appeal Ref: APP/D1590/W/18/3214270**  
**1333 London Road, Leigh-on-Sea, SS9 2AD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr M Saunders of Property Point against the decision of Southend-on-Sea Borough Council.
  - The application Ref: 18/00903/FUL dated 12 June 2018, was refused by notice dated 23 July 2018.
  - The development proposed is described as 'additional two-bedroom apartment, 1 No. parking space and associated bin and bike-stores'.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are i) the effect of the proposal on the character and appearance of the surrounding area; and ii) whether future occupiers of the dwelling would have satisfactory living conditions having particular regard to the size of the dwelling and outdoor amenity space.

### Reasons

#### *Living Conditions*

3. The proposal would reconfigure the ground floor storage area and provide an extension over the existing single storey element that would facilitate a two-bedroom apartment with a combined kitchen/diner area at first floor. The proposed bedrooms vary slightly in size, albeit they are largely the same shape and each bedroom would have en-suite bathroom facilities.
4. There is disagreement between the parties as to whether the proposed dwelling amounts to a three or four-person dwelling. The appellant submits the dwelling is designed to accommodate three persons, based upon a double and single bedroom. However, the nationally described space standards (NDSS) prescribes that a bedroom with a floor area over 11.5 square metres is counted as a double bedroom and consequently, I have assessed the proposal on the basis of it providing two double bedrooms for four persons.
5. Thus, in providing a property size of approximately 68 square metres the proposal would fail to meet the requirements of the NDSS of 79 square metres for a 2-bedroom, 4 person, 2 storey dwelling. Whilst both bedrooms would exceed the minimum floor area and widths for double bedrooms, the shortfall

in overall gross internal floor space is not off-set by the proposal's compliance with other space standards within the NDSS.

6. Policy DM8 of the Southend-on-Sea Development Management Document (July 2015)(DMD) relates to living conditions and states that the internal environment of all new dwellings must be high quality and flexible to meet the changing needs of residents. Furthermore, in order to achieve this, new dwellings should provide convenient, useable and effective room layouts and meet, if not exceed, the Council's residential space standards and the additional requirements of residential bedroom and amenity standards. In applying the standards of this policy, the proposed dwelling being for four persons would, in some instances, exceed the minimum space requirements, however, overall it would fail to meet the minimum gross internal floor area.
7. The proposal makes provision for a sizeable communal kitchen/diner area and a relatively small balcony area accessed from the upper floor bedroom. However, having regard to the overall size of the accommodation, the unconventional layout of the proposal and the absence of any significant communal outdoor amenity space for the use of up to four persons, I consider the proposal would result in a poor standard of outdoor amenity space for future occupants.
8. I have had regard to the aerial image provided by the appellant identifying areas of amenity provision. Whilst I accept there is some potential for occupants to use facilities at the relatively closely located Bonchurch Park, Belton Hills Nature Reserve and other services and facilities that the appellant has advised are available locally, this would not be a reasonable alternative to the use of privately accessed outdoor amenity space.
9. The appellant has drawn my attention to an appeal decision<sup>1</sup> which concerned with the living conditions of the occupants of a dwelling. I agree with the Inspector in that case that adequate internal space is an important part of ensuring a good standard of amenity for all existing and future occupants, however, in this instance the particular circumstances of this development are not directly comparable to the appeal proposal, given that the Inspector noted the presence of a garden and well laid out flats. As such, a comparison is of limited relevance in this instance and I have considered the appeal before me on its individual planning merits.
10. For the reasons above, I conclude that future occupiers of the proposed dwelling would not have satisfactory living conditions having particular regard to the size of the dwelling and outdoor amenity space. As such, the proposal would fail to comply with Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (December 2007) (CS), DMD Policies DM1, DM3 and DM8, the guidance of the Design and Townscape Guide (2009)(DTG) and paragraph 127(f) of the National Planning Policy Framework insofar as they require a high standard of amenity and satisfactory living conditions to meet the requirements of future occupants.

#### *Character and appearance*

11. The appeal site sits to the rear of No 1333 London Road, which occupies a prominent location at the junction with Tankerville Drive. Along Tankerville

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<sup>1</sup> APP/M5450/A/13/2210221

Drive are a mixture of single and two-storey dwellings of varying architectural types and styles. Dwellings generally follow a similar build line towards the front of their plots, with small front gardens and hardstanding for the parking of vehicles and as such, Tankerville Drive has a pleasantly attractive appearance.

12. London Road is characterised by traditional buildings, mostly of two-storeys that are abutted together to form terrace blocks. Whilst there is some variety in designs and heights, there is some consistency with styles within terrace blocks. Consequently, London Road has a very separate and distinct character from the dwellings of Tankerville Drive.
13. No 1333 (the host building) is presently a commercial premises at ground floor level with glazed windows comprising the majority of its frontage facing London Road and part of the side elevation to Tankerville Drive. Residential flats sit above the commercial operation. To the rear, the adjoining dwelling, presently in use as flats, is set back from the build line and whilst it shares some similarities with host building, such as the inclusion of a pitched roof, its detail is less refined and consequently, it appears subservient to the host building.
14. Adjoining this dwelling is a substantial single storey rearward projection that is devoid of any windows or detail. As such, this element presently makes very little positive contribution to the character and appearance of the area.
15. I note that the proposal has sought to overcome the reasons for refusal of previous planning applications by a substantial reduction in size, scale, bulk and height. Despite this, the Council's concerns relate, in part, to the inclusion of a flat roof. Albeit, it would be a stark contrast to the pitched roof of the adjoining dwelling, it would largely replicate the length and depth of the existing single storey flat roof element. Whilst it would be at a greater height, it would be in keeping with the height and scale of the host building and the neighbouring two-storey dwelling and, to my mind, it would appear no more dominant or out of keep than the existing structure.
16. Furthermore, I noted at my site visit that there were a number of other flat roof structures within the locality. In particular, within the same terraced block, I observed that Nos. 1339 to 1353 had flat roofs in prominent positions fronting London Road. At the corner of this block, with the junction of Flemming Avenue, the building, complete with a flat roof, wraps around the entire corner. On the opposite corner of Flemming Avenue stands the recently added flat roof modern building accommodating a convenience store at ground floor and residential dwellings above.
17. Opposite the appeal site, the corner plot includes rearward extensions with flat roofs of a smaller scale than the proposal, together with an area of covered parking which is of a similar scale and appearance to the proposed undercroft parking. Albeit, not a common feature of the area, the presence of a similar parking arrangement opposite the site, together with its relatively small scale and numerous vehicles parked to the frontages of dwellings along Tankerville Drive would not lead to this part of the proposal appearing unduly prominent.
18. Further concerns of the Council relate to the proposed windows. Whilst I agree that these are a modern design and are largely unrelated to the host building and the dwellings of Tankerville Drive, there are examples of similar styles of windows within the buildings fronting London Road and those buildings

positioned at its corners with side streets such as Flemming Avenue and Belfairs Drive. As such, their inclusion would generally not be out of keeping with buildings fronting London Road.

19. Taking into account the above, whilst the proposal would not replicate the form and detailing of the host building, I consider that flat roof rearward projections are relatively commonplace additions to the rear of buildings fronting London Road, particularly those on corner plots. As such, the proposal would repeat this general pattern of development. Furthermore, by reason of its position being set back from the flank elevation build line of the host building and its lower eaves height, the proposal would appear more subservient to the host building.
20. Whilst the proposal is of a modern design, the inclusion of features such as a flat roof, Juliette windows and a balcony would reflect the character and appearance of other dwellings along London Road. The proposal would add interest to a presently bland flank wall, thus reducing the overall impact of its mass and the resultant effect would be an improvement to the overall character and appearance of the area.
21. Accordingly, I conclude that the proposal would not harm the character and appearance of the area and the proposal would accord with CS Policies KP2 and CP4, DMD Policies DM1 and DM3 and the guidance contained within the DTG. Among other things, these policies and guidance seek to ensure high quality design that respects the character and scale of the existing neighbourhood and reinforces local distinctiveness.

### **Other Matters**

22. I have had regard to the proposal not adversely impacting the living conditions of neighbouring occupants, the accessibility of the site to services and facilities and the provision of adequate off-street car parking. However, the absence of harm is a neutral factor weighing neither for nor against the proposal.

### **Conclusion**

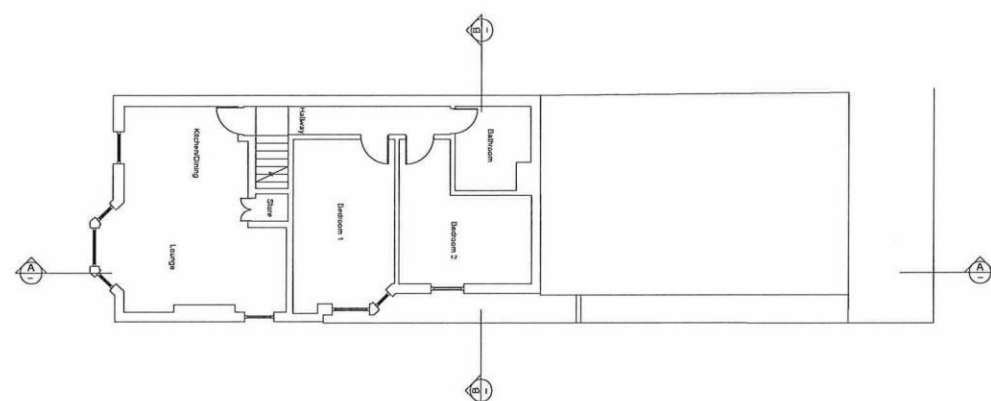
23. No harm has been identified with regard to the character and appearance of the area. Nevertheless, the harm identified in relation to the living conditions of the future occupants of the proposal is decisive.
24. Accordingly, for the reasons stated above, and taking all other matters raised into consideration, the appeal should be dismissed.

*E Brownless*

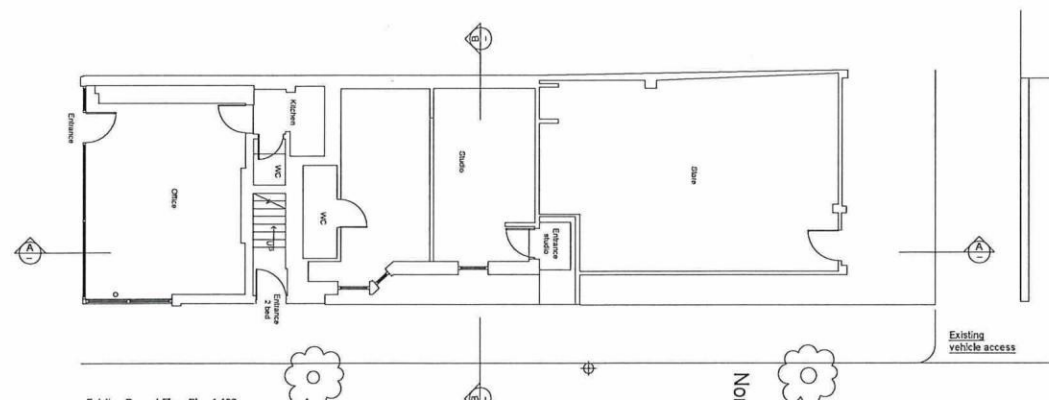
INSPECTOR



Existing Roof Plan 1:100



Existing First Floor Plan 1:100



Existing Ground Floor Plan 1:100



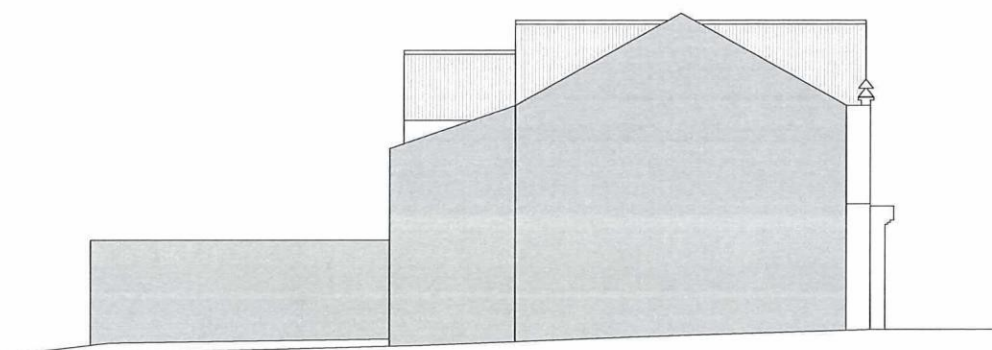
Existing South Facing Elevation 1:100



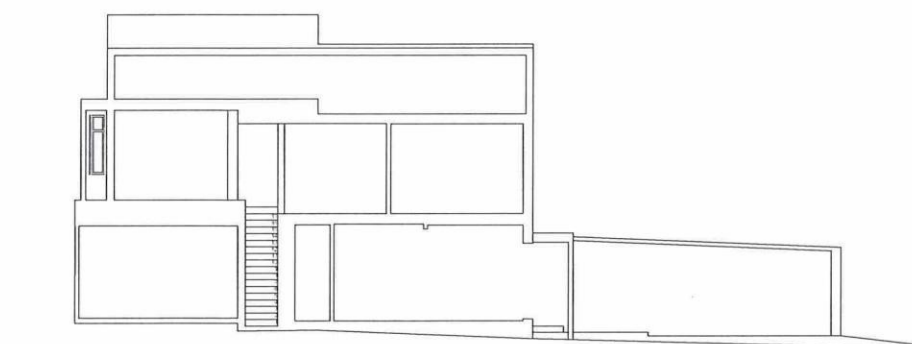
Existing East Facing Elevation 1:100



Existing North Facing Elevation 1:100



Existing West Facing Elevation 1:100



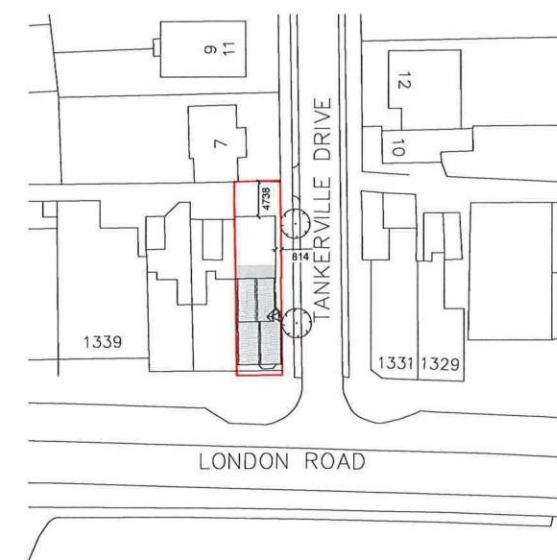
Existing Section A 1:100



Existing Section B 1:100



Existing Location Plan 1:1250

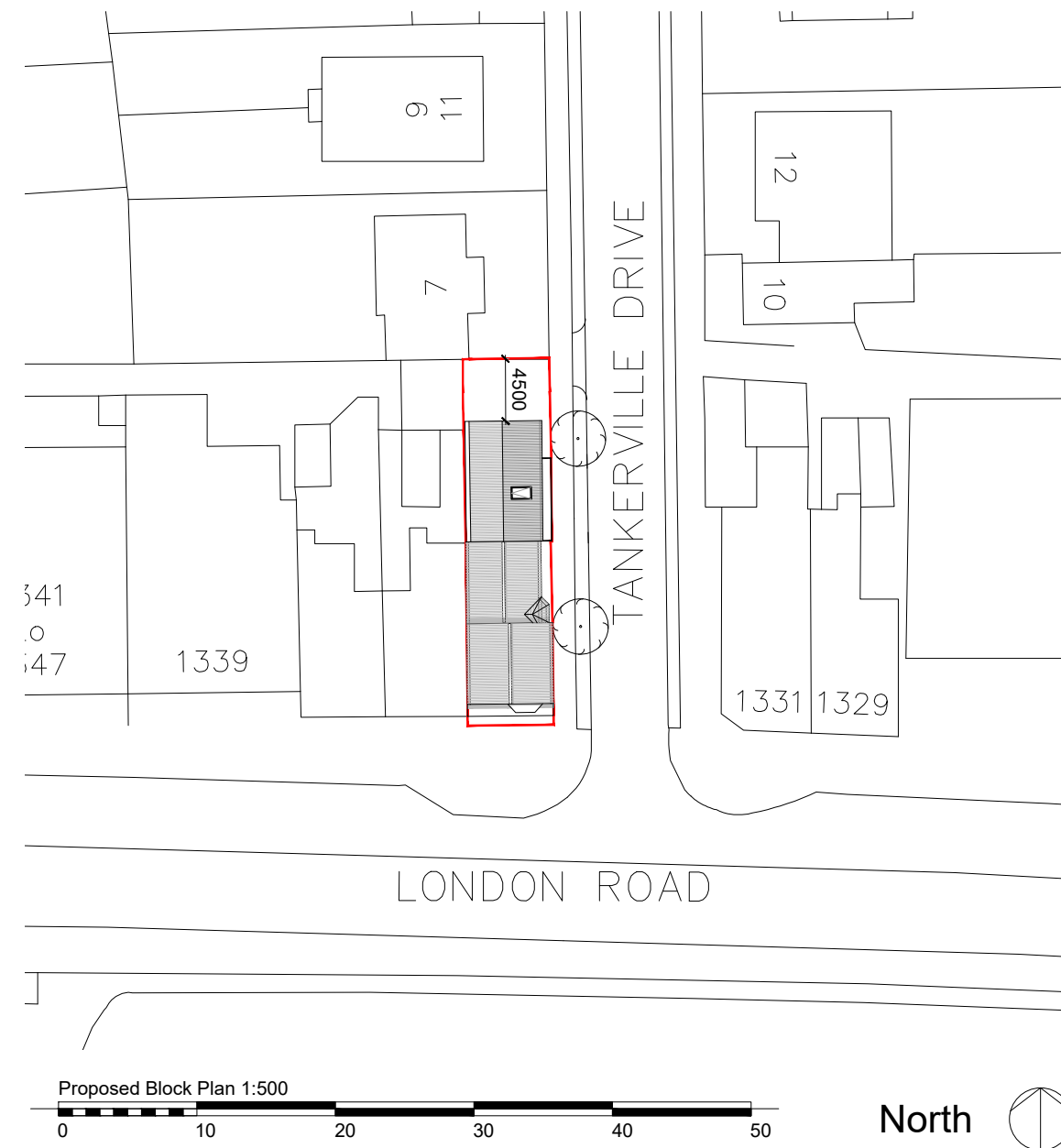
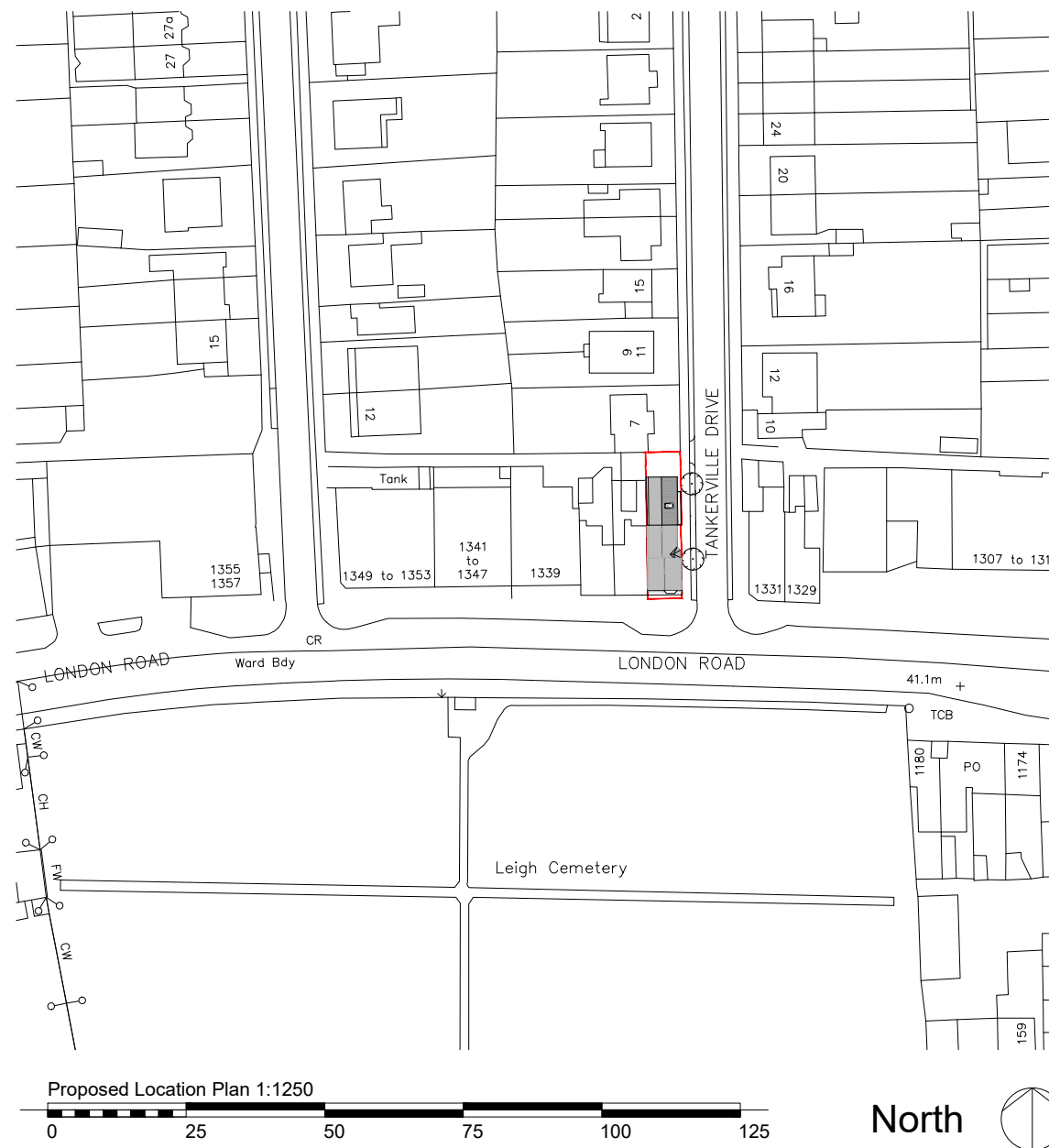
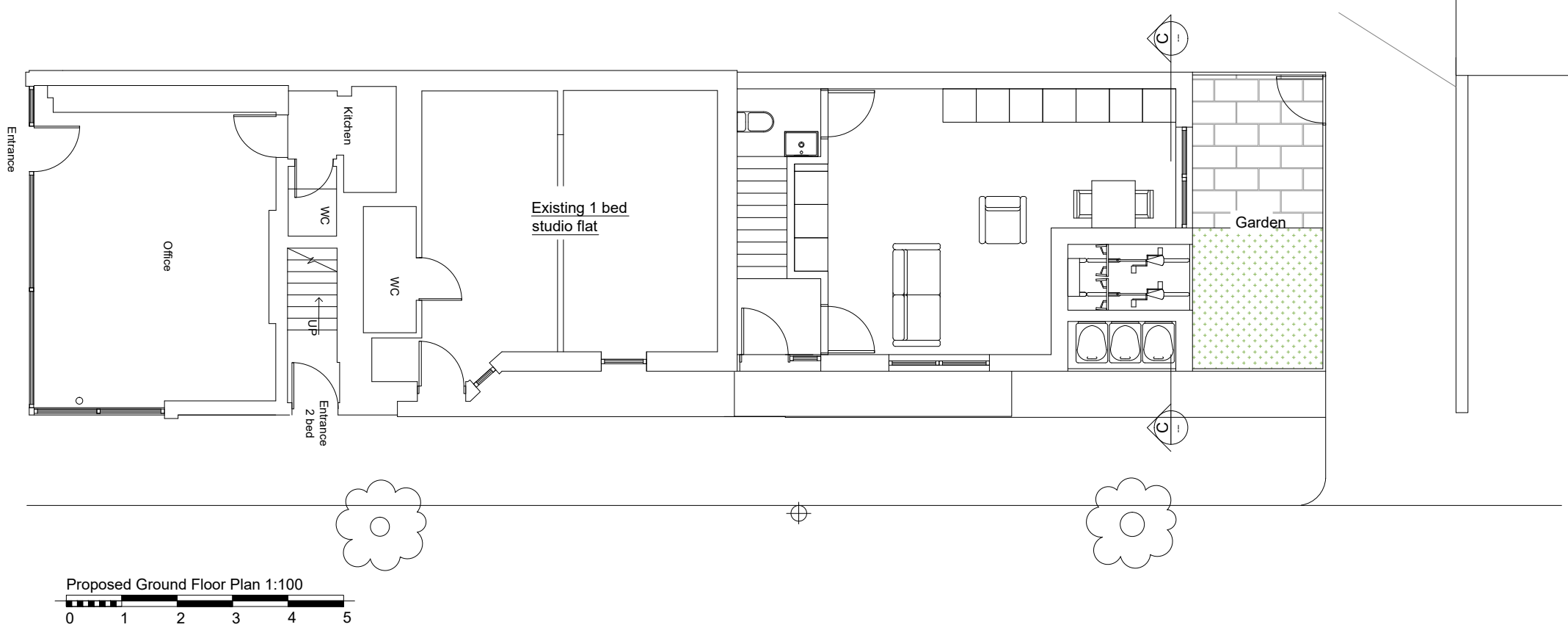
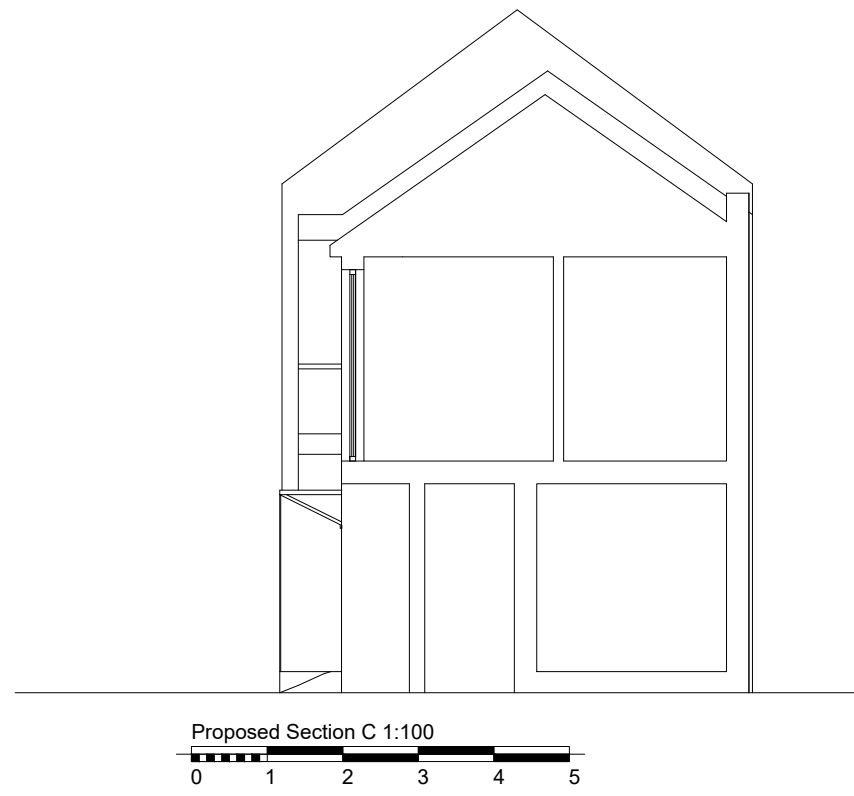
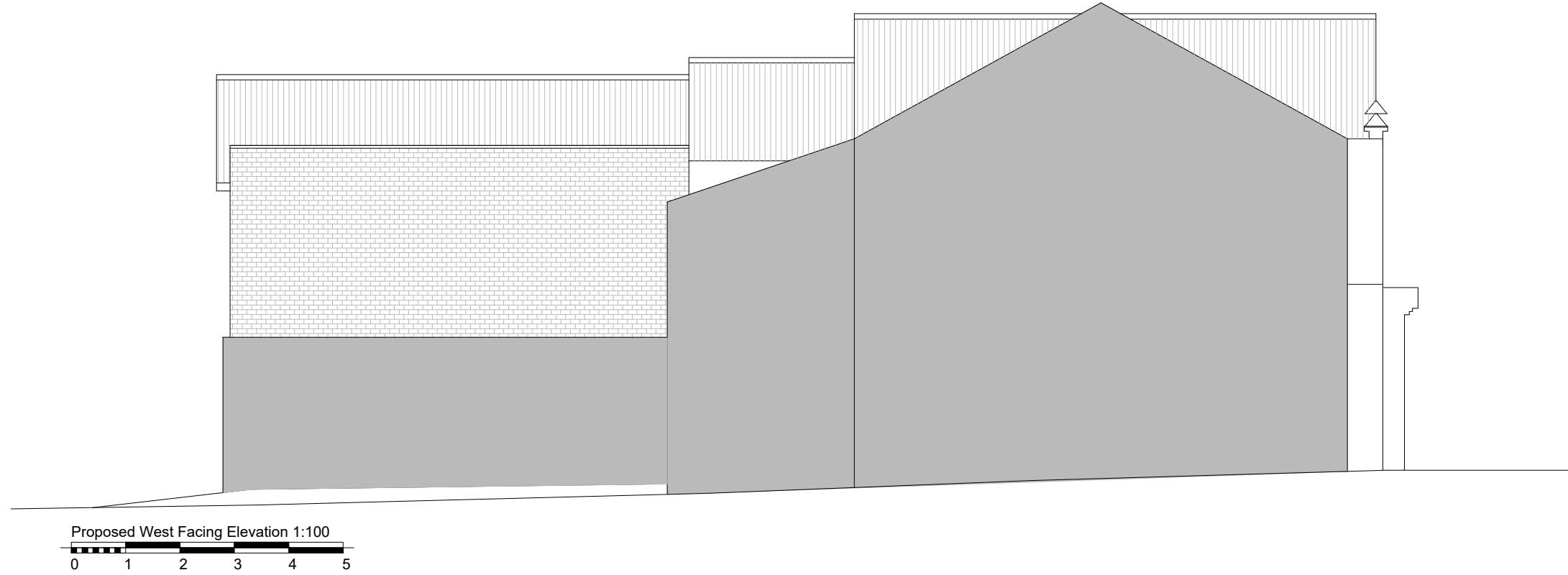
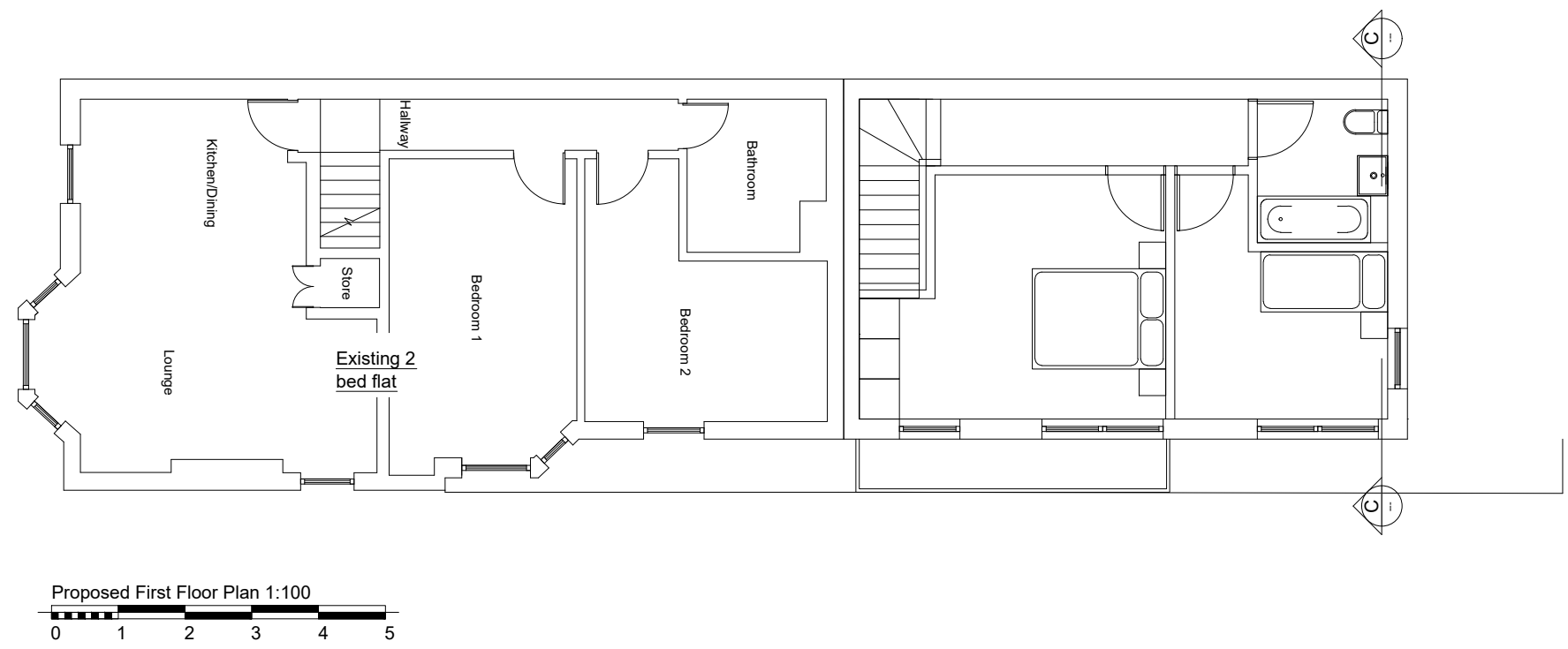
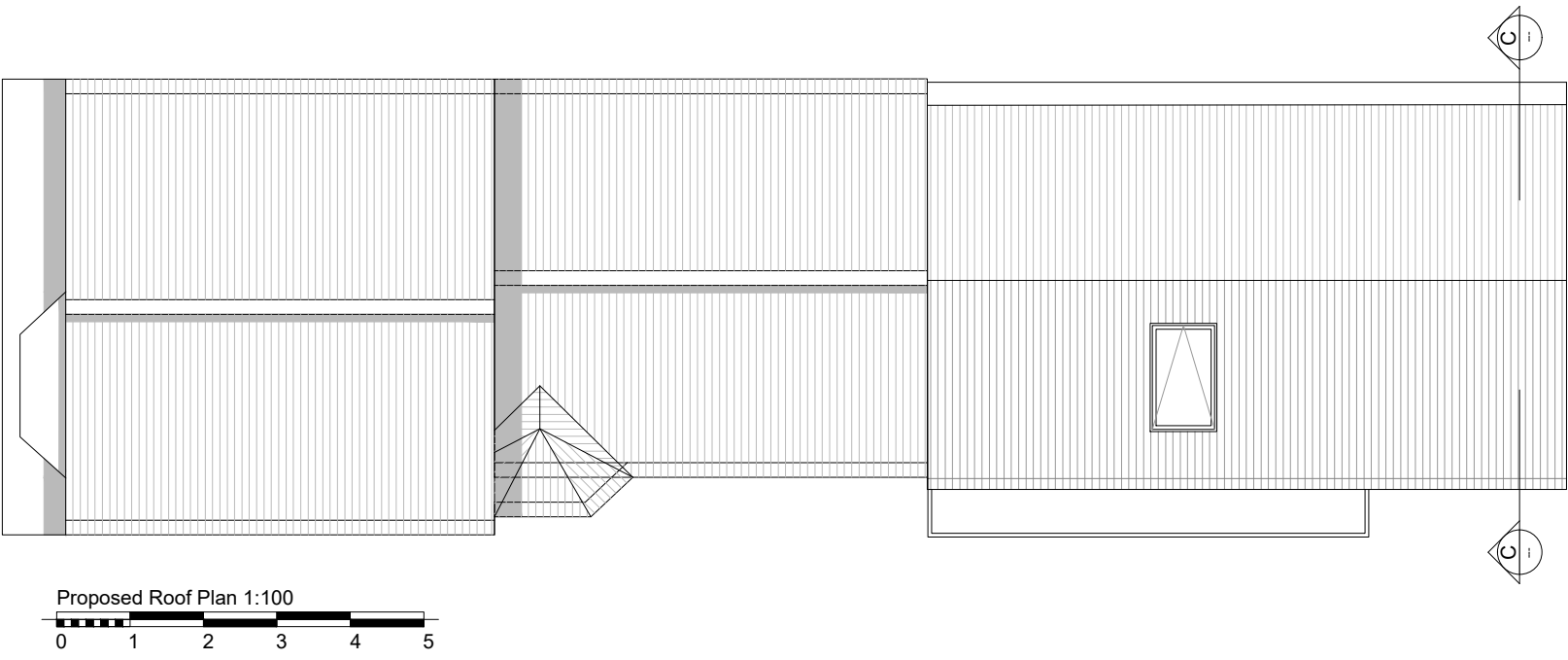


Existing Block Plan 1:500

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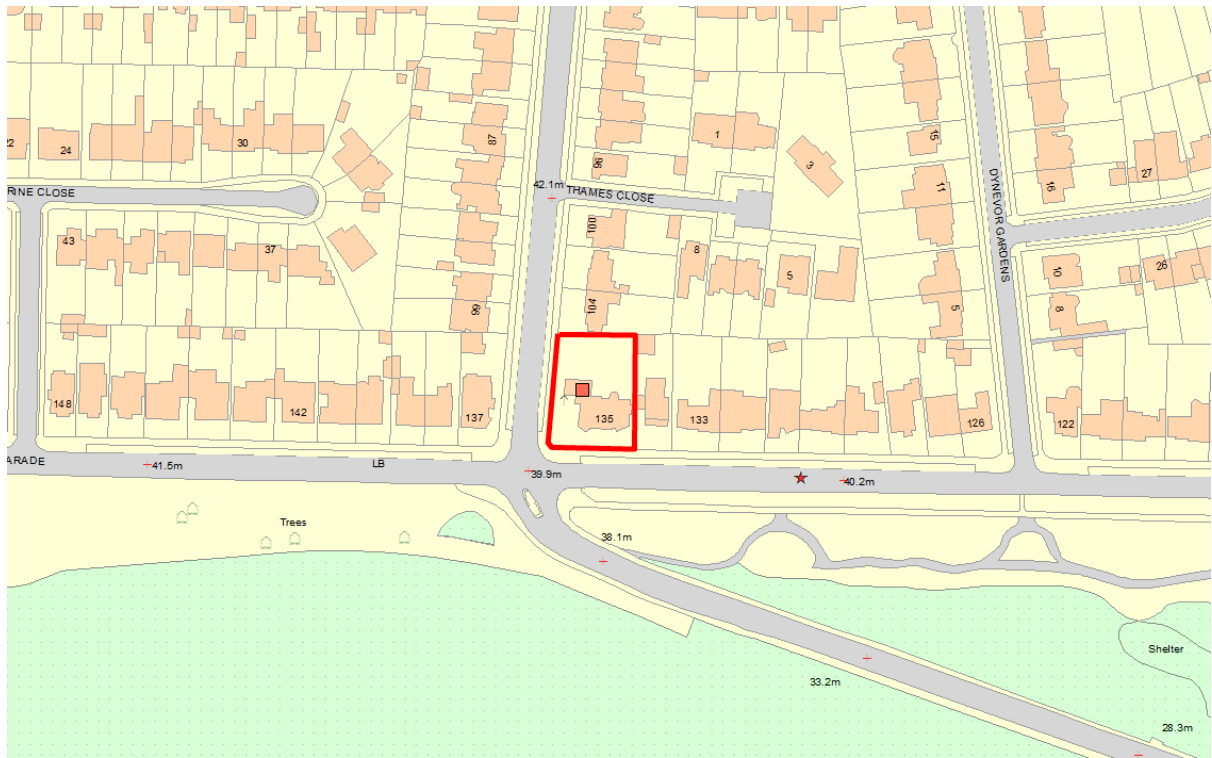


A	Planning Submission	ABG	23/08/2019
-	Planning Submission	ABG	01/08/2019
Rev	Comment	By	Date

Stage: 3 - Developed Design			
Client: Mr Saunders			
Project: 1333 London Road Leigh - on - Sea Essex SS92AD			
Drawing Title: Proposed			
Drawing no: 493-P04			
Revision:	-	Drawn by:	ABG, WRS
Project no:	493	Chkd by:	MS
Scale: 1:100, 1:500, 1:1250 @ A1			
<b>SKARCHITECTS</b> 853-855 London Road Westcliff-on-Sea SS9 9SZ Tel: 01702 509250 Email: info@skarchitects.co.uk			
NB: Do not scale from this drawing. Drawing to be used in conjunction with all other issued drawings, documents and relevant consultants' information. All dimensions on this drawing for guidance purposes only. All dimensions must be checked on site. This information is subject to Building Control requirements and the requirements of all relevant statutory authorities and service providers. © Skarchitects Ltd 2018			

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Reference:	19/01417/FUL	6
Ward:	West Leigh	
Proposal:	Extend existing pitched roof, install dormers to front and rear, erect front, side and rear extensions and alter elevations to existing building to form six self-contained flats with balconies/terraces, associated parking, amenity space, refuse/cycle store and install vehicle access onto Thames Drive (Amended proposal)	
Address:	135 Marine Parade, Leigh-on-Sea Essex SS9 2RF	
Applicant:	Mr Paul Miller	
Agent:	BDA	
Consultation Expiry	12 <sup>th</sup> September 2019	
Expiry Date:	9 <sup>th</sup> October 2019	
Case Officer:	Abbie Greenwood	
Plan Nos:	17.195/01, 17.195/02, 17.195/03, 17.195/04, 17.195/05, 17.195/06, 17.195/07A, 17.195/08A, 17/195/09A, 17.195/10A, 17.195/11A, 17.195/12A, 17.195/13, 17.195/14, 17.195/15, 17.195/17A, 17.195/18A, 17.195/19, 17.195/20A All drawings dated August 2019, Design and Access Statement, Noise Impact Assessment rev C01 by Phase 2 Planning and Development Ltd dated 23.08.19 and a Transport Statement by Ardent Consulting Engineers ref 195090-01A dated August 2019.	
Recommendation:	REFUSE PLANNING PERMISSION	



## **1 Site and Surroundings**

- 1.1 The site is located on the junction of Marine Parade and Thames Drive. There is a noticeable slope north to south towards the estuary. The existing building is a large traditionally designed house with feature gables, bays and balconies. The ground floor is red brick, with white render above and it has a red clay tiled roof with feature chimneys. The property has a single attached flat roof garage to the western side with vehicular crossover from Thames Drive. This garage sits forward of the building line of the properties in Thames Drive but is a subservient addition to the streetscene in this location.
- 1.2 The Marine Estate is characterised by large detached and semi-detached family houses, a few have been converted to flats but overall these conversions have retained the character of houses which means that the flats are not readily apparent in the streetscene. All properties are two storeys. Some have rooms in the roof - there are a few visible dormers including some to the front in the wider area but these are uncommon. The application property is one of the largest houses in the area but its recessive footprint and stepped roof from significantly reduces its scale and impact in the streetscene and the building sits comfortably in the wider context.
- 1.3 The houses in this area are generally good quality traditional houses, mainly red brick and white render with red tiled roofs. Many have projecting gables, feature chimneys and decoration adding interest to the streetscene. Prominent entrances and balconies are also common to most properties.
- 1.4 The site is located within the Development Management Policy DM6 Seafront Character Zone 1.

## **2 The Proposal**

- 2.1 Planning permission is sought to enlarge and remodel the existing property and convert it to 6 self-contained flats. The proposal includes a substantial single storey extension to the north west corner of the building, a significant extension to the roof including raising the ridge to a large part of the roof and an additional front dormer, together with smaller scaled additions to the front and rear. The existing rear amenity area is proposed to be converted to a parking area for 7 cars including 1 visitor/disabled space. This area will also include cycle and refuse storage enclosures. The parking spaces will be accessed via a new crossover from Thames Drive. The existing crossover will be removed. The floorspace of the proposed development is 478sqm as compared to the existing building which is 368sqm (410 sqm including the garage).
- 2.2 The largest extension to the north west corner is a single storey flat roof addition which will replace the existing single storey garage in this location. This extension is larger than the existing garage. It measures 11.1m wide to the street elevation, 9.9m to the rear elevation and has a height of 3.5m. There is also a single storey flat roof addition proposed to the rear of the building which measures 8.8m wide and 2.1m deep with a height of 3.2m.
- 2.3 The front additions consists of infilling the existing spayed corner at two storeys to the south east corner creating an extra 15 sqm of floorspace at both levels in this

location and the enlargement of the bay at ground floor to the front.

- 2.4 At roof level the lower subservient section of roof to the eastern end of the building will be raised by 1.7m to match that of the existing highest part of roof resulting an increase of the highest section of ridge from 0.8m to 5.6m in length. All 3 of the existing dormers will be remodelled and enlarged in height by 0.3m, in width by 0.5m and in depth by 0.2m. One additional dormer is proposed to the front elevation measuring 3.5m high, 3.3m wide and 3.5m in depth.
- 2.5 A refuse store is proposed on the Thames Drive frontage which is shown as a single storey flat roofed building measuring 4.75m x 3.1m. There is no height given for this building but massing diagrams show this to be approximately 2.5m. A separate cycle store measuring 3m x 1.7m is proposed to the rear of the building further into the site. The existing boundary wall will be replaced with a low rendered wall on the Marine Parade and Thames Drive frontages.
- 2.6 The remodelling of property also involves a change in external materials from red tile to dark grey composite tiles and from red brick and white render to dark grey and white render with elements of timber cladding, modern style aluminium windows and doors and fully glazed balconies.
- 2.7 The application is supported by a Design and Access Statement, Noise Impact Assessment and a Transport Statement.
- 2.8 The proposal is an amended scheme following a previous refusal for a similar development of 7 flats. This application (reference 19/00284/FUL) was refused for the following reasons:

*01 The proposed development, by reason of its excessive scale, footprint, mass, siting, unresolved design and materials, is considered to have a detrimental impact on the grain, character and appearance of the site and the wider area and would be an over scaled and incongruous addition to the streetscene. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM6 of the Development Management Document (2015) and the Design and Townscape Guide (2009).*

*02 The proposal fails to meet the requirements of the Nationally Described Space Standards (2015) in relation to flat F, and the parking arrangements have resulted in an unacceptable outlook in relation to the rear bedroom of Flat C and the development as a whole fails to provide an adequate provision of amenity space for future occupiers. The proposal overall will therefore result in a poor standard of accommodation for future occupiers and is unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 of the Development Management Document (2015) and the Design and Townscape Guide (2009).*

*03 The proposed parking arrangements and associated vehicular movements at the site would result in an increased level of noise and disturbance which would be to the detriment of the amenities of 104 Thames Drive. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM6 of*

*the Development Management Document (2015) and the Design and Townscape Guide (2009).*

*04 The location of the proposed vehicular access, so close to the convergence of Marine Parade, Thames Drive and Belton Way, is such that it cannot safely accommodate the increase in vehicular movements arising from a development of the nature proposed, to the detriment of highway safety and the free flow of traffic. This impact will be exacerbated in peak holiday periods when traffic on these roads becomes saturated by visitor, resident and business journeys. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2, CP3 and CP4 and policy DM15 of the Development Management Document (2015).*

2.9 In order to address these reasons for refusal the following amendments have been made to the initial design:

- The number of units has been reduced from 7 flats (4 x 2 bed and 3 x 1 bed) to 6 flats (4 x 2 bed and 2 x 1 bed)
- The extension proposed to the north west corner of the building has been amended from 2 storeys with a flat roof to a single storey with a flat roof but remains a similar footprint.
- The number of parking spaces has been reduced from 9 to 7 by removing two of the three spaces closest to the rear of the building.
- The previously combined refuse and cycle store has been split into two separate stores with the cycle store being relocated further into the site.
- The entrance to the building from the parking area is now proposed to continue through the building to the Marine Parade frontage with single glazed door facing the street.
- Some internal changes to flat layouts.
- A noise assessment and transport statement have been submitted with the application

2.10 In all other respects the proposal remains unchanged from the previously refused proposal.

### **3 Relevant Planning History**

- 3.1 19/00284/FUL - Extend existing pitched roof with dormers to front and rear, erect front, side and rear extensions and alter elevations to existing building to form 7 No. self contained flats with balconies/terraces, associated parking, amenity space, refuse/cycle store and install vehicle access onto Thames Drive - refused
- 3.2 19/00041/GPDE - Erect single storey rear extension, projecting 8m beyond the existing rear wall of the dwelling, 3m high to eaves and with a maximum height of 3.25m –granted
- 3.3 18/02123/GPDE - Erect single storey rear extension, projecting 5.46m beyond the existing rear wall of the dwelling, 3m high to eaves and with a maximum height of 3.25m – refused
- 3.4 18/02122/GPDE - Erect single storey rear extension, projecting 8m beyond the existing rear wall of the dwelling, 3m high to eaves and with a maximum height of

3.25m. – refused

- 3.5 18/02121/GPDE - Erect single storey rear extension, projecting 5.46m beyond the existing rear wall of the dwelling, 3m high to eaves and with a maximum height of 3.25m. -refused
- 3.6 18/01701/GPDE - Erect single storey rear extension, projecting 8m beyond the existing rear wall of the dwelling, 3m high to eaves and with a maximum height of 3.25m. – refused
- 3.7 18/01573/GPDE - Erect single storey rear extension, projecting 8m beyond the existing rear wall of the dwelling, 3m high to eaves and with a maximum height of 3.25m – refused
- 3.8 18/01568/GPDE – Erect single storey rear extension, projecting 8m beyond the existing rear wall of the dwelling, 3m high to eaves and with a maximum height of 3.25m. – refused
- 3.9 18/01196/CLP - Part two and part single storey rear extension, roof extension to rear and alter rear elevation (Lawful Development Certificate - Proposed)(Amended Proposal) – refused
- 3.10 17/02211/CLP – Single storey rear extension, roof extension to rear and alter rear elevation (Lawful Development Certificate - Proposed) – refused

#### **4 Representation Summary**

##### **Highways**

- 4.1
- The proposal is policy compliant in terms of parking provision.
  - The site is within a sustainable location.
  - In relation to previous reason for refusal 04 the number of parking spaces has been reduced by 2 and additional information has been provided in relation to trip generation which show a relatively low number of trips. This is considered sufficient to address reason for refusal 04.

##### **Environmental Health**

- 4.2
- The noise report has only considered the impact of a single car movement and has not considered the cumulative impact of vehicle movements on the adjacent amenity area.
  - The report has therefore failed to adequately address the previous reason for refusal 03.

##### **Leigh Town Council**

- 4.3 Leigh Town Council object and have raised concerns in relation to:
- The amended proposal would be an over dominant and incongruous addition to the streetscene.
  - The amended proposal has failed to respond to the character of the area and would be out of keeping.



- The amended extensions are overbearing and are not subservient.
- Concerns relating to overlooking of neighbours.
- Concern over the impact on the adjacent junction.

## **Public Consultation**

4.4 A site notice was displayed and letters sent to neighbouring properties notifying them of the amended proposal. Objections were received from 12 residents which raised the following summarised issues:

- The proposal would be out of character with the area and contrary to policy DM6 which protects this character.
- The amended extension is still over scaled and set forward of the existing and neighbouring buildings so will be very prominent in the streetscene.
- Houses would be more appropriate in this location.
- The existing garage is not comparable to the proposed extension.
- The proposed materials are out of character with the streetscene and wider area.
- The proposal should better blend with the surrounding character.
- The proposed design will become dated in a short time.
- The existing cohesion of the streetscene would be lost.
- Detrimental to character of the existing building.
- The existing property is a building of character with good design features and should be retained.
- The existing building could be converted to flats without detrimentally impacting on its character.
- Overdevelopment of site, development is disproportionate to surrounding area.
- Other flat conversions in the area have been very modest and have not detrimentally impacted on the character of the buildings.
- The existing building has not been maintained since it was sold but is not dilapidated.
- The developer should have undertaken pre-application discussions with the Council
- The proposal has disregarded the planning policies and guidance in the Design and Townscape Guide.
- Out of character with the grain of the area.
- The extension is over scaled and too forward on the site so it does not appear subservient to the existing building.
- Overlooking of neighbours.
- Nuisance and noise from vehicles using the parking area affecting neighbouring properties and their amenity areas.
- Lack of private amenity space for new residents - this is an indication of over development.
- The proposed sketches are misleading as they show trees which do not exist and are not in viable locations.
- The proposed amenity space on the frontage will not be private or very useable.
- Lack of parking including lack of visitor parking which will add to parking stress in the area.
- Conflict with junction and concerns over safety.

- The proposal will add to congestion in the area.
- Loss of existing trees and landscaping.
- Loss of view.
- Impact on property values.
- Bin lorries accessing the site would also cause a traffic obstruction.
- Concerns regarding noise and traffic during construction.
- Lack of construction method statement.
- Impact on air quality.
- Density too great for the site and out of character with the area.
- 6 units is too many.
- Flats are not part of the character of this area, where they occur they are the result of house conversion not new build flats therefore have retained the appearance of houses in the streetscene and have not resulted in loss of features or a significant increase in scale.
- The Borough has no need for expensive flats in this location which will not be affordable to first time buyers.
- The proposal is driven by profit.
- The large trees shown on the 3d images do not exist and are just an attempt to screen the proposal in the drawings - the building would be much more exposed in the streetscene.
- The proposal is contrary to many local planning policies.

**[Officer Comment: These concerns are noted and they have been taken into account in the assessment of the application in Section 7 below.]**

- 4.5 The application has been called to Development Control Committee by Cllr Evans and Cllr Mulroney.

## **5 Planning Policy Summary**

- 5.1 National Planning Policy Framework (NPPF) (2019)
- 5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP6 (Community Infrastructure), CP8 (Dwelling Provision)
- 5.3 Development Management Document (2015) Policies DM1 (Design Quality), DM2 (Low carbon development and efficient use of resources), DM3 (The Efficient and effective use of land), DM6 (Southend Seafront), DM7 (Dwelling Mix), DM8 (Residential Standards), DM15 (Sustainable Transport Management)
- 5.4 Southend Design & Townscape Guide (2009)
- 5.5 Community Infrastructure Levy (CIL)

## **6 Planning Considerations**

- 6.1 The main considerations in relation to this application are the principle of the development, design and impact on the streetscene, traffic and transportation, impact on residential amenity, sustainable construction, the quality of accommodation for future occupiers, CIL and whether the proposal has overcome

the previous reasons for refusal.

## **7 Appraisal**

### **Principle of Development**

- 7.1 Amongst other policies to support sustainable development, the NPPF seeks to boost the supply of housing by delivering a wide choice of high quality homes.
- 7.2 Policy KP2 of the Core Strategy states development must be achieved in ways which *“make the best use of previously developed land, ensuring that sites and buildings are put to best use”*. Policy CP4 requires that new development *“maximise the use of previously developed land, whilst recognising potential biodiversity value and promoting good, well-designed, quality mixed use developments”* and that this should be achieved 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”*.
- 7.3 Policy CP8 of the Core Strategy recognises that a significant amount of additional housing will be achieved by intensification (making more effective use of land) and requires that development proposals contribute to local housing needs. It identifies that 80% of residential development shall be provided on previously developed land.
- 7.4 Policy DM3 of the Development Management Document states that *“the Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity”*
- 7.5 The existing building is a large 6 bedroomed house. It is located in a streetscene which is characterised mainly by large family houses. Some properties in the road, which were originally houses, have been converted into flats. Where these conversions have occurred they have generally been low key and the outward appearance of the dwellings has largely been retained so that the streetscene is maintained. As with the previous proposal, there is therefore no objection in principle to the conversion and adaptation of the existing property into flats subject to the detailed considerations set out below.

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

- 7.6 *Paragraph 124 of the NPPF states ‘The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.’*
- 7.7 Policy DM1 of the Development Management Document states that *“all 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.”*

- 7.8 Policy DM3 part 3 of the Development Management Document states that *‘3. The conversion of existing single dwellings into two or more dwellings will only be permitted where the proposed development:*

*(i) Does not adversely impact upon the living conditions and amenity of the intended occupants and neighbouring residents and uses; and*  
*(ii) Will not harm the character and appearance of the existing building or wider area; and*  
*(iii) Will not lead to a detrimental change of a street’s function; and*  
*(iv) Meets the residential standards set out in DM8 and the vehicle parking standards set out in Policy DM15.’*

- 7.9 Policy DM6 Character Zone 1 (iv) seeks to *‘retain character and building height and type along Marine Parade.’*

- 7.10 In relation to the extension of existing buildings the Design and Townscape Guide states:

*‘64. When designing a new building or an extension it is important that the development integrates with existing buildings. This is best done by identifying the positive characteristics and relationships formed by the existing buildings e.g. frontage lines, heights of ridges and eaves, proportions, materials etc. and respecting them in the design of the new development.*

*85. 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 in the streetscene and development which is under scaled will appear weak and be equally detrimental. The easiest option is to draw reference from the surrounding buildings.*

*342...A well designed and integrated extension can complement and even enhance an existing property, whereas a poorly designed addition can easily destroy the original character and have a detrimental effect on the streetscene.*

*343. Whether the proposed extension is modern or traditional, the simplest way to ensure that it does not conflict with the existing character of the property is to draw references from the parent building. For example:*

- All extensions should be well designed, well detailed and respond to the unique constraints and opportunities of the site.*
- The scale of the extension must be respectful of the scale of the present building - additions that are too large will be over dominant. Extensions that appear subservient to the parent building tend to fit more comfortably and integrate better with the existing building. Matching roof styles and pitches can help integrate old and new.’*

- 7.11 In relation to areas of consistent scale and in particular large detached housing the Design and Townscape Guide states:

*‘89. .... there are also some areas of large family houses in the Borough. These*

*areas have a completely different character - the larger buildings are more imposing and the streets have an altogether grander feel. Again the individual designs may vary but their scale, grain and use as single family dwelling houses are unifying characteristics and key to local character. This type of housing is most prevalent in Thorpe Bay (for example Burges Estate and Thorpe Esplanade), Leigh (for example Marine Estate) and Chalkwell (for example Chalkwell Hall Estate), but can also be found in other areas of the town.*

*90. In these areas, proposals for development of a larger, or different or unbalancing scale would be detrimental to local character and will be resisted in principle. All new development must preserve and enhance local character; development which is harmful will not be acceptable. Generally the conversion of these buildings to flats will be unacceptable given the knock on needs for extensions, car parking or the increase in parking pressure. ‘*

7.12 In relation to materials the Design and Townscape Guide states:

*‘119. Choice of materials can make a huge difference to the success of a building. Sympathetic materials, whether matching or contrasting, can help to integrate a new building or extension with the character of the surrounding townscape.’*

7.13 In relation to entrances the Design and Townscape Guide states:

*‘131. The focus of any new building must be the pedestrian, not the car and it is essential that the pedestrian entrance is clearly defined and visible from the public highway. Primary entrances are to be located on the street elevation, not at the rear or in the car park.’*

#### *Scale and Form*

7.14 Marine Parade and Thames Drive are attractive streets of mainly large traditional family houses. Marine Parade, which stretches from Hadleigh Road to the east to the Borough Boundary to the west, is specifically identified in the Design and Townscape Guide as an area of uniform scale and character and is recognised in Policy DM6 as being an attractive and cohesive frontage which is important to the character of the seafront in this part of the Borough. As such, although the site is located at a junction, it is not considered an appropriate location for landmark building. Any proposal in this location needs to seamlessly integrate into the wider streetscene.

7.15 The houses in Marine Parade are generally individual in their design but there is consistency in scale, grain, form and use of materials and detailing which gives the street its unified and distinctive character. Some of the houses in this frontage have been converted into flats but where this has occurred, the external alterations have been minor and the frontage as a whole has maintained the appearance of well-articulated large houses. The application property is one of the largest houses in the area, but its’ stepped recessive footprint and broken roof form ensures that it does not appear over scaled in relation to the neighbouring properties and that it sits comfortably in this context. As noted above no objection is raised to the principle the conversion of the existing house to flats provided it can be achieved in a manner which does not harm the character of the area.

7.16 The proposal is seeking significant extensions and internal alterations to enable 6 flats to be created. The application is an amended proposal following a previous refusal for a similar scheme of 7 flats (reference 19/00284/8FUL) This initial application was refused for a number of reasons including its design (see 2.8 above). In relation to the design the proposal was considered to be an over scaled and incongruous addition to the streetscene. The specific concerns can be summarised as:

- The two storey extension at the north west corner of the property was considered to be a dominant, inappropriately sited and an excessively scaled addition to the existing building which would be overly prominent in the streetscene and conflict with the character and grain of the area. It was also considered that a two storey flat roofed addition would be out of character with the area.
- The increase in scale to the roof of the property was also considered to be excessive. The proposal sought to change the form of the roof from the existing series of recessive hipped forms, designed to break up the scale of the roof and better relate to the surrounding more modest properties, to a single hipped form over the entire main building. This alteration was considered to significantly and detrimentally increase the bulk of the property in the wider streetscene. This aspect of the design was also compounded by the proposed increase in the number and scale of the existing dormers. Overall the proposed roof design was considered to be over scaled, top heavy and out of character in the streetscene which has smaller roofs and few front dormers.
- The front extension and subsequent change in the front building line at the south east corner of the property to omit the splayed corner was also a concern. This feature currently provides a positive transition to the deeper frontage line of the rest of the street block and prevents the existing dwelling appearing overly prominent on the Marine Parade frontage. The proposal to bring the building line significantly forward at this point was considered to result in an unacceptable increase in the prominence of the building on this frontage, which, combined with the other extensions noted above, would result in a dominant visual relationship with neighbour and in the wider streetscene.

7.17 Concerns were also raised in relation to the detailed design of the scheme in particular:

- The change in materials and colours were considered to be out of character with the area generally and to contribute to the dominant impact of the proposal in the wider streetscene. The proposed heavy surrounds to the gables and dormers were considered to lack finesse and accentuate the bulk of the building particularly at the upper levels.
- The lack of a visible and appropriately detailed entrance to the street was also raised as an issue. A prominent street entrance would provide a focal point for the development and positively reference local character. This was lacking from the proposal.
- The visual impact of the parking area including lack of landscaping and the dominance of the refuse/cycle store was also a concern.

7.18 No objections were raised to the single storey rear extension.

- 7.19 Overall it was considered that the design of the initial proposal was over dominant in its scale and form and its design failed to respect the character of the area and the cohesion of the Marine Parade frontage as required by policy DM6.
- 7.20 In order to address this reason for refusal the following amendments have been made to the design:
- The extension proposed to the north west corner of the building has been amended from 2 storeys with a flat roof to a single storey with a flat roof with a slightly amended but similar footprint and siting.
  - The entrance to the building from the car park is now proposed to continue through the building to the Marine Parade frontage with single glazed entrance door facing the street.
  - Two parking spaces have been omitted in the proposed parking area to the rear of the building and the refuse and cycle store has been split into two separate elements one of which has moved further into the site.
- 7.21 Whilst the reduction in scale of the extension to the north west corner of the development is noted and is an improvement over the previously refused scheme, the proposed extension in this area is still substantial. It measures 11.1m wide (stepping in slightly at the southern end but with a forward projecting balustrade at this point), 9.9m deep and 3.3m high. It is still sited in an exposed and prominent location 3.6m forward of the building line of the existing building and 4m forward of the houses in Thames Drive to the north.
- 7.22 As with the previous application, the amended application seeks to justify the scale and siting of this large extension by arguing that it would replace a single storey garage in this location. However, as noted in the initial proposal, although the garage steps out from the existing building at this point, it is a significantly smaller (41.5 sqm footprint for the garage as opposed to 67.8 sqm footprint for the extension) non habitable, subservient addition to the building and, as a garage, it does not appear out of place in this forward location which is partially screened by a high garden wall. In contrast, a large habitable extension, which is greater than the size of an entire 2 bed ground floor flat and which is very exposed on all sides would be highly visible in the streetscene and would appear at odds with the character of the existing building and the wider area. This element of the proposal therefore remains unacceptable.
- 7.23 There is no objection in principle to extensions at this property provided they are appropriately scaled and sited to positively integrate with the existing building and the wider streetscene. As with the previous application no objection is raised to the proposed single storey rear extension which has achieved this balance.
- 7.24 In all other aspects the scale and form of the proposal remains the same as the previously refused scheme and the concerns noted in 7.16 above in relation to the roof form and front extension have not been addressed. It is therefore considered that the scale and form of the proposal remains unacceptable in the amended proposal.
- 7.25 In relation to the design detail it is noted that the entrance configuration has been amended to enable an additional communal door to the front elevation. Whilst this

is welcomed in principle, the entrance is just a simple glazed door and has not been detailed to be a focus for the front of the building. As such is not recognisable as the main entrance nor does it provide a feature for this elevation. This conflicts with the character of the area where main entrances are an important feature of the street frontages and an important part of the rhythm and character of the street. This amendment has therefore added little to the overall merits of the scheme.

- 7.26 In all other aspects the detailing of the proposal remains unchanged and the previous concerns raised in relation to the materials and heavy detailing of the elevations and features remain unacceptable in this context.
- 7.27 In relation to the external area, the loss of two parking spaces presents an opportunity for more landscaping against the rear of the building and a better outlook for the adjacent flat which is welcomed, however the scale of the parking area generally and the extent of unbroken hardsurfacing is still considered to be excessive and will be detrimental to the streetscene. The reduction of the refuse store to the Thames Drive frontage is also a slight improvement over the originally submitted proposal but at the scale and height proposed, this will still be an overly prominent and alien addition to the streetscene in this exposed location. A location further into the site would be preferable.
- 7.28 As with the initial scheme the amended proposal is seeking to justify the change in scale by noting that permission has been granted under prior approval for an 8m deep single storey extension to the north east corner of the development. However, it is noted that this has not been built and its siting is within the internal area of the site behind the garage and away from the street frontages would mean that it had limited impact on the streetscene. This permission is therefore afforded very little weight in justifying the scale increase of the proposed scheme.
- 7.29 As noted above, where flats have successfully been integrated into the streetscene they have managed to retain the form and appearance of single family dwelling houses. The proposed remodelling and scale of the development overall will single out this development as being a different typology to the prevailing character. Whilst this can work in some areas, in this location, where the cohesive frontage of large houses is a defining feature of the area, (as noted in policy DM6 and the Design and Townscape Guide) the dramatic change in scale, form and style does not sit comfortably in the streetscene.
- 7.30 Overall therefore, whilst there is no objection in principle to flats within this building or on this site, it is considered that the scale, form, bulk, siting and detailed design of the amended proposal would still result in overly dominant and incongruous additions to the host building and streetscene which would materially conflict with the grain and character of the site and wider area. The proposal has therefore failed to overcome the previous reason for refusal in relation to design and scale and it is unacceptable and contrary to the policy in this regard.

### **Standard of Accommodation for Future Occupiers**

- 7.31 Delivering high quality homes is a key objective of the NPPF.
- 7.32 Policy DM3 of the Development Management Document (i) states: proposals should be resisted where they *“Create a detrimental impact upon the living*



*conditions and amenity of existing and future residents or neighbouring residents”.*

### *Space Standards*

7.33 All new homes are required to meet the Nationally Described Space Standards (NDSS) in terms of floorspace and bedroom sizes. The initial application was previously refused because the proposal failed to meet these standards in relation to one of the units which was undersized by 10.1 sqm. The required sizes for 1 and 2 bed flats and the minimum standards for bedrooms are as follows:

- 1 bed 2 person flat - minimum 50 sqm
- 2 bed 3 person flat - minimum 61 sqm
- 2 bed 4 person flat - minimum 70 sqm
- Master bedroom - minimum area 11.5 sqm, minimum width 2.75m
- Other double bedrooms – minimum area 11.5 sqm, minimum width 2.55m
- Single bedrooms - minimum area 7.5 sqm and minimum width 2.15m

7.34 The flat sizes and bedrooms sizes for the amended proposal are noted in the table below:

	<i>Area</i>	<i>Bed 1</i>	<i>Bed 2</i>	<i>Meets NDSS</i>
Flat A 2 bed 3 person	64 sqm	13.6 sqm W=3.2m	8.9sqm W=2.5m	yes
Flat B 1 bed 2 persons	56 sqm	12.4 sqm W=2.7m		yes
Flat C 2 bed 3 person	70 sqm	16.2 sqm W=3.4m	10.6 sqm W=2.6m	yes
Flat D 2 bed 3 person	65.5 sqm	13.3 sqm W=2.7sqm	<b>7.2sqm</b> W=2.7-1.8 sqm	No - bedroom 0.3 sqm short of standard and narrower in part
Flat E 2 bed 4 person	<b>60.3 sqm</b>	12.7 sqm W=3.2m	11.5sqm W=3.1m	No - overall flat 9.7 sqm short of the overall flat area standard
Flat F 1 bed 2 person	63.8 sqm	17.9 sqm W=3.3m		Yes – note not adjusted for head height but well over scaled

7.35 The table shows that the second bedroom for flat D is slightly under sized and that Flat E falls short of the NDSS for a 2 bed 4 person flat by 9.7 sqm. It is noted that the submitted first floor plan labels Flat E as being for 3 persons only, but as both bedrooms meet the double bedroom size requirements and will be used as such, this unit has been assessed as a 4 person unit and as such fails to meet the standards in terms of overall floor area. This interpretation is in line with the NDSS guidelines and a recent appeal decision on this issue (reference APP/D1590/W/18/3214270) in which the Inspector states:

*‘4 the nationally described space standards (NDSS) prescribes that a bedroom with a floor area over 11.5 square metres is counted as a double bedroom and consequently I have assessed the proposal on the basis of it providing two double*

*bedrooms for four persons.*

*5. Thus, in providing a property size of approximately 68square metres the proposal would fail to meet the requirements of the NDSS of 79 square metres for a 2-bedroom, 4 person, 2 storey dwelling. Whilst both bedrooms would exceed the minimum floor area and widths for double bedrooms, the shortfall in overall gross internal floor space is not off-set by the proposal's compliance with other space standards within the NDSS.'*

- 7.36 Overall therefore it is considered that the proposal fails to meet the required space standards, particularly in relation to Flat E. The proposal has therefore failed to overcome the previous reason for refusal 02 and the proposal is unacceptable in contrary to policy and this regard.

#### *Daylight, Sunlight and Outlook from Habitable Rooms*

- 7.37 The previous reason for refusal 02 of the original application found the outlook of the rear bedroom within flat C and noise and disturbance arising from the parking spaces adjacent to the window to be unacceptable. The amended configuration of the parking area have addressed these issues and the amended plans now show that all habitable rooms have an acceptable outlook and benefit from acceptable levels of daylight and sunlight. This aspect of the proposal is now considered to be acceptable and the amended scheme is policy compliant in this regard. It is noted that no objection was previously raised in this respect under reference 19/00284/FUL.

#### *M4(2) – Accessibility*

- 7.38 The application includes some information on the accessibility of the flats including a commitment to doorway and hallway widths, step free access and access to refuse areas although it is noted that the information provided does not meet the full requirements of M4(2). However, as the application is for the conversion and enlargement of an existing property and, whilst a commitment to M4(2) and accessible dwellings would be welcomed, it is not a strict policy requirement. The proposal is therefore acceptable and policy compliant in this regard.

#### *Amenity Provision*

- 7.39 In relation to the provision of amenity space Policy DM8 states that all new dwellings should *'Make provision for usable private outdoor amenity space for the enjoyment of intended occupiers; for flatted schemes this could take the form of a balcony or easily accessible semi-private communal amenity space. Residential schemes with no amenity space will only be considered acceptable in exceptional circumstances, the reasons for which will need to be fully justified and clearly demonstrated.'*
- 7.40 In relation to amenity space provision the Design and Townscape Guide states:

#### *'Criteria for Amenity Space*

*143. There is no fixed quantitative requirement for the amount of amenity space as each site is assessed on a site by site basis according to local character and*

*constraints. However, all residential schemes will normally be required to provide usable amenity space for the enjoyment of occupiers in some form. Residential schemes with no amenity space will only be considered acceptable in exceptional circumstances which will need to be fully justified.*

*Communal Amenity Space should:*

- Be of a usable size and shape.*
- Receive sunlight, even in winter and provide shade in summer.*
- Be well landscaped and include significant amounts of planting. For larger developments with shared amenity space the landscaping should be designed in such a way as to provide semi private outdoor rooms, to enable users to have some privacy from each other.*
- Include spaces for sitting and socialising e.g. bbq area.*
- Developments that include flats of 2 or more bedrooms should include a dedicated play space. This could include a piece(s) of play equipment or be landscaped in such a way as to promote imaginative play. Children of all ages should be catered for where possible. This should be explained in the Design and Access Statement.*
- Include a clothes drying area.*
- Be screened from parking areas.*
- Be easily accessible for all occupants, not bisected by vehicular accesses or parking areas.*
- Be overlooked by habitable rooms to ensure safety and natural surveillance.*
- Have a Landscape Management Plan.*
- Be private and incorporate a means of enclosure that complements the development and the wider townscape.*
- Make a positive contribution to local biodiversity.*

*In exceptional circumstances it may be acceptable for residential schemes to provide balconies as the only amenity provision. This will need to be justified on a site by site basis in the Design and Access statement.'*

- 7.41 The application was previously refused because the amenity provision for the units was considered to be unacceptable. This was because the communal garden area was located to the front of the building. This area, did not meet the criteria noted above because it would be overlooked from the street and therefore not private. In considering what constitutes suitable amenity provision for any given site significant weight should be given to the character and grain of the area. This is not a town centre location, it is a large site within an established housing area where all properties have access to large private gardens to the rear. It is therefore expected that any proposal on this site should include a useable and private ground level amenity space which should be located to the rear of the building where a high boundary would not be out of character.
- 7.42 The amended scheme has reconfigured the car parking area to the rear of the building which has freed up around 20 sqm of space. This is too small for a communal area but can provide additional amenity for the adjacent ground floor flat C. Whilst this is welcomed, it is considered that overall the amenity provision for the remainder of the units is still inadequate for a proposal in this type of location. It is also noted that the submitted noise report predicts the noise levels in the frontage amenity areas to be 61dB which is above the recommended 55bd for external

amenity areas in noisier environments (the recommended levels are 50dB in quieter settings). This is another indication that the proposed amenity space will not be very user friendly.

- 7.43 The absence of a suitable amenity space is therefore considered to be to the detriment of the proposal and an indication that the site is still being over developed in this instance. This element of the proposal remains unacceptable and the proposal fails to meet the policy requirements in this regard.
- 7.44 Overall it is considered that the failure to meet the Nationally Described Space Standards in relation to flat E and the failure to provide adequate useable amenity provision would still result in substandard accommodation for future occupiers. The proposal has therefore failed to overcome the previous reason for refusal 02 and is therefore unacceptable and contrary to policy in this regard.

### **Traffic and Transportation**

- 7.45 The site is located close to the junction of Marine Parade and Thames Drive which is controlled by traffic lights. It is on a bus route and within walking distance of Leigh Station. To access the parking area the proposal would require the formation of a new double width access onto Thames Drive and the reinstatement of the existing single width crossover from Thames Drive which serves the existing garage. The proposed parking area would include space for the turning of vehicles.
- 7.46 Policy DM15 states that new flats should be served by at least one off street parking space. The proposal would provide 7 parking spaces, 1 per flat and 1 visitor space which would be a disabled space. The Council's Highways Officer has not raised any objections in relation to the level of parking proposed. The proposal is therefore considered to be acceptable and policy compliant in this regard although, as noted elsewhere in this report there are concerns raised regarding the visual impact of the car parking area on the streetscene and on the amenity of neighbouring occupiers.
- 7.47 In relation to the new access and the impact on highway safety it is noted that the proposal was previously refused because it was not demonstrated that the proximity of the new crossover to the neighbouring junction combined with the number of parking spaces in this location would not give rise to safety concerns at the junction particularly during peak times.
- 7.48 The amended scheme has reduced the number of flats by one unit and the number of parking spaces by two which will reduce the number of movements from this access. The application also includes a transport statement which includes predicted trip data for this access which shows the volume of traffic to be low. The report concludes that the impact of the proposal on the wider network will be an increase of up to 4 trips during the peak hours. The Council's Highways Officer is satisfied that this would not have a detrimental impact on the safety of the junction and as such the previous reason for refusal has been overcome.

### ***Cycle parking***

- 7.49 A cycle store to accommodate 8 cycles is proposed to the rear of the building.

Limited information has been provided in relation to the design of this store but this is a reasonable location and, if the proposal were otherwise found to be acceptable, full details could be secured via a condition. This provision would meet the policy requirement for cycle parking and the proposal is acceptable and policy compliant in this regard.

#### *Refuse and Recycling Storage*

- 7.50 The plans also show a refuse and recycling store to the rear of the site. This would accommodate 1 x 110 litre bin for refuse, 1 x 110 litre bin for recycling and a 40 litre food waste bin. This meets the requirements of the Councils Waste Management Guide for the scale of development proposed. The store is located close to the highway and will therefore be easily accessible for waste collection. The proposal is therefore acceptable and policy compliant in this regard.
- 7.51 The traffic and transportation impacts of the proposal are therefore considered to be acceptable and the proposal is policy compliant in this regard.

#### **Impact on Residential Amenity**

- 7.52 Policy DM1 of the Development Management Document states that development should, *“protect the amenity of the site, immediate neighbours and surrounding area, having regard for privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution and daylight and sunlight.”*

#### *Light, Outlook and Privacy*

##### *Impact on number 104 Thames Drive. to the north*

- 7.53 The proposed single storey extension would be 13.8m from the northern boundary and approximately 16.6m from the flank wall of the neighbour to the north 104 Thames Drive. The proposed extension is set significantly forward of the front building line of this neighbour (around 4m) and extends to approximately in line with the rear building line of this neighbour. The proposal has 3 habitable room windows facing north at ground floor within the proposed extension. The remaining rear facing windows are a similar configuration and distance from this neighbour as the rear windows in the existing property.
- 7.54 The neighbour to the north has a bay window on its south flank at first floor. This appears to be a secondary window to a bedroom which has a larger bay to the front facing the street. There is also a small obscure glazed window at first floor towards the rear of the flank elevation of this neighbour.
- 7.55 As with the previous application it is considered that the separation distance and the arrangement of windows would not result in unacceptable levels of inter looking between the proposal and this neighbour. It is also considered that, although the proposal steps forward of 104, again the separation distances are sufficient to ensure that it would not appear overbearing or have a detrimental impact on light to this property. The impact on this neighbour is therefore considered to be acceptable and the proposal is policy compliant in these regards.

##### *Impact on number 134 Marine Parade to the east*

- 7.56 The existing property is 1.5m from the eastern boundary and 4.6m from the flank wall of number 134 Marine Parade to the east. The proposal includes some extensions along this boundary which will increase the depth of the existing building on this side. The extensions on this side, including a single storey rear extension and a two storey front extension, are the same as that previously submitted. No objections were raised in the previous application to the impact of these extensions on the amenity of the neighbour to the east and this remains unchanged in the current proposal. The proposal is therefore acceptable and policy compliant in this regard.

#### *Impact on other neighbours*

- 7.57 The only other property affected by the proposal is 137/137a Marine Parade to the west. This property is across the junction to the proposal with a separation of over 10m between the elevations facing Thames Drive. The application proposes additional windows at ground floor facing west; however, this is considered to be an acceptable arrangement and separation distance for a street facing elevation and would not give rise to an unreasonable impact on this neighbour.

#### Noise and Disturbance

- 7.58 The previous application was refused because it was considered that the noise and disturbance arising from the proposed conversion of the entire rear garden to a parking area would have a detrimental impact on the amenity of neighbour to the north, 104 Thames Drive, which has its main amenity area and bedrooms adjacent to the proposed parking area. There was less of a concern regarding the impact of noise and disturbance for the neighbour to the east as they have their garage and drive on this side adjacent to the site.
- 7.59 The amended proposal has 2 fewer car parking spaces overall but still the same number (6) located along the shared boundary to the north. In respect of external noise levels, the guidance in BS 8233:2014 suggests that *"it is desirable that the external noise level does not exceed 50 dB L Aeq,T with an upper guideline value of 55 dB L Aeq,T which would be acceptable in noisier environments."*
- 7.60 A Noise Report has been submitted with the application. This has considered the impact of a single car door slam on this neighbouring amenity space and has concluded that this will not have a material impact. However the report has not considered the commutative noise impact of multiple car movements on the neighbouring amenity space. The Councils Environmental Health Officer therefore considered that the proposal has not adequately addressed the previous reason for refusal and the proposal remains unacceptable in this regard.
- 7.61 Noise and disturbance is less of an issue in relation to construction as this can be controlled by condition requiring a construction management plan and restricting hours of operation.
- 7.62 Overall therefore it is considered that the noise and disturbance arising from the proposed parking area would have a detrimental impact on the amenities of 104 Thames Drive and the proposal is unacceptable and contrary to policy in this regard. This again indicates that there is too much development on site. The

scheme has therefore failed to overcome the previous concerns raised in this respect under reference 19/00284/FUL.

### **Sustainable Construction**

- 7.63 Policy KP2 of the Core Strategy requires that *“at least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources). Policy DM2 of the Development Management Document states that “to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions”.* This includes energy efficient design and the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting.
- 7.64 No information has been provided regarding proposed renewable energy to demonstrate how the proposal meets the 10% policy requirement, however, it is considered that the requirement for renewable energy and restrictions on water usage could be controlled with conditions if it were otherwise found to be acceptable. This aspect of the proposal is therefore considered to be acceptable and policy compliant in this regard.

### *Drainage*

- 7.65 Policy KP2 of the Core Strategy states all development proposals should demonstrate how they incorporate sustainable drainage systems (SUDS) to mitigate the increase in surface water runoff, and, where relevant, how they will avoid or mitigate tidal or fluvial flood risk.
- 7.66 The site is located in flood risk zone 1 (low risk). A large parking area is proposed over the existing rear garden. No information has been provided regarding drainage of this area or the site generally, however, if the proposal was otherwise found to be acceptable a condition could be imposed to ensure the proposed development mitigates against surface water runoff. Subject to this the proposal would therefore be considered to be acceptable and policy compliant in this regard.

### **Community Infrastructure Levy (CIL)**

- 7.67 This application is CIL liable. If the application had been recommended for approval, a CIL charge would have been payable. If an appeal is lodged and allowed the development will be CIL liable. Any revised application would also be CIL liable.

### **Conclusion**

- 7.68 The proposed development, by reason of its excessive scale, footprint, mass, siting, unresolved design and materials, is considered to have a detrimental impact on the grain, character and appearance of the area and would be an incongruous addition to the streetscene. The proposal has also failed to comply with the nationally described space standards or provide an acceptable standard of private amenity space for the future residents. It is also considered that the proposed parking arrangements would have a detrimental impact on the amenities of 104 Thames Drive in terms of noise and disturbance.

- 7.69 Overall the development has failed to overcome reasons for refusal 01, 02 and 03 and failed to demonstrate that 6 flats can be achieved on this site in a way which is not harmful to the character and appearance of the area, future occupiers and neighbours.
- 7.70 In this instance the public benefits of the development do not outweigh the harm caused as the scale of the development is such that it would have a limited effect on the overall supply of housing. It is considered that the adverse impact which the development would have on the character and appearance of the area, future occupiers and neighbours would significantly and demonstrably outweigh the benefits which would arise from it. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3, DM6 and DM8 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

## **8 Recommendation**

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

**01 The proposed development, by reason of its excessive scale, footprint, mass, siting, unresolved design and materials, is considered to have a detrimental impact on the grain, character and appearance of the site and the wider area and would be an over scaled and incongruous addition to the streetscene. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM6 of the Development Management Document (2015) and the Design and Townscape Guide (2009).**

**02 The proposal fails to meet the requirements of the Nationally Described Space Standards (2015) in relation to flat E and the development as a whole fails to provide an adequate standard of amenity space for future occupiers. The proposal overall will therefore result in a poor standard of accommodation for future occupiers and is unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM8 of the Development Management Document (2015) and the Design and Townscape Guide (2009).**

**03The proposed parking arrangements and associated vehicular movements at the site would result in an increased level of noise and disturbance which would be to the detriment of the amenities of 104 Thames Drive. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM6 of the Development Management Document (2015) 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 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.**

### **Informatives**

**01 Please note that this application would be liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended) if planning permission had been granted. Therefore if an appeal is lodged and subsequently allowed, the CIL liability will be applied. Any revised application would also be CIL liable.**

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Thick red lines denotes extent of boundary: 135 Marine Parade, Leigh-on-Sea, SS9 2RF.

## LOCATION PLAN

1:1250



Client	
Peter Hills & Paul Miller	
Location	
135 Marine Parade, Leigh-on-Sea, Essex, SS9 2RF.	
Project	
Remodel existing building to create 6-apartments.	
(Location Plan)	
Drawn	CP
Scale	1:1250
Drawn by	CP
Checked	SP
Date	August 2018.
Rev.	
17.195/19	

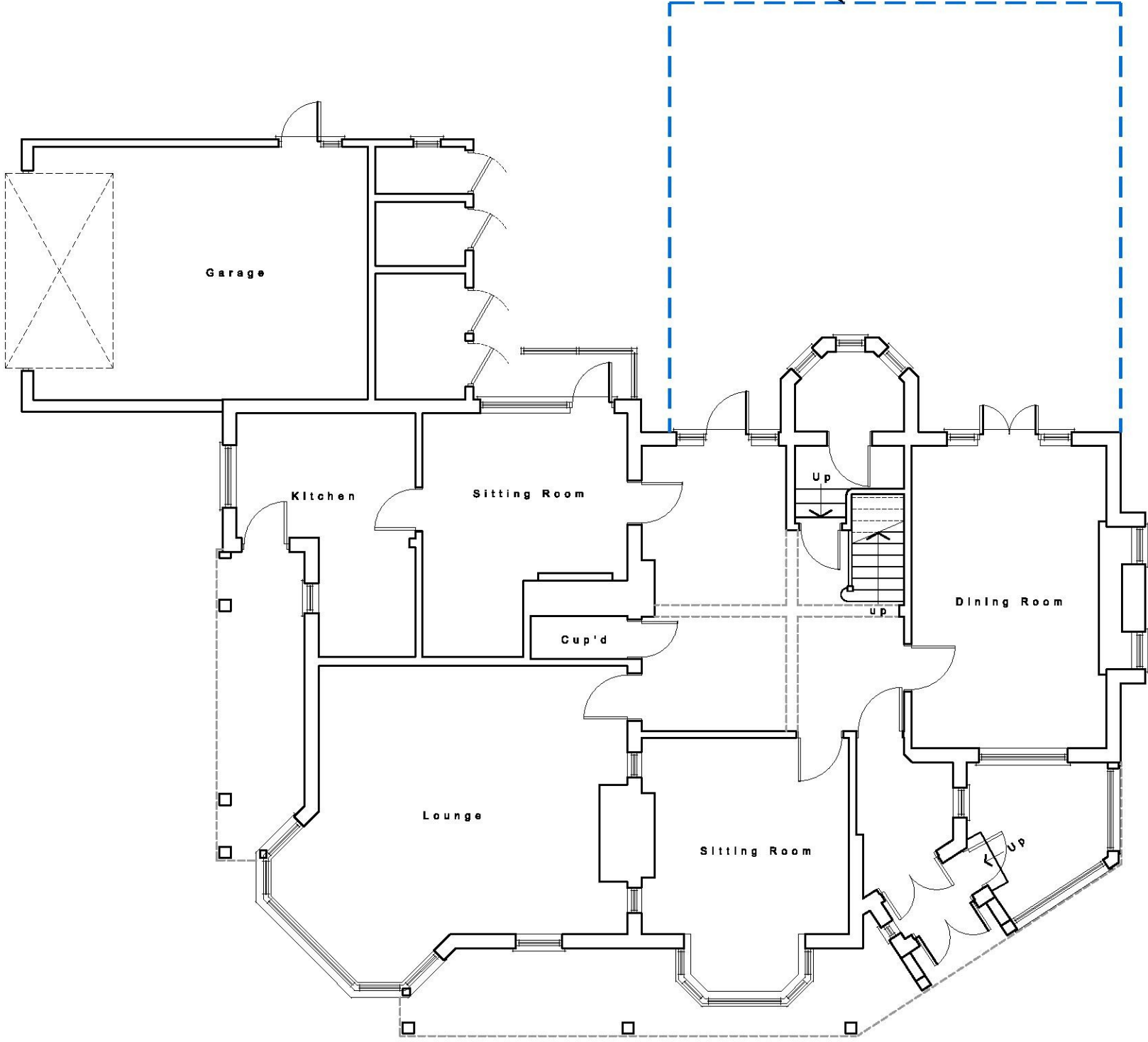
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Thick blue dashed line indicates the extent of 62sqm footprint single storey extension granted (Application Number: 19/00041/GPDE).



EXISTING GROUND FLOOR PLAN 1:100



Client  
Peter Hills & Paul Miller  
135 Marine Parade,  
Leigh-on-Sea,  
Essex, SS9 2RF.

Project  
Remodel existing building to create 6-apartments.

(Existing Ground Floor Plan)

Drawn by: Checked by:  
Scale: 1:100 Date: August 2018  
Drawn by: Rev:  
17.195/01

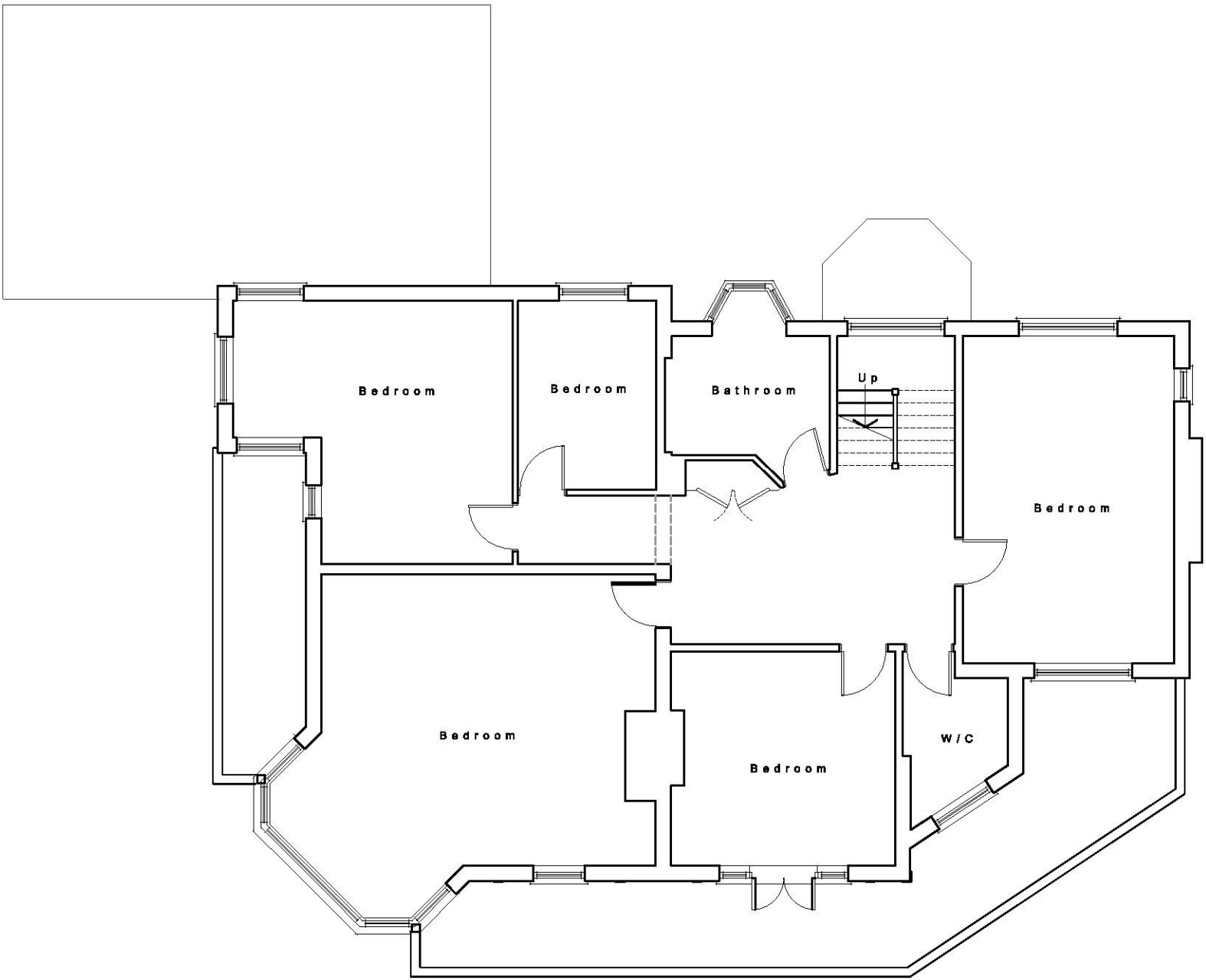
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EXISTING **FIRST FLOOR** PLAN 1:100



Client  
Peter Hills & Paul Miller  
Address  
135 Marine Parade,  
Leigh-on-Sea,  
Essex, SS9 2RF.  
Project  
Remodel existing building to create 6-apartments.  
(Existing First Floor Plan)  
Drawn by  
1:100  
17.195/02  
Checked by  
Date  
August 2018  
Rev

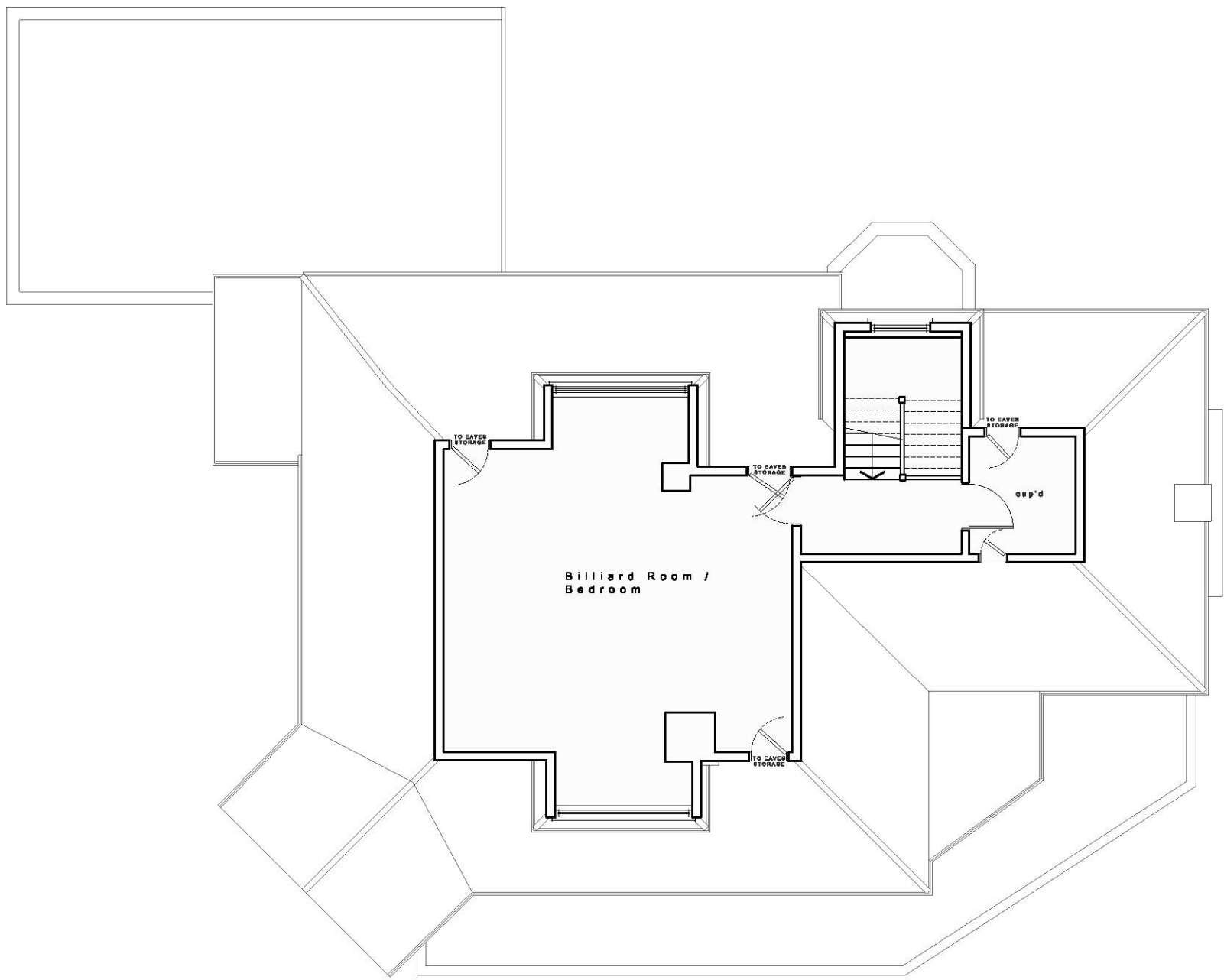
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EXISTING SECOND FLOOR PLAN 1:100



Client  
Peter Hills & Paul Miller  
135 Marine Parade,  
Leigh-on-Sea,  
Essex, SS9 2RF.  
Project  
Remodel existing building to create 6-apartments.  
(Existing Second Floor Plan)  
Drawn by  
1:100  
17.195/03  
Checked by  
Date  
August 2018  
Rev

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EXISTING FRONT ELEVATION  
1:100



EXISTING SIDE ELEVATION  
1:100



Client  
Peter Hills & Paul Miller  
Location  
135 Marine Parade,  
Leigh-on-Sea,  
Essex, SS9 2RF.  
Project  
Remodel existing building to create 6-apartments.  
(Existing Elevations 1 of 2)  
Drawn by  
Scale  
Date  
1:100  
August 2018  
Drawn by  
17.195/05  
Checked by  
Date  
August 2018  
Rev



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EXISTING REAR ELEVATION  
1:100

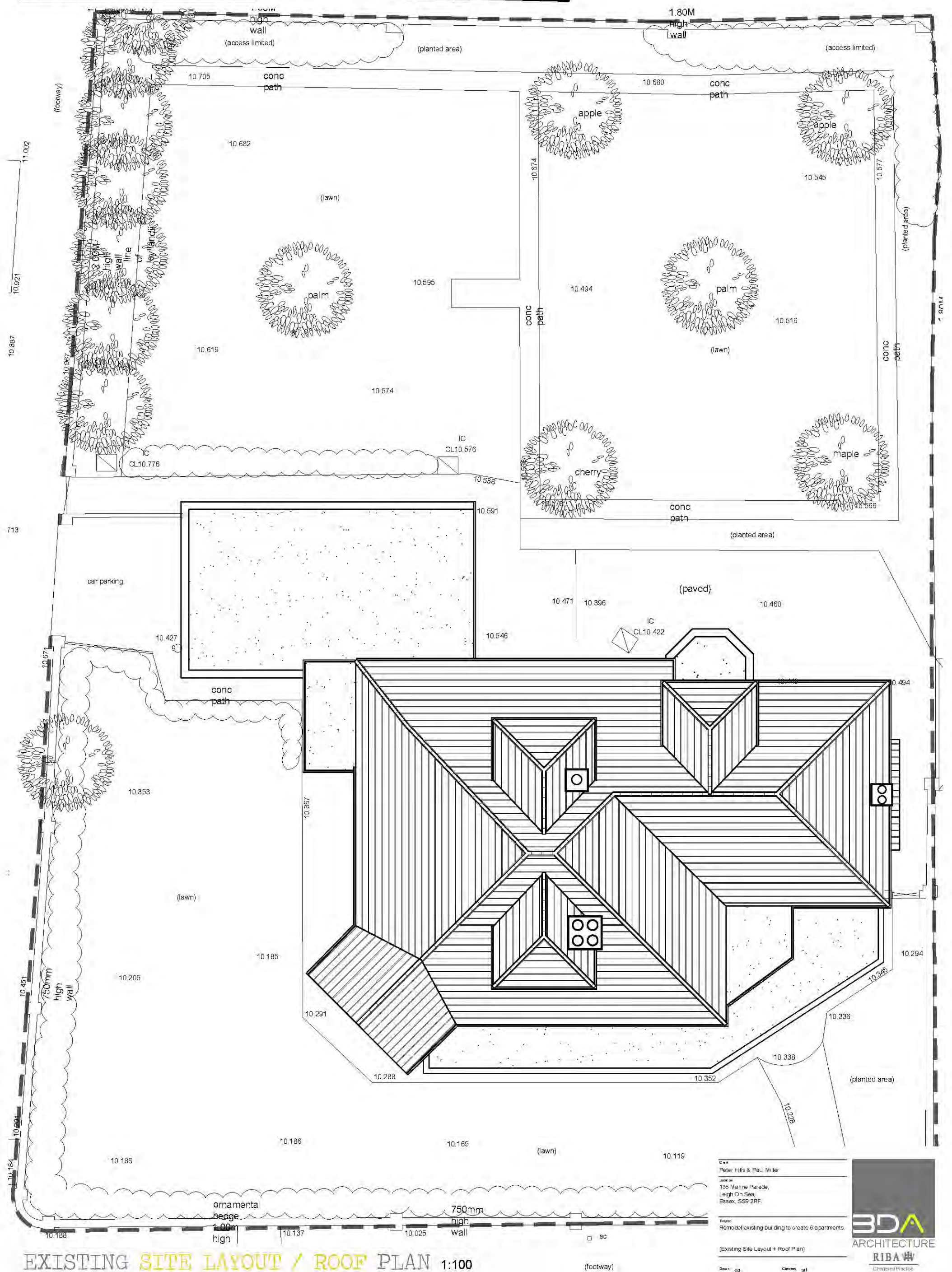


EXISTING SIDE ELEVATION  
1:100

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EXISTING SITE LAYOUT / ROOF PLAN 1:100

1000 Scale Bar

89

**Cat**  
Peter Hills & Paul Miller  
Look on  
135 Marine Parade,  
Leigh On Sea,  
Essex. SS9 2RF.

Project:  
Remodel existing building to create 6 apartments.

(Existing Site Layout + Roof Plan)

Date	eg	Checked	sr
Scale	1:100	Date	August 2018
Drawing title		Rev	
17.195/04			

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By ends Close Clot C  
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A 3D architectural rendering of a two-story house with a white roof and grey walls. The house features a prominent chimney on the left side and a smaller dormer window on the roof. A large green lawn is in the foreground, enclosed by a grey wall. To the right, there is a curved driveway or path. The rendering is shown from an elevated perspective.

Owner	
Peter Hills & Paul Miller	
Location	
135 Marine Parade, Leigh-on-Sea, Essex, SS9 2RF.	
Project	
Remodel existing building to create 6-apartments.	
(3D Imagery 1 of 3)	
Drawn	Checked
cp	srj
Scale	Date
	August 2018
Draw ing No	Rev
17.195/13	

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The proposal provides 7 parking space (5500mm x 2900mm): 1 x parking space per flat as well as an additional 1 x parking space for visitors/disabled.

Proposed secure cycle and refuse store within accordance of LA guidelines. The refuse store is within 6500mm of the highway and collections will remain as existing (along Thames Drive).

Proposed crossover in location as shown as light grey diagonal hatching for clarity. Omit existing crossover as shown.



PROPOSED SITE PLAN 1:200



REV A - revised scheme to suit reasons for refusal.

Client: Peter Hills & Paul Miller

Location: 135 Marine Parade, Leigh-on-Sea, Essex, SS9 2RF.

Project: Remodel existing building to create 6-apartments.  
(Proposed Layout Plan)

Drawn: cp

Checked: srf

Date: 1:200

Date: August 2018

Drawn by: 17.195/17

Rev: A

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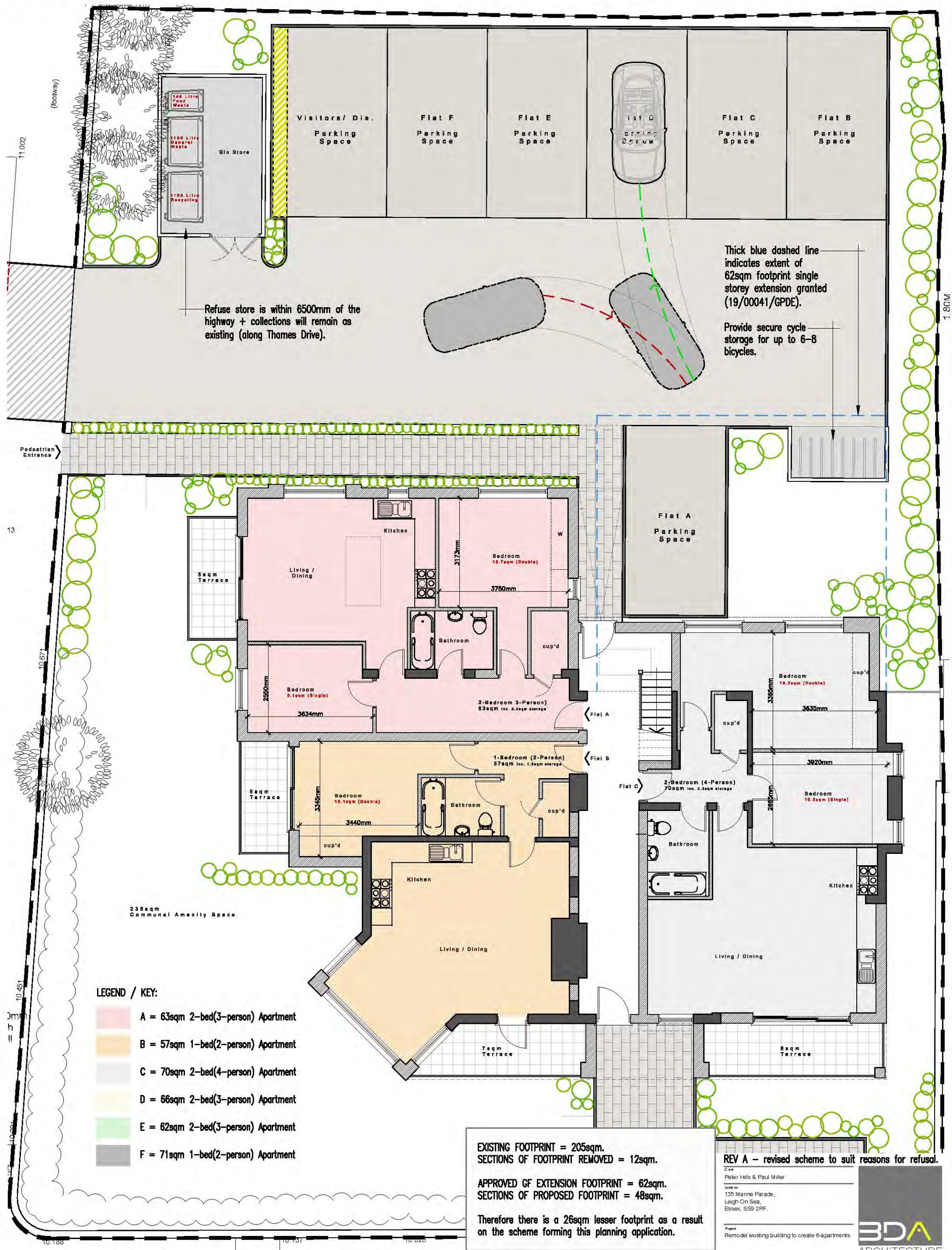
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## PROPOSED GROUND FLOOR / SITE LAYOUT PLAN

1:100 95

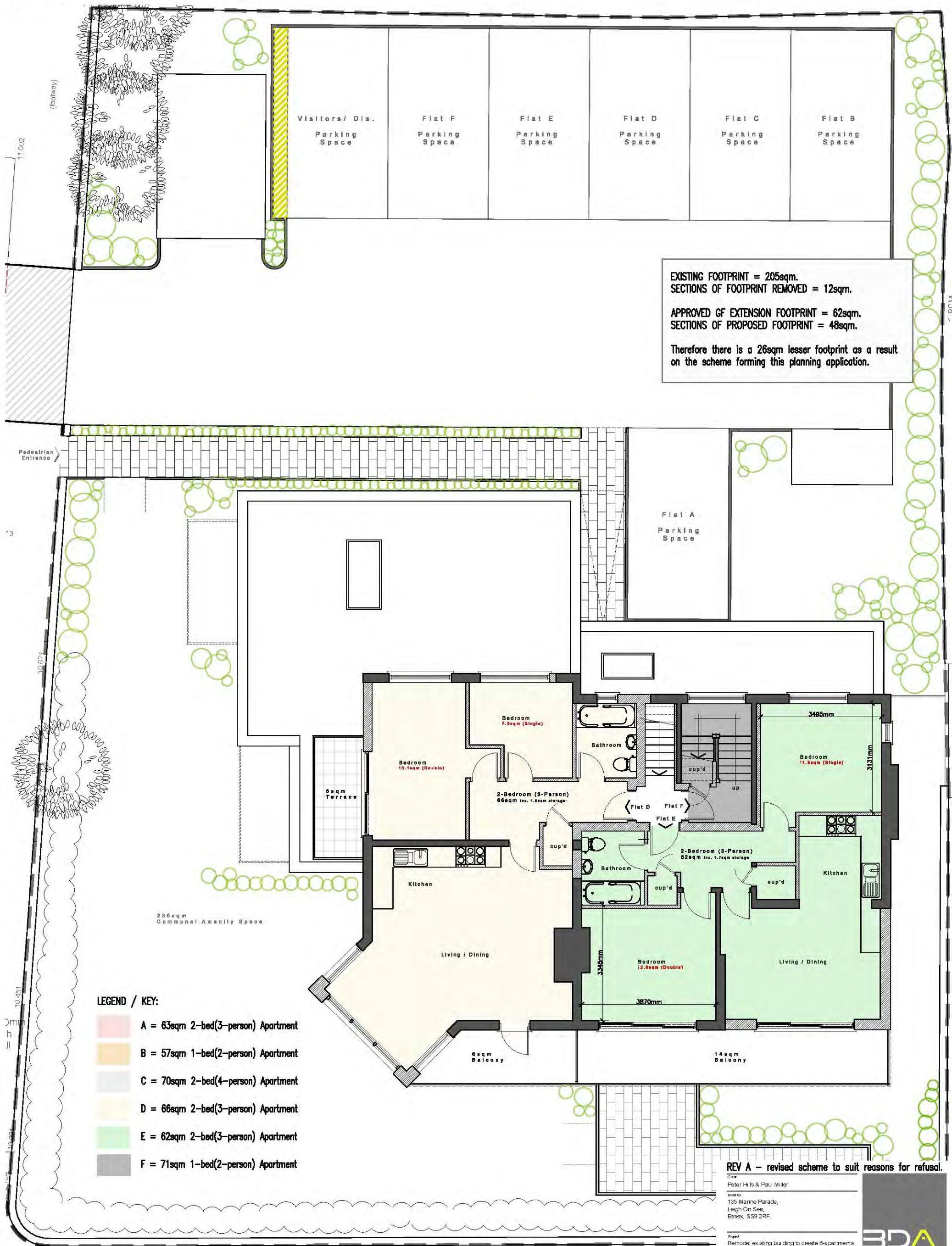


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REV A - revised scheme to suit reasons for refusal.

Client:  
Peter Hills & Paul Miller  
135 Marine Parade,  
Leigh-on-Sea,  
Essex, SS9 2RF.

Project:  
Remodel existing building to create 6-apartments.

(Proposed First Floor Plan)

Drawn: cp  
Scale: 1:100  
Date: August 2018  
Drawn up by: 17.195/08

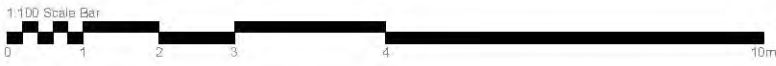
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Rev: A

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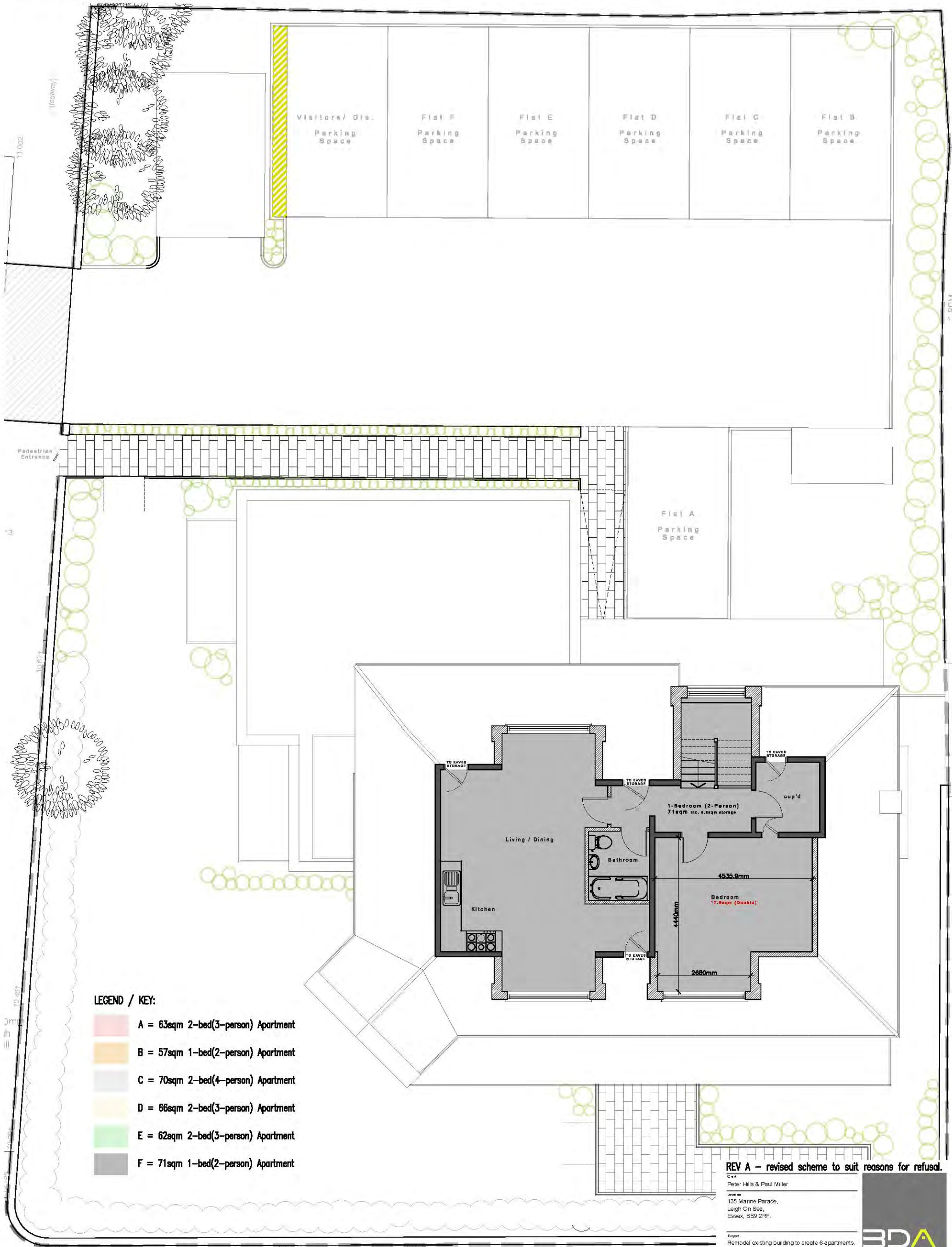
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- LEGEND / KEY:
- A = 63sqm 2-bed(3-person) Apartment
  - B = 57sqm 1-bed(2-person) Apartment
  - C = 70sqm 2-bed(4-person) Apartment
  - D = 66sqm 2-bed(3-person) Apartment
  - E = 62sqm 2-bed(3-person) Apartment
  - F = 71sqm 1-bed(2-person) Apartment

PROPOSED SECOND FLOOR PLAN

1:100

REV A - revised scheme to suit reasons for refusal.

Client:  
Peter Hills & Paul Miller

Location:  
135 Marine Parade,  
Leigh-on-Sea,  
Essex, SS9 2RF.

Project:  
Remodel existing building to create 6-apartments.

(Proposed Second Floor Plan)

Drawn: cp  
Scale: 1:100  
Drawn by: 17.195/09

Checked: srf  
Date: August 2018  
Rev: A

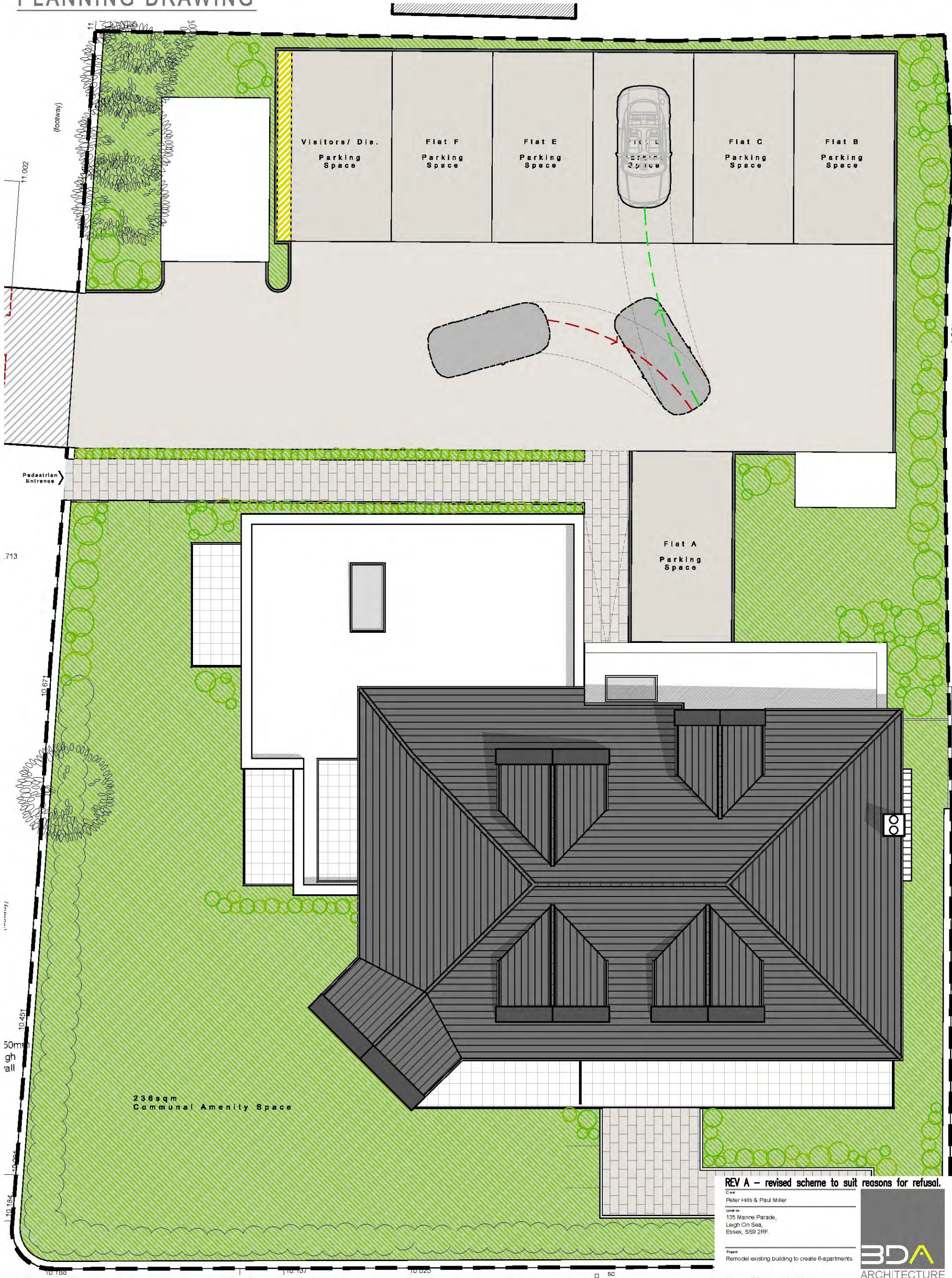
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PROPOSED SITE LAYOUT / ROOF PLAN 1:100

REV A - revised scheme to suit reasons for refusal.

Client  
Peter Hills & Paul Miller

Location  
135 Marine Parade,  
Leigh-on-Sea,  
Essex, SS9 2RF.

Project  
Remodel existing building to create 6-apartments.

(Proposed Site Layout / Roof Plan)

Drawn: cp  
Scale: 1:100  
Drawn by: 17.195/10  
Checked: srf  
Date: August 2018  
Rev: A

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Existing dormer to be re-built with synthetic through colour render (colour: black TBC) gable as shown.

Feature surround to be finished in synthetic through colour render (colour: black TBC).

New glazing to be P.P.C aluminium units (RAL: 7016).

Sections to be finished in vertical timber cladding as shown.

Glazed balcony / terrace guarding to be 900mm high to denote private amenity.

Green dashed lines denote the previously refused application.



PROPOSED FRONT ELEVATION  
1:100

Feature surround to be finished in synthetic through colour render (colour: black TBC).

New glazing to be P.P.C aluminium units (RAL: 7016).

To be finished with synthetic through colour render (colour: white).

Glazed balcony / terrace guarding to be 900mm high to denote private amenity.

Green dashed lines denote the previously refused application.



PROPOSED SIDE ELEVATION  
1:100

Re-build existing balcony over as shown.

Feature front extension to be finished with synthetic through colour render (colour: black TBC).

Feature surround to be finished in synthetic through colour render (colour: black TBC).

New glazing to be P.P.C aluminium units (RAL: 7016).

Sliding doors to be P.P.C aluminium units (RAL: 7016).

Sections to be finished in vertical timber cladding as shown.

Glazed balcony / terrace guarding to be 900mm high to denote private amenity.

REV A - revised scheme to suit reasons for refusal.

Client:  
Peter Hills & Paul Miller

Address:  
135 Marine Parade,  
Leigh On Sea,  
Essex, SS9 2RF.

Project:  
Remodel existing building to create 6-apartments.

(Proposed Elevations 1 of 2)

Drawn: cp  
Scale: 1:100  
Date: August 2018  
Drawn by: 17.195/11

Checked: srf  
Date: August 2018  
Rev: A



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Extend existing pitched roof and finish with grey composite tiles as shown.

Re-build existing dormer to include feature surround to be finished in synthetic through colour render (colour: black TBC).

Existing dormer to be re-built with vertical timber cladding gable as shown.

To be finished in synthetic through colour render.

Feature surround to be finished in synthetic through colour render (colour: black TBC).

Sections to be finished in vertical timber cladding as shown.

Glazed balcony / terrace guarding to be 900mm high to denote private amenity.

Green dashed lines denote the previously refused application.



PROPOSED REAR ELEVATION  
1:100

Extend existing pitched section of roof as shown. Allow to re-tile with grey composite tiles.

Feature surround to be finished in synthetic through colour render.

New glazing to be P.P.C aluminium units (RAL: 7016).

Glazed balcony / terrace guarding to be 900mm high to denote private amenity.

Green dashed lines denote the previously refused application.



PROPOSED SIDE ELEVATION  
1:100



REV A – revised scheme to suit reasons for refusal.

Client:  
Peter Hills & Paul Miller

Address:  
135 Manne Parade,  
Leigh On Sea,  
Essex, SS9 2RF.

Project:  
Remodel existing building to create 6-apartments.

(Proposed Elevations 2012)

Drawn: cp  
Scale: 1:100  
Drawn by: 17.195/12

Checked: sjf  
Date: August 2018  
Rev: A

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PROPOSED MASSING (1)



PROPOSED MASSING (2)



PROPOSED MASSING (3)

Existing rear and front dormers to be re-built as shown, hosting contemporary palette of materials but retaining traditional forms + proportions.

Proposed secure cycle and refuse store within accordance of LA guidelines. The refuse store is within 6500mm of the highway and collections will remain as existing (along Thames Drive).

The proposal provides 7 parking space (5500mm x 2900mm): 1 x parking space per flat as well as an additional 1 x parking space for visitors/disabled.

Client	
Peter Hills & Paul Miller	
Location	
135 Marine Parade, Leigh-on-Sea, Essex, SS9 2RF.	
Project	
Remodel existing building to create 6-apartments.	
(3D Imagery 2 of 3)	
Drawn	Checked
cp	sjf
Date	August 2018
Drawn by	Rev
17.195/14	

**3D a**  
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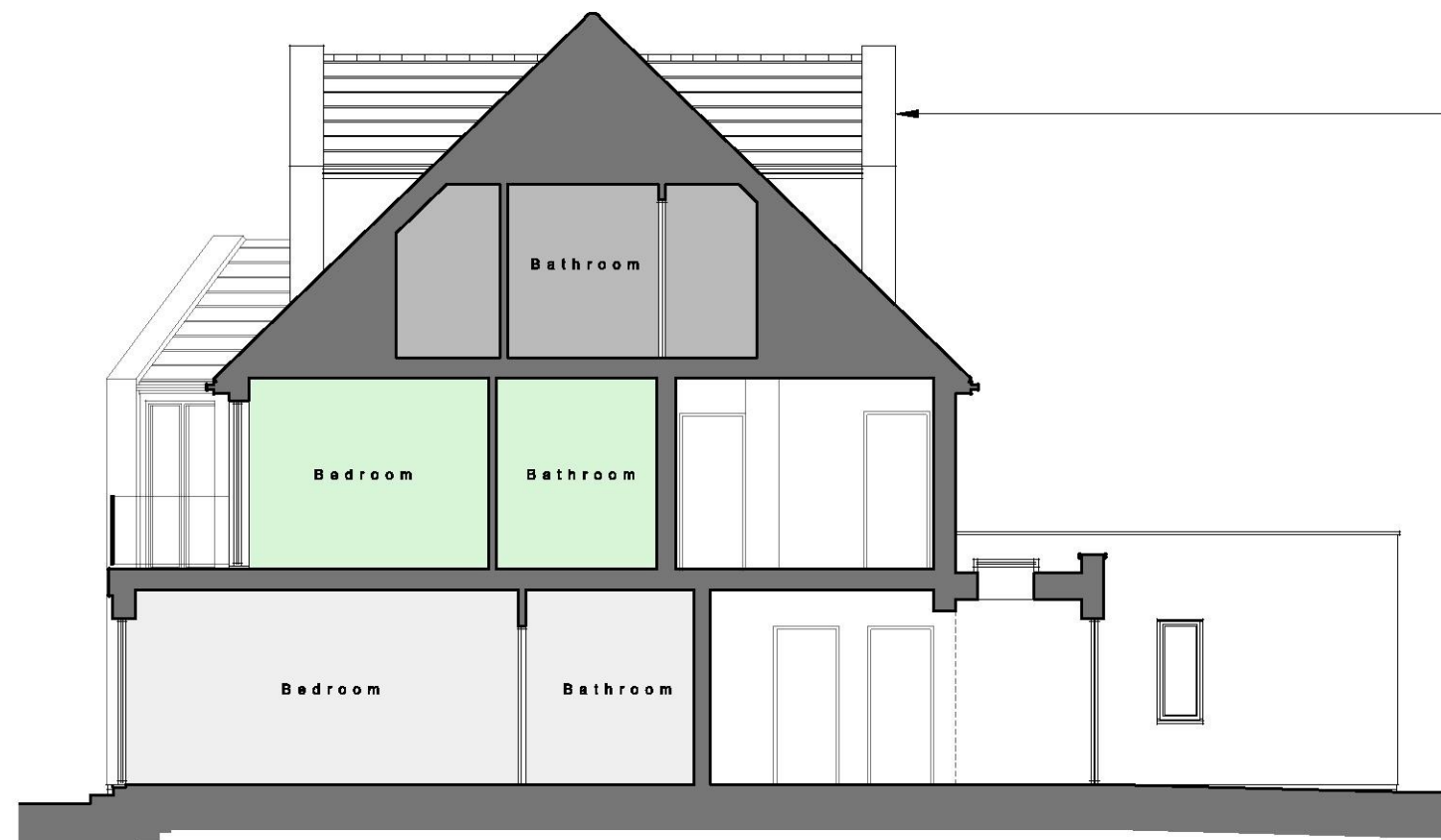
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EXISTING INDICATIVE SECTION 1:100



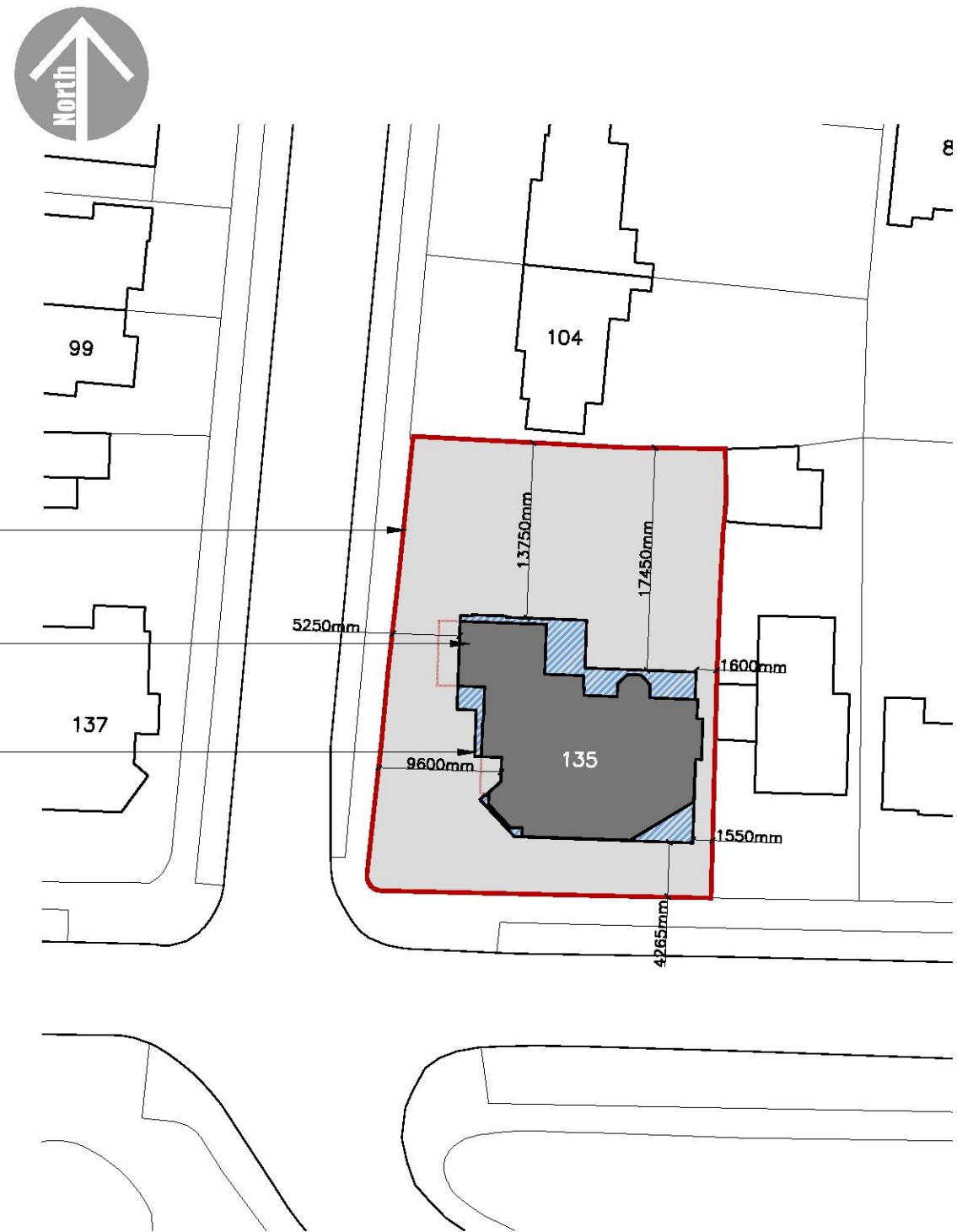
PROPOSED INDICATIVE SECTION 1:100

Thick red lines denotes extent of boundary: 135 Marine Parade, Leigh-on-Sea, SS9 2RF.

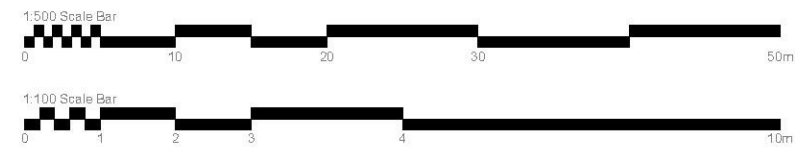
Existing sections of building to be removed as shown as dashed red lines for clarity.

Increase in footprint shown as diagonal blue hatching for clarity.

Existing rear and front dormers to be re-built as shown, hosting contemporary palette of materials but retaining traditional forms + proportions.



SITE PLAN 1:500



REV A – revised scheme to suit reasons for refusal.

Client:  
Peter Hills & Paul Miller

Location:  
135 Marine Parade,  
Leigh-on-Sea,  
Essex, SS9 2RF.

Project:  
Remodel existing building to create 6-apartments.

(Indicative Sections + Site Plan)

Drawn: cp  
Scale: 1:100  
Date: 17.10.20

Checked: sif  
Date: August 2018  
Rev: A

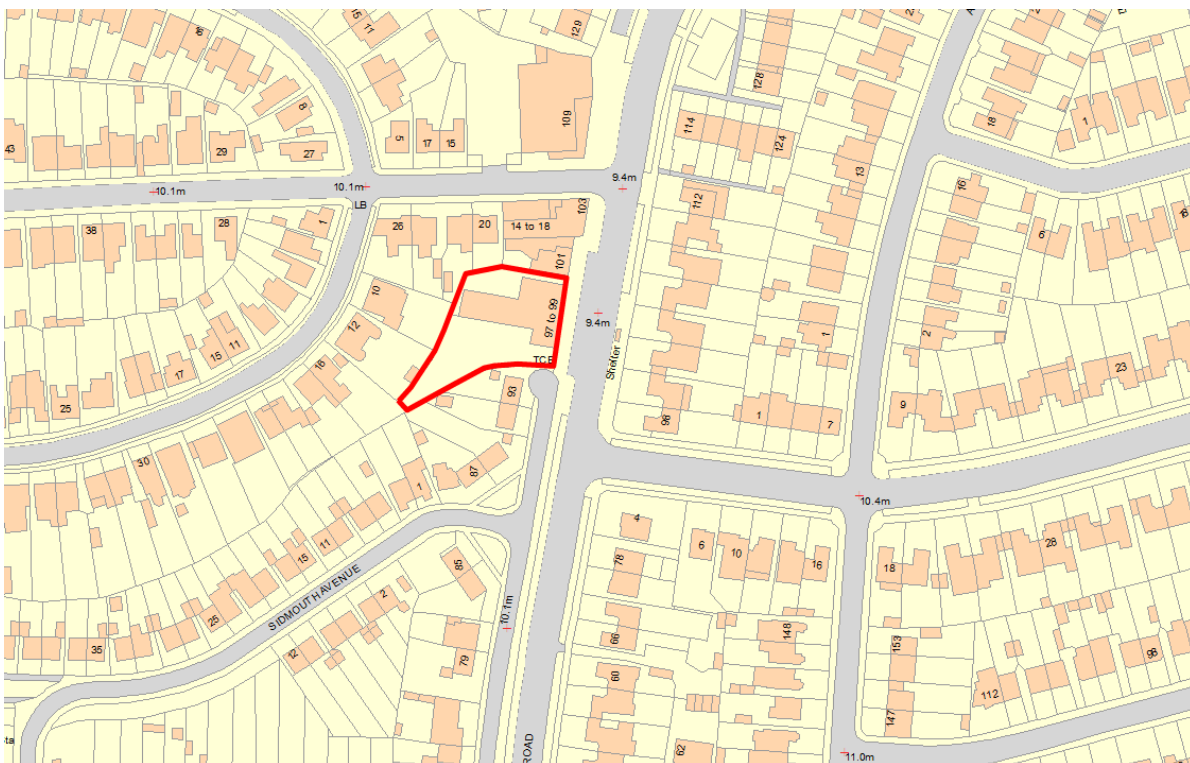
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Reference:	19/01565/FUL	7
Application Type:	Full Application	
Ward:	St Laurence	
Proposal:	Change of use of two ground floor shops (Class A1) to two self-contained flats (Class C3), install handrails to front and side and alter elevations	
Address:	Viscount House, 97 Rochford Road, Southend-On-Sea	
Applicant:	Mr Litman	
Agent:	Mrs Jahan of RD architecture Ltd.	
Consultation Expiry:	18th September 2019	
Expiry Date:	18th October 2019	
Case Officer:	Janine Rowley	
Plan Nos:	110 Revision P.2; 120 Revision P.1; 220 Revision P.3	
Recommendation:	GRANT PLANNING PERMISSION	



## **1 Site and Surroundings**

- 1.1 The application site is located on the west side of Rochford Road, outside of any primary and secondary shopping frontage. It contains a three storey building the ground floor, of which fronts Rochford Road was fitted out in shell form to create two commercial units (Class A1) with 14 flats above (07/00774/FULM). The two commercial units have remained vacant since construction.
- 1.2 The surrounding area is predominantly residential in character.
- 1.3 The site is not located within a conservation area or subject to any site specific planning policies.

## **2 The Proposal**

- 2.1 Planning permission is sought to change the use of the two ground floor shops (Class A1) to two self-contained flats (Class C3) including the installation of handrails to the front and side and alterations to the elevations.
- 2.2 The internal floorspace of flat 1 is 52.8sqm, with one 1 person bedroom. It would have an external terrace of 4.4sqm. Flat 2 has an internal floorspace of 42sqm, with one bedroom for a single person, and an external terrace of 3.8sqm.
- 2.3 A number of external changes are proposed to the fenestration replacing the commercial frontages with different window openings together and the handrails described above. The existing pedestrian access to the south of the building will be extended in width retaining the vehicle access width serving the parking area to the rear as 3.5m.
- 2.4 Access to the flats will be via Rochford Road. Refuse and recycling is provided within the flats. No parking is provided and no details of the cycle parking have been provided.

## **3 Relevant Planning History**

- 3.1 Demolish buildings, erect part two/ part three storey block comprising 14 flats and two commercial units to ground floor, layout 14 parking spaces, amenity areas and refuse store- Refused (06/00862/FUL)
- 3.2 Demolish buildings, erect part two/ part three storey block comprising 14 flats and two commercial units to ground floor, layout 14 parking spaces, amenity areas and refuse store (Amended Proposal)- Refused (07/00774/FULM) Allowed at appeal.
- 3.3 Demolish buildings, erect part two/part three storey block comprising 14 flats and two commercial units to ground floor, layout 14 parking spaces, amenity areas and refuse store (Application to extend the time limit for implementation following planning permission 07/00774/FULM allowed on appeal dated 14.08.2008)-Planning Permission Granted (11/01005/EXTM).
- 3.4 Change of use of ground floor shops (Class A1) to two self-contained flats (Class C3)(Prior Approval)- Prior Approval Refused (19/01137/PA3COU)

## **4 Representation Summary**

#### **4.1 Public Consultation**

41 neighbouring properties were consulted and a site notice was displayed. Three letters of representation have been received raising the following objections:

- Impact on parking unacceptable
- Customers park in the laybys to the front of the site
- New flats require more parking spaces
- Building works will affect health
- Loss of retail uses when more retail is needed

The concerns raised are noted and they have been taken into account in the assessment of the proposal. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case. Where appropriate, these issues are discussed in greater detail in subsequent sections of this report.

4.2 Councillor Flewitt has requested this application be dealt with by Development Control Committee and has objected to the application on parking and infrastructure grounds.

#### **4.3 Highways Team**

No objections.

#### **4.4 Environmental Health**

No objections.

### **5 Planning Policy Summary**

5.1 The National Planning Policy Framework (NPPF) (2019)

5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy); KP2 (Development Principles); KP3 (Implementation and Resources); CP3 (Transport and Accessibility); CP4 (The Environment and Urban Renaissance); CP6 (Community Infrastructure) and CP8 (Dwelling Provision)

5.3 Development Management Document (2015): Policies DM1(Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), and DM15 (Sustainable Transport Management)

5.4 Design & Townscape Guide (2009)

5.5 National Technical Housing Standards (2015)

5.6 Waste Storage, Collection and Management Guide for New Developments (2019)

5.7 CIL Charging Schedule (2015)

### **6 Planning Considerations**

6.1 The main considerations in relation to this application are the principle of development, design, impact on the street scene, residential amenity for future and neighbouring occupiers, traffic and parking implications, and Community Infrastructure Levy (CIL).

## 7 Appraisal

### Principle of Development

- 7.1 Paragraph 117 of the NPPF states *'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.'*
- 7.2 Policy KP2 of the Core Strategy requires that *"all new development contributes to economic, social, physical and environmental regeneration in a sustainable way"* and seeks to *"make the best use of previously developed land, ensuring that sites and buildings are put to best use"*. Policy CP8 of the Core Strategy identifies the need for 6,500 homes to be delivered within the whole Borough between 2001 and 2021. Policy CP8 also requires the provision of not less than 80% of residential on previously developed land.
- 7.3 Policy DM3 of the Development Management Document promotes *"the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity."*
- 7.4 The redevelopment of the site would result in the reuse of brownfield land which is in accordance with National and Local Planning Policy and seeks to provide additional housing for which there is an identified need in this area and as such there is no objection to the principle of the proposal on this basis.
- 7.5 The site has no specific allocation within the Core Strategy and Development Management Document. The development would result in the loss of two commercial units amounting to 96.3sqm of retail floorspace. This does not conflict with planning policy in principle in this location and the principle of forming two residential units is acceptable subject to other material planning considerations discussed in detail below.

### Design and Impact on the Character of the Area

- 7.6 Good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management Document. The Design and Townscape Guide also states that *"the Borough Council is committed to good design and will seek to create attractive, high-quality living environments."*
- 7.7 Paragraph 124 of the National Planning Policy Framework states that *'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'*
- 7.8 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"*.



- 7.9 In the Council's Development Management Document 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."*
- 7.10 The existing building is three storeys with flats behind the commercial unit shells on the ground floor, and on the first and second floors. The two commercial units are currently boarded up but the 2007 planning permission allowed on appeal included glazed shopfronts. To enable the conversion to residential at ground floor the proposal includes residential windows openings, handrails to the front and side of the building and formation of terraces to the north and south of the building with soft planting to the front. The fenestration is consistent with the upper floors and would not harm the character and appearance of the existing building or wider streetscene. No objection is raised to the siting of the external terraces and hand rails in design terms and the soft landscaping to the front of the site is welcomed enhancing the street frontage. Subject to such a condition to ensure the materials match the existing building and control over the details of the soft landscaping details no objection is raised on this basis.
- 7.11 The development is acceptable and policy compliant in the above regards.

### **Living Conditions**

- 7.12 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:
- 7.13 Minimum property size for residential units shall be as follow:
- 1 bedroom (1 space) 37sqm if a shower room, 39sqm if bathroom
  - 1 bedroom (2 bed spaces) 50sqm
- Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5sqm for a single bedroom with a minimum width of 2.15m; and 11.5sqm 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.
- 7.14 The following is also prescribed:
- Provision of a storage cupboard with a minimum floor area of 1.25m<sup>2</sup> should be provided for 1-2 person dwellings. A minimum of 0.5m<sup>2</sup> 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.

7.15 Both flats proposed satisfy the minimum sizes required by the technical housing standards and the bedrooms are of acceptable sizes. The proposal is therefore acceptable and policy compliant in this respect.

7.16 All habitable rooms will be provided with windows to provide adequate levels of light, outlook and ventilation. The development is acceptable and policy compliant in this respect.

7.17 Part M4 (2) of the Building Regulations adopted by the National Technical Housing Standards 1st October 2015 requires the need to provide accessible and adaptable dwellings. It is not considered reasonable to enforce building regulation M4(2) given the proposal is for a conversion of the existing building.

7.18 A 4.4sqm terrace area is proposed to serve flat 1 and 3.8sqm to flat 2. Taking into account that these are not designed for family sized households and that there is access to a range of amenities locally, no objection is raised.

7.19 The proposal would provide adequate living conditions for future occupiers of the site and is acceptable and policy compliant in this respect.

### **Impact on Residential Amenity**

7.20 Policies DM1 and DM3 of the Development Management Document and CP4 of the Core Strategy refer to the impact of development on surrounding occupiers. High quality development, by definition, should provide a positive living environment for its occupiers whilst not having an adverse impact on the amenity of neighbours. Protection and enhancement of amenity is essential to maintaining people's quality of life and ensuring the successful integration of proposed development into existing neighbourhoods.

7.21 Amenity refers to well-being and takes account of factors such as privacy, overlooking, outlook, noise and disturbance, the sense of enclosure, pollution and daylight and sunlight. Policy DM1 requires that all development should amongst other

things:

*“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;”*

- 7.22 The nearest residential properties outside the site are no. 93 Rochford Road to the south and the first floor of 101 Rochford Road to the north. Given the proposal is to convert the existing retail units at ground floor and the only external change is to introduce replacement glazing to the existing shopfront, handrails and formation of two terrace areas it is not considered the proposed development would result in material harm to the surrounding residents by way of material loss of light, or dominant, overbearing impacts or an unacceptable sense of enclosure. It is not considered the external terrace area to serve the flats to the north and south of the building would result in unacceptable noise levels to immediate neighbours taking into account the commercial premises to the north of the site and separation distance to the flank elevation of no. 93 Rochford Road and the relationship with other existing dwellings in the site.
- 7.23 It is not considered that the proposed development will result in material harm to the amenities of any other residential occupiers in any regard.
- 7.24 The proposal is therefore acceptable and policy compliant in the above regards.

### **Traffic and Transportation Issues**

- 7.25 A vehicle crossover to the south of the site leads to 14 parking spaces serving the existing flats. The commercial premises to the front of the site do not have any off street parking other than a 4 parking layby to the front of the site for both parking for the shops and unloading and loading of deliveries.
- 7.26 Policy DM15 of the Development Management Document states:
- “5. All development should meet the parking standards (including cycle parking) set out in Appendix 6. Residential vehicle parking standards may be applied flexibly where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport and/ or where the rigid application of these standards would have a clear detrimental impact on local character and context.*
- Reliance upon on-street parking will only be considered appropriate where it can be demonstrated by the applicant that there is on-street parking capacity”.*
- 7.27 The maximum standards set by the Development Management Document require 1 space per 20sqm for Class A1 retail use and a minimum of 1 space per 1 bedroom dwelling (so 2 required). The existing retail floorspace to be lost at ground floor is 96sqm equating to a maximum 5 parking spaces when assessed against the above standards.
- 7.28 The development was allowed at appeal. In paragraph 14 of the appeal decision (APP/D15900/A/08/2067017) the Inspector concluded with respect to the retail uses in terms of parking provision:
- “There is no parking proposed for the commercial units on the site. However, there would remain 4 spaces within the lay-by which could accommodate some customer parking.*

*The Council state that this may not be sufficient for customers and staff of the commercial units. Even if the residential use or the commercial use of the site were to give rise to parking on the surrounding roads, the appellant has demonstrated that there is considerable capacity on surrounding roads to safely accommodate it. The Council does not seek to challenge the appellant's evidence in this respect and I also conclude that in the event that overspill parking did take place it would be of a limited amount and could be done so safely and without detriment to neighbouring residents".*

- 7.29 The site is considered to be located in a sustainable location with access to a number of bus services and within reasonable walking distance of Southend Airport train station. On balance, taking into account the modest capacity of the proposed flats and their location, it is not considered that parking conditions or highways safety would be materially harmed. Highways have raised no objection to the proposal.

### **Community Infrastructure Levy (CIL)**

- 7.30 This application 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. The proposed development includes a gross internal area of some 94.6sqm, which may equate to a CIL charge of approximately £2314.06 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the "in-use building" test, as set out in CIL Regulation 40, may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

## **8 Conclusion**

- 8.1 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, street scene and the locality more widely. On balance, there would be no harmful traffic, parking or highways impacts caused by the proposed development. This application is therefore recommended for approval.

## **9 Recommendation**

### **9.1 GRANT PLANNING PERMISSION subject to the following conditions:**

- 01 The development hereby permitted shall be begun not later than 3 years beginning with the date of this permission.**

**Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.**

- 02 The development shall be carried out solely in accordance with the approved plans: 110 Revision P.2; 120 Revision P.1; 220 Revision P.3.**

**Reason: To ensure the development is carried out in accordance with the**

**development plan.**

- 03 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings hereby approved or are required by conditions to this permission.**

**Reason: To safeguard the character and appearance of the surrounding area in accordance with Policies KP2 and CP4 of the Core Strategy (2007), policies DM1 and DM3 of the Development Management Document (2015) and advice contained within the Design and Townscape Guide (2009).**

- 04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved the development shall not be first occupied unless and until there has been submitted to and approved in writing by the Local Planning Authority details of hard and soft landscaping for the site. This shall include details of the number, size and location of the trees and shrubs to be planted together with a planting specification, details of the treatment of all hard and soft surfaces and all means of enclosing the site.**

**Reason: In the interests of visual amenity, and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).**

- 05 All planting in the approved landscaping scheme shall be carried out within the first available planting season following first occupation of the development. Any shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority. Hard landscaping and means of enclosure shall be implemented in full accordance with the approved scheme prior to first occupation of any part of the development hereby approved.**

**Reason: In the interests of visual amenity and to ensure a satisfactory standard of landscaping, pursuant to Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).**

- 06 Prior to the first occupation of the dwellings hereby approved, details shall be submitted to and approved in writing by the local planning authority identifying the provision of covered and secure cycle parking and refuse and recycling storage for the dwellings hereby approved. The approved cycle parking and refuse and recycling storage shall be provided in full and made available for use by the occupants of the approved dwellings prior to the first occupation of the dwellings hereby approved and shall be retained as such in perpetuity.**

**Reason: To ensure the provision of adequate cycle parking and refuse storage in accordance with policies DM3, DM8 and DM15 of Development Management Document (2015).**

- 07 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 (2019), Policy DM1 of the Development Management Document (2015) and the Design and Townscape Guide, (2009).

- 08** Prior to first occupation of the development hereby approved 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 installed in the development hereby approved and be retained 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 (2019), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and the Councils Design and Townscape Guide (2009).

**Informatives:**

- 1** Please note that the proposed development 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 CIL Liability Notice for the applicant's attention and any other person who has an interest in the land. This contains details of the chargeable amount and how to claim exemption or relief if appropriate. There are further details on this process on the Council's website at: [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil)
- 2** You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.



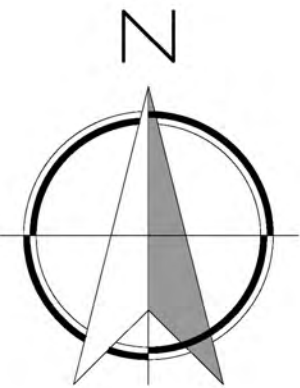
# 97-99 ROCHFORD ROAD, SOUTHEND ON SEA

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SCALE BAR 1:100

## ORIENTATION



## LEGEND

- APPLICATION SITE
- PARK
- TRAIN STATION
- BUS STOP
- WALKING DISTANCE



P.1	2019.05.24	first issued
REV.	DATE	DESCRIPTION
STATUS		
FOR PLANNING APPROVAL		
SITE ADDRESS		
97-99 ROCHFORD ROAD, SOUTHEND ON SEA, ESSEX, SS2 6SX		
CLIENT		
PRIVATE		
PROJECT		
CONVERSION OF SHOPS TO FLATS		
DRAWING TITLE		
AERIAL VIEW		
SCALE		
AS SHOWN ON A1 PAPER		
PROJECT NO.	1681	REV. P.1
DRG NO.	105	
RD architecture		
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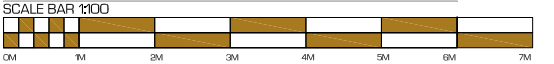
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# 97-99 ROCHFORD ROAD, SOUTHEND ON SEA

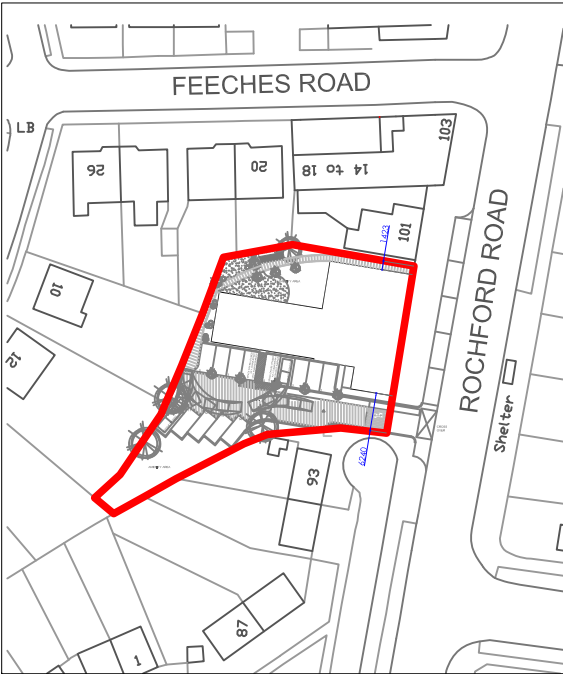
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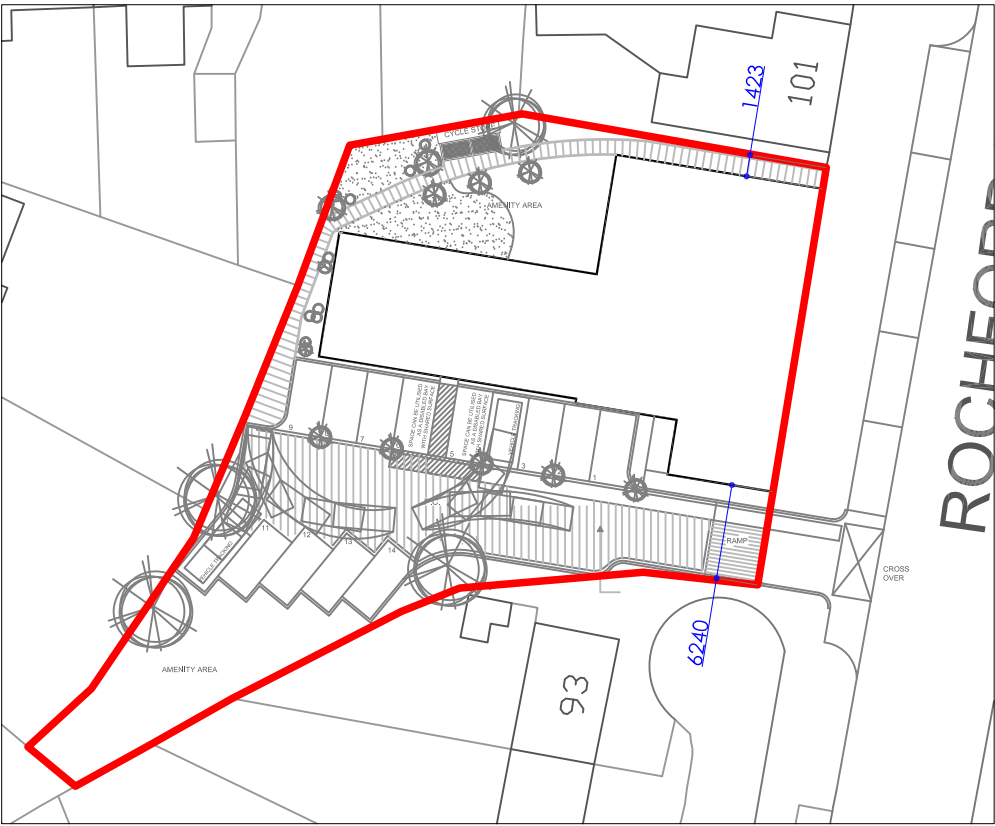
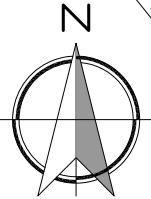
**LEGEND**

APPLICATION SITE OUTLINE



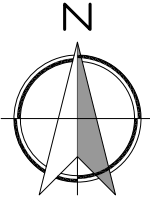
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02 EXISTING & PROPOSED BLOCK PLAN

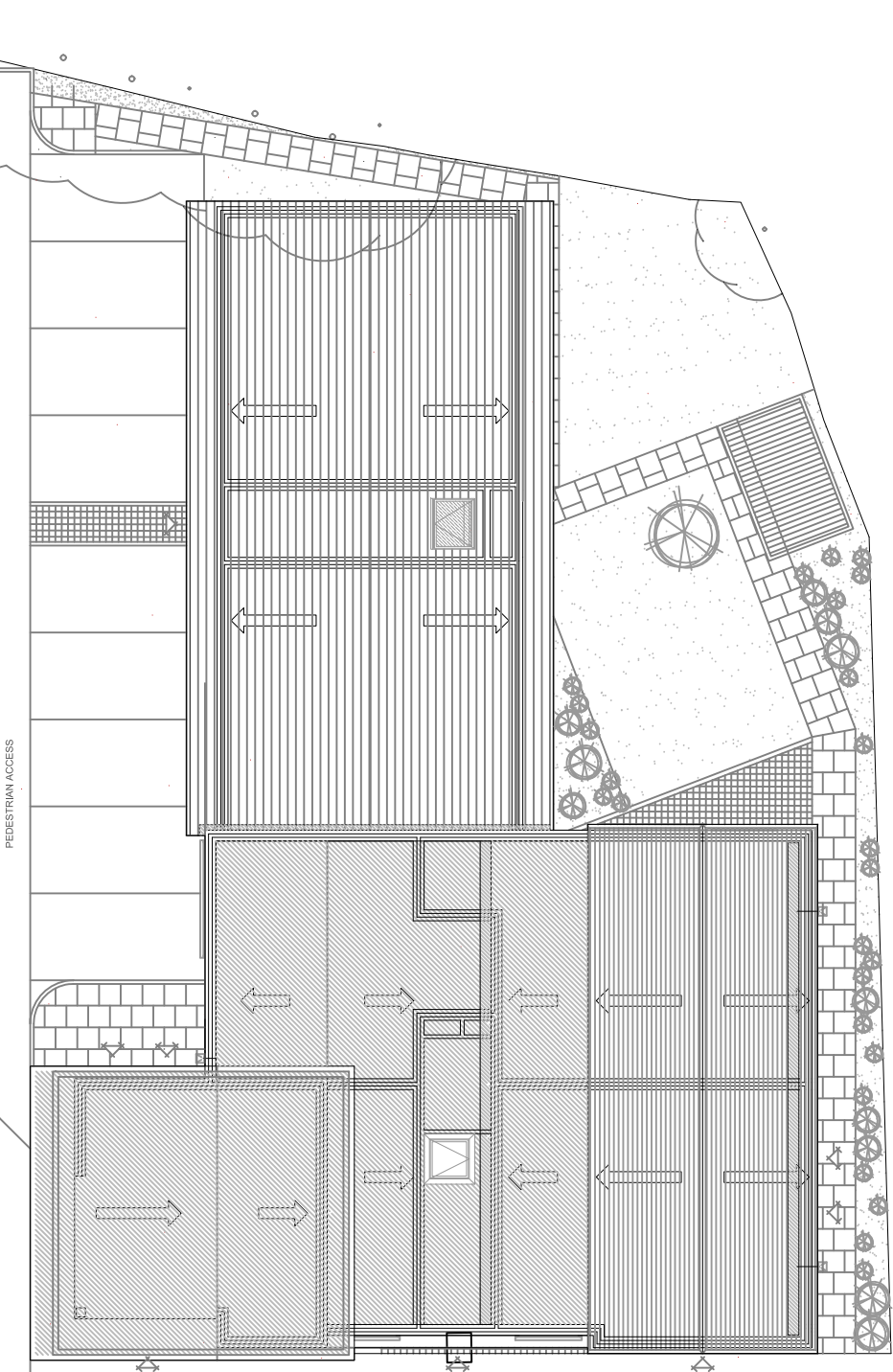
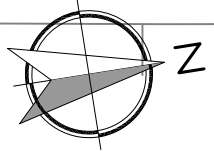
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PEDESTRIAN ACCESS EXTENDED

03 EXISTING & PROPOSED BLOCK PLAN

Scale: 1:200



P.2	2019.09.10	front layby parking revised to reflect as built.
P.1	2019.05.24	first issued

REV.	DATE	DESCRIPTION
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STATUS  
**FOR PLANNING APPROVAL**

SITE ADDRESS  
**97-99 ROCHFORD ROAD, SOUTHEND ON SEA,  
ESSEX, SS2 6SX**

CLIENT  
PRIVATE

PROJECT  
CONVERSION OF SHOPS TO FLATS

DRAWING TITLE  
EXISTING & PROPOSED  
BLOCK & SITE LOCATION PLAN

SCALE  
AS SHOWN ON A3 PAPER

PROJECT NO. 1681 - DRG NO. 110 - REV. P.2

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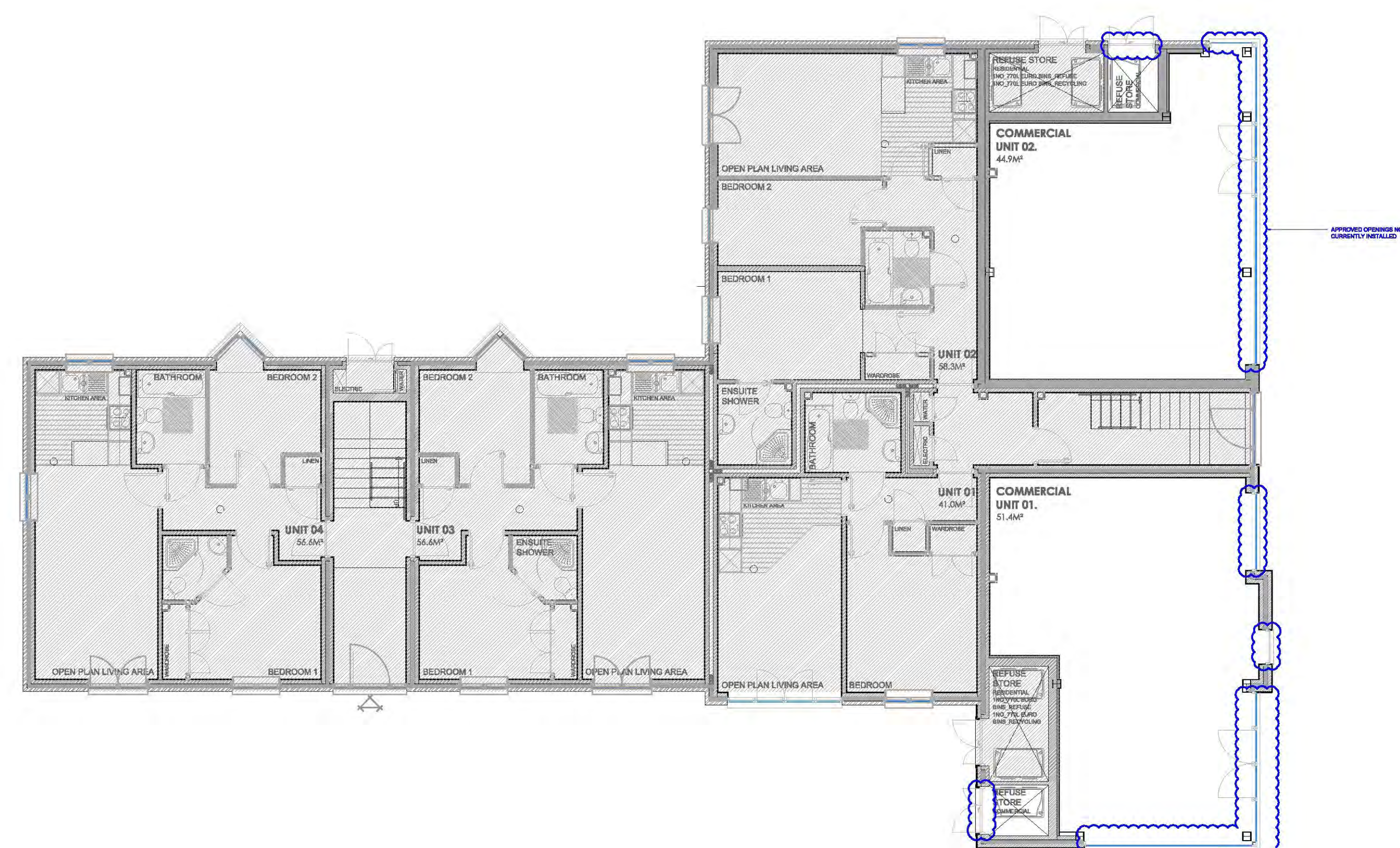


# 97-99 ROCHFORD ROAD, SOUTHBEND ON SEA

CONVERSION OF SHOPS TO FLATS

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SCALE: 1:100



01 EXISTING GROUND FLOOR PLAN  
Scale: 1:100



02 EXISTING FRONT ELEVATION - EAST  
Scale: 1:100



03 EXISTING SIDE ELEVATION - NORTH  
Scale: 1:100



04 EXISTING SIDE ELEVATION - SOUTH  
Scale: 1:100

P.1	2019.05.24	First issued
REV.	DATE	DESCRIPTION
STATUS		
FOR PLANNING APPROVAL		
SITE ADDRESS		
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CLIENT		
PRIVATE		
PROJECT		
CONVERSION OF SHOPS TO FLATS		
DRAWING TITLE		
EXISTING GROUND FLOOR PLAN & ELEVATIONS		
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AS SHOWN ON A1 PAPER		
PROJECT NO.	1681	DWG NO. 120
REV.	P.1	

RD architecture

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97-99 ROCHFORD ROAD, SOUTHBEND ON SEA  
CONVERSION OF SHOPS TO FLATS

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## **1 Site location and description**

- 1.1 This site is on the southern side of Boscombe Road between its junctions with Bournemouth Park Road and Christchurch Road. The site contains a former 5 bedroomed end of terrace two storey residential dwellinghouse.
- 1.2 The site is located within a residential street which contains predominantly two storey terraced dwelling houses and some semi-detached dwelling houses. The neighbouring attached property is a former dwelling house that was converted into 3 flats in 1985, which pre dates the National Planning Policy Framework, the Council's Core Strategy and Development Management Document and the adoption of the National Technical Housing Standards. The non-attached property to the west is a workshop and premises. The wider surrounding area is predominantly residential.

## **2 Lawful Planning Use**

- 2.1 The lawful planning use is as a dwelling house within Class C3 of the Town and Country Planning Use Classes Order 1987 (as amended).

## **3 Relevant Planning History**

- 3.1 18/02326/FUL - Convert dwellinghouse into two self-contained flats and form cycle and bin store – Application refused 6<sup>th</sup> February 2019
- 3.2 19/00021/REFN - Convert dwellinghouse into two self-contained flats and form cycle and bin stores – Appeal dismissed 6<sup>th</sup> August 2019

## **4 The alleged planning breach and the harm caused**

- 4.1 The conversion from a single family dwellinghouse to two self-contained flats would involve the loss of a former 5 bedroomed single family dwellinghouse for which there is a demonstrable need within the Borough. The identified harm is not outweighed by public benefits including the provision of additional housing. The conversion fails to safeguard an adequate stock of single family houses contrary to planning policy that identifies an above average supply of 1 and 2 bedroom houses.

## **5 Background and efforts to resolve breach to date**

- 5.1 In October 2018 an enforcement case was raised following a visit by enforcement staff to the site and it was found that the dwelling had been converted without planning permission.
- 5.2 A Planning application was submitted in December 2018, reference 18/02326/FUL, and it was refused on the following ground:

*01 The proposed development would result in the loss of a single family dwelling, for which there is demonstrable need within the Borough. The development is therefore unacceptable and contrary to National Planning Policy Framework and Policy CP8 of the Core Strategy (2007).*

- 5.3 An appeal was received in May 2019, reference 19/00021/REFN, and was dismissed. The inspectorate concluded that:

*“...the change of use would have an unacceptable effect on the housing mix in the area. It would therefore be contrary to policy CP8 of the Core Strategy as I find that the loss of a single family dwellinghouse is unacceptable. Similarly, it does not comply with the National Planning Policy Framework which seeks to provide housing for different groups in the community.”*

- 5.4 No further planning application has been submitted to date in order to seek to overcome the reason for refusal of the retrospective planning application.

## **6 Harm caused by the breach as assessed against relevant planning policies and justification for enforcement action**

- 6.1 The officer's report for planning application 18/02326/FUL setting out the reason for refusal is attached at Appendix 1.
- 6.2 The appeal decision 19/00021/REFN is attached at Appendix 2.
- 6.3 Taking enforcement action in this case may amount to an interference with the owner/occupier's 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 require the unauthorised use as two self-contained flats to cease.

## **7 Recommendation**

- 7.1 Members are recommended to AUTHORISE ENFORCEMENT ACTION to require:  
a) cessation of the unauthorised use of the site as two self-contained flats.
- 7.2 The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Act and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice.
- 7.3 When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case a compliance period of 4 months is considered reasonable for the cessation of the use.



Appendix 1 – Officer Report application reference 18/02326/FUL

<b>Reference:</b>	18/02326/FUL
<b>Ward:</b>	Kursaal
<b>Proposal:</b>	Convert dwellinghouse into two self-contained flats and form cycle and bin stores (Retrospective).
<b>Address:</b>	72 Boscombe Road, Southend-On-Sea, Essex, SS2 4JP
<b>Applicant:</b>	Mr Ozcan Hassan
<b>Agent:</b>	Miss Amelia Robson Re Development Consultancy Services
<b>Consultation Expiry:</b>	28/01/2019
<b>Expiry Date:</b>	06/02/2019
<b>Case Officer:</b>	Scott Davison
<b>Plan Nos:</b>	<b>RE/123GA/17/2 Existing &amp; RE/123GA/17/2 Proposed 1</b>
<b>Recommendation:</b>	<b>REFUSE PLANNING PERMISSION</b>

## **1.0 The Proposal**

- 1.1 The application seeks retrospective planning permission for the conversion of a former dwelling house into two self-contained flats. The application form states that the change of use of the premises commenced on 1 October 2016 and was completed on 1 November 2016. The Valuation Office Agency rated the site as ground floor flat at 72 Boscombe Road and first floor at 72 Boscombe Road for Council Tax purposes with the change effective from July 2017. The application is retrospective and has been submitted following an enforcement investigation (Ref: 18/00342UNAU\_B).
- 1.2 The proposal would not result in any external alterations to the building. The existing front entrance provides access to a lobby area and access to both flats.
- 1.3 The resultant residential accommodation at ground floor is a one bedroom flat with a floor area of 79 square metres. The bedroom measures 16 (sqm) square metres in area. The flat contains a living room, lounge kitchen, WC-bathroom.
- 1.4 The first floor flat has two bedrooms, a living room, WC, bathroom, kitchen and study area. The first floor flat has a floor area of 91 sqm metres and the bedrooms would measure 17 sqm (bedroom 1) and 11.7 sqm (bedroom 2).
- 1.5 To the rear of the ground floor is an amenity area that is laid to lawn and is described as a shared amenity space that measures some 104 sqm. A secure bike store and a bin store are shown on the submitted plans for the two proposed flats. No parking is provided for the proposed flats.

## **2.0 Site and Surroundings**

- 2.1 The site is on the southern side of Boscombe Road between its junctions with Bournemouth Park Road and Christchurch Road. The site contains a former 5 bedroomed end of terrace two storey residential dwellinghouse. There is an alleyway to the side of the dwelling that enables access to the rear of the dwelling.
- 2.2 The site is located within a residential street which contains predominantly two storey terraced dwelling houses and some semi-detached dwelling houses. The neighbouring attached property is a former dwelling house that was converted into 3 flats in 1985, (reference: 85/1416) which pre dates the NPPF, the Council's Core Strategy and Development Management Document and the adoption of the National Technical Housing Standards. The non-attached property to the west is a workshop and premises. The wider surrounding area is predominantly residential.
- 2.3 The site is not located within a conservation area or subject to any site specific planning policies.

## **3.0 Planning Considerations**

- 3.1 The main issues for consideration are the principle of the development, design and impact on the streetscene, any impact on neighbours, standard of accommodation

for future occupiers, sustainability, highways and parking implications and CIL (Community Infrastructure Levy).

## 4.0 Appraisal

**National Planning Policy Framework (NPPF) (2018); Core Strategy (2007) Policies KP2, CP3, CP4, CP8; Development Management Document (2015) Policies DM1, DM3, DM7, DM8 and DM15 and the Design and Townscape Guide (2009)**

- 4.1 Amongst other policies to support sustainable development, the NPPF requires development to boost the supply of housing by delivering a wide choice of high quality homes. Policy KP2 of the Core Strategy requires that “all new development contributes to economic, social, physical and environmental regeneration in a sustainable way”. Policy CP8 of the Core Strategy identifies the need of 6,500 homes to be delivered within the whole Borough between 2001 and 2021.
- 4.2 As part of its Strategic Housing Land Availability Assessment (SHLAA) 2017 update, the Council has published information on its potential housing supply (5 year supply of housing plus an additional 5% buffer as required by the NPPF). This demonstrates that the Council has an 8 year housing land supply against its adopted targets and therefore, meets the requirements of the NPPF in terms of housing delivery. Thus the authority is able to meet its housing needs targets without recourse to allowing development which would otherwise be unacceptable.

- 4.3 Policy DM3 paragraph 2.41 of the Development Management Document states:

*“The conversion of existing single dwellings into self-contained flats (in combination with a rise in provision of new build flats) over the last 20 years has led to a higher proportion of 1-bed and 2-bed dwellings in Southend. Indeed, the Thames Gateway South Essex (TGSE) Strategic Housing Market Assessment (SHMA) 2013 identifies that Southend has a higher proportion of flats/maisonettes (36%) relative to the English average and other authorities within the TGSE housing market area (ranging from 9% in Castle Point to 23% in Thurrock). Furthermore, Southend has a housing stock comprised of a greater proportion of 1-bed units (20% in Southend in contrast to an average of 11% across the other TGSE local authority areas) and a higher level of smaller properties (less than 50sqm), a consequence of which is that there is a lower percentage of accommodation of a suitable size for families in Southend, (52% 3+bed dwellings compared to an average of 61% 3+bed dwellings across the other TGSE local authority areas)”. This position is supported in the updated SHMA published in May 2017.*

- 4.4 Paragraph 2.42 of Policy DM3 goes on to state:

*“The conversion of existing dwellings can, where appropriately justified, be an effective way of meeting local housing demand and offer opportunities for enhanced sustainability through retrofitting, as set out within Policy DM2. Nonetheless, conversions of single dwellings to more than one self-contained unit can also give rise to a number of problems within an area. These include contributing to pressure on on-street parking capacity, changes in the social and physical character and function of an area. It is also important that*

*conversions do not result in a poor quality internal environment that detrimentally impacts upon the intended occupiers' quality of life".*

- 4.5 Policy DM3 of the Development Management Document states that *"The conversion of existing single dwellings into two or more dwellings will only be permitted where the proposed development:*  
*(i) Does not adversely impact upon the living conditions and amenity of the intended occupants and neighbouring residents and uses; and*  
*(ii) Will not harm the character and appearance of the existing building or wider area; and*  
*(iii) Will not lead to a detrimental change of a street's function; and*  
*(iv) Meets the residential standards set out in DM8 and the vehicle parking standards set out in Policy DM15".*

- 4.6 The detailed design considerations will be discussed in detail below;

- 4.7 Policy CP8 of the Core Strategy (Part 2) states: *"Residential development proposals will be expected to contribute to local housing needs, including affordable and special needs provision, and the sustainable use of land and resources. To achieve this, the Borough Council will:*

*2. resist development proposals that involve the loss of existing valuable residential resources, having regard to the limited land resources in the Borough, the need to safeguard an adequate stock of single family dwellinghouses and to protect the character of residential areas".*

- 4.8 The proposed conversion to two self-contained flats would involve the loss of a former 5 bedroomed dwellinghouse in an area with viable demand for single family dwellinghouses. The proposed conversion fails to safeguard adequate stock of a single family house contrary to policy CP8 and policy DM7 of the Development Management Document that identifies an above average supply of 1 and 2 bedroom houses.

### **Design and Impact on the Character of the Area**

#### **NPPF; Core Strategy (2007) Policies KP2 and CP4; Policies DM1 & DM3 of the Development Management Document (2015) and the Design & Townscape Guide (2009)**

- 4.9 Development Management Document 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."*
- 4.10 No alterations are proposed to the external elevations of the building. No changes are proposed to the front or rear garden areas save for the erection of a bin store and cycle store in the rear garden area. Given that there are no changes proposed to the external elevations of the building, the design and appearance of the building and the character of the proposal would respect the wider area.
- 4.11 The proposed change of use into two flats could however result in other change to

the building such as the use of different curtains at ground and first floor. In itself this is not considered to impact on the character of the area which already contains flats as part of a mixed housing stock.

- 4.12 The proposal is therefore acceptable and policy compliant in the above regards

**Impact on Residential Amenity.**

**NPPF; Development Management Document (2015) Policies DM1 & DM3; Design & Townscape Guide (2009)**

- 4.13 Paragraph 343 of The Design and Townscape Guide (2009), under the heading of Alterations and Additions to Existing Residential Buildings states, *amongst other criteria, that extensions and alterations 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.”*
- 4.14 The proposed layout of the flats would result in the rear bedroom of the first floor flat abutting the party wall of the attached neighbour however the proposed rear bedroom is shown as a bedroom on the existing layout. The ground floor kitchen is located below the first floor bedroom and whilst this relationship is not ideal, it is considered that planning conditions requiring soundproofing could be imposed if the proposal were otherwise acceptable in order to mitigate any potential harmful noise and disturbance. Subject to such a condition it is not considered the proposed conversion would harm the amenities of existing neighbouring occupiers in terms of loss of light or noise and disturbance nor would it result in a material loss of privacy or overlooking materially different from the relationships that already exist.
- 4.15 Subject to conditions the impact on residential amenity would therefore be acceptable and policy compliant.

**Standard of Accommodation:**

**National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy (2007), Development Management Document Policies (2015) DM1, DM3 and DM8 and the Design and Townscape Guide (2009).**

- 4.16 The National Planning Policy Framework seeks 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 1 bedroom, two person flat (1 storey dwelling) shall be 50 sqm with 1.5m sqm built in storage.**
  - **Minimum property size for a 2 bedroom, four person flat (1 storey dwelling) shall be 70 square metres with 2.0m built in storage.**



- Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5m<sup>2</sup> for a single bedroom with a minimum width of 2.15m; and 11.5m<sup>2</sup> 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 1.25m<sup>2</sup> should be provided for 1-2 person dwellings. A minimum of 0.5m<sup>2</sup> 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 and 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.

- 4.17 The proposed residential units would be built to dimensions as set out in paragraphs 1.3 and 1.4 of the report and would comply with the abovementioned standards.
- 4.18 Policy DM8 states that the internal environment of all new dwellings must be high quality. It is considered that the proposed development would provide sufficient daylight and acceptable internal living environments for future occupants of each flat.
- 4.19 Policy DM8 states that new dwellings should make provision for usable private outdoor amenity space for the enjoyment of intended occupiers; for flatted schemes this could take the form of a balcony or easily accessible semi-private communal amenity space. The proposed development would create two new two 2 bed flats, both of which would be capable of being occupied by two person households
- 4.20 The submitted plans show a shared rectangular shaped amenity area for the two flats to the rear of the dwelling measuring some 104 square metres. The ground

floor space would be directly accessed from the rear of the building for the ground floor flat. The area would not be directly accessible to occupants of the first floor flat from the rear of the building. Occupants would have to go around the front of the building and via the side alleyway to the amenity space which is not a positive aspect of the proposal. Nevertheless, it is judged that each flat would have access to a usable sized amenity space, capable of meeting day to day activities such as providing an outdoor sitting out space or for hanging out washing etc. The proposed amenity space would therefore be acceptable and policy compliant.

- 4.21 Facilities for refuse storage are shown on the submitted plans within the rear amenity space area. Refuse waste could be carried out along the access to the side of the dwelling for collection. This could be secured via condition were the application deemed otherwise acceptable.
- 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 and it is considered that these standards should now provide the basis for the determination of this application. It has not been demonstrated that the proposal would comply with these standards. It would however be possible to address this matter through the imposition of a planning condition were the application deemed otherwise acceptable.
- 4.23 Subject to conditions the impact on residential amenity would therefore be acceptable and policy compliant.

## **Highways and Transport Issues**

**National Planning Policy Framework, Policy KP2, CP3, CP4 and CP8 of the Core Strategy (2007), Development Management Document (2015) Policies DM1, DM3 and DM15 and the Design and Townscape Guide (2009), Vehicle Crossing Policy & Application Guidance (2014)**

- 4.24 Policy DM15 states that each flat at the site should be served by one parking space. However, policy DM15 also states that “Residential vehicle parking standards may be applied flexibly where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport and/or where the rigid application of these standards would have a clear detrimental impact on local character and context.”
- 4.25 Policy DM15 states that a 2+ Bedroom Dwelling (house) should provide a minimum of two spaces per dwelling. There is no parking for the existing residential dwelling. The site is located within a sustainable location in relation to public transportation frequency and links along Southchurch Road and Southend East railway station.
- 4.26 On balance, it is not considered that parking conditions or highway safety would be materially harmed. Highways have raised no objection to the proposal. The proposal is acceptable and policy compliant in the above regards.
- 4.27 The submitted information shows a cycle storage area to the rear of the site. The area would not be directly accessible to occupants of the flat from the rear of the building. Occupants would have to go around the front of the building and via the

rear service road to the cycle storage facility which is not a positive aspect of the proposal. However this location would be physically accessible to all occupants of the flats and on balance, it is considered that the cycle parking aspect of the proposal is acceptable and policy compliant. This could be secured via condition were the application deemed otherwise acceptable.

- 4.28 The proposal is acceptable and policy compliant in the above regards.

### **Sustainability**

#### **NPPF, Core Strategy (2007) Policies KP2, CP4 and CP8, Development Management Document (2015) Policies DM1, DM2 and the Design and Townscape Guide (2009).**

- 4.29 Policy DM2 (iv) of the Development Management Document requires all new development to provide “water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption). Such measures will include the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting.” Details have not been submitted for consideration with the application however this can be dealt with by condition were the application deemed otherwise acceptable.
- 4.30 No information has been submitted in relation to the provision of renewables on site. However, given that the proposal relates to the conversion of an existing building and no extension/addition to this building are proposed, it is not considered reasonable to require the proposal to accord with those standards.

### **Community Infrastructure Levy**

- 4.31 This application is CIL liable and there will be a CIL charge payable. If the application had been recommended for approval, a CIL charge would have been payable. If an appeal is lodged and allowed the development will be CIL liable. Any revised application would also be CIL liable.

## **5.0 Conclusion**

- 5.1 Having taken all material planning considerations into account, it is found that the proposed development would be unacceptable and contrary to the objectives of the relevant development plan policies and guidance. The proposed development would result in the loss of a single family dwelling, for which there is demonstrable need within the Borough. The identified harm is not outweighed by public benefits including the provision of additional housing. For the above reasons, the proposed development is unacceptable and fails to comply with planning policy

## **6.0 Planning Policy Summary**

- 6.1 National Planning Policy Framework (2018)
- 6.2 Core Strategy (2007) Policies CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance), CP8 (Dwelling Provision) KP1 (Spatial Strategy) and KP2 (Development Principles).

- 6.3 Development Management Document (2015) Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM7 (Dwelling Mix), DM8 (Residential Standards) and DM15 (Sustainable Transport Management).
- 6.4 Community Infrastructure Levy Charging Schedule (2015)
- 6.5 Design & Townscape Guide (2009).
- 6.6 Strategic Housing Market Assessment (SHMA) 2017 update.

## **7.0 Consultation Responses**

### **Public Consultation**

- 7.1 26 neighbours were notified. No letters of objection have been received.

## **8.0 Relevant Planning History**

- 8.1 No relevant history

## **9.0 Recommendation**

### **REFUSE PLANNING PERMISSION**

- 01 The proposed development would result in the loss of a single family dwelling, for which there is demonstrable need within the Borough. The development is therefore unacceptable and contrary to National Planning Policy Framework and Policy CP8 of the Core Strategy (2007).**

**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 detailed analysis is set out in a report on the application prepared by officers.**



The Planning Inspectorate

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## Appeal Decision

Site visit made on 22 July 2019 by **M**

**Chalk BSc (Hons), MSc, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6 August 2019

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### **Appeal Ref: APP/D1590/W/19/3228480 72 Boscombe Road, Southend-On-Sea, SS2 4JP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Ozcan Hassan against the decision of Southend-on-Sea Borough Council.
  - The application Ref 18/02326/FUL, dated 7 December 2018, was refused by notice dated 6 February 2019.
  - The development is described as retrospective conversion of dwellinghouse into 2 no flats at 72 Boscombe Road.
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### **Decision**

1. The appeal is dismissed.

### **Procedural Matters**

2. The application form states that the development was completed in November 2016. At the time of my site visit both the ground floor and first floor flats were occupied. I have therefore determined this appeal on this basis.
3. The appellant has provided a revised floor plan (ref RE/123GA/17/2 Proposed 1, letter dated 9 May 2019) that was submitted with the appeal. This alters the proposed layout of the ground floor flat from a 1 bedroom flat with a lounge and living room to a 2 bedroom flat with a lounge. I am satisfied that this is a minor change as it would not increase the overall amount of living accommodation and it would not involve any physical works. In addition, the Council and interested parties have had the opportunity to comment upon this amended plan during the course of the appeal through their submission. Accordingly the interests of no party has been prejudiced and so I have taken it into account in my decision.

### **Main Issue**

4. The main issue is the effect of the change of use on the housing mix in the area.



## Reasons

5. The appeal property is a two-storey former dwellinghouse converted into flats. This section of Boscombe Road, between the junctions with Bournemouth Park Road and Christchurch Road, is a residential street characterised by a mix of mainly terraced houses, with some detached and semi-detached properties.

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Appeal Decision APP/D1590/W/19/3228480

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Properties within this section of the street are set back from the pavement with front gardens, some of which provide off-street parking.

6. The appeal development has created two units of accommodation through the conversion of a five-bedroom house. The resultant flats each contain 2 bedrooms, and due to the number of bedrooms the flats do not reasonably comprise suitably-sized family accommodation.
7. The Council refused permission for the development on the basis of policy CP8 of its Core Strategy 2007 (CS), which says it will resist development proposals that involve the loss of existing valuable residential resources, having regard to the limited land resources in the Borough, the need to safeguard an adequate stock of single family dwelling-houses, and to protect the character of residential areas.
8. The Council's decision is based on data that shows a disproportionately high number of 1 and 2 bedroom homes and a low number of 3+ bedroom homes suitable for family accommodation in the borough compared to surrounding councils in the Thames Gateway South Essex strategic housing market. This is referred to in the supporting text for policy DM3 of the Development Management Document (adopted July 2015).
9. The appellant has referred to other flat conversions within the street, including the neighbouring attached property. I have not been provided with the details of these properties, including whether planning permission was granted for any conversions to flats.
10. My attention has been drawn to a recent appeal decision<sup>1</sup> in which this point was considered. The Inspector concluded that policy CP8 was not to be taken as an absolute restriction on the conversion of existing dwellings, given that policy DM3 specifically sets out criteria under which permission would be given.
11. While I do not necessarily disagree with that Inspector over the application of policy CP8, I have considered the development subject of the appeal before me on its own site circumstances and merits.
12. I consider policy CP8 to be the correct starting place in determining this appeal. No substantive evidence has been submitted to show that the identified need to safeguard an adequate stock of single family dwellinghouses in the borough has been addressed. The loss of a family dwellinghouse providing 5 bedrooms to provide 2 two-bedroom units of which type the borough already has a disproportionately high provision, based on the information before me, would only worsen the shortfall.
13. The appellant states that the conversion meets the Council's space standards, provides an acceptable environment, shared amenity space and cycle parking for occupants, does not result in harm to the character and appearance of the building and wider area and the property is in a sustainable location in relation to public transport and local amenities. I acknowledge these points, but do not consider that they outweigh the harm arising from the loss of family accommodation.
14. I conclude that the change of use would have an unacceptable effect on the housing mix in the area. It would therefore be contrary to policy CP8 of the CS,

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<sup>1</sup> Inspectorate ref APP/D1590/W/18/3204489

as I find that the loss of a single family dwellinghouse is unacceptable. Similarly, it does not comply with the National Planning Policy Framework which seeks to provide housing for different groups in the community.

## **Conclusion**

15. For the reasons set out above, and having regard to all matters raised, the appeal should be dismissed.

*M Chalk*

Inspector

Appendix 3 – Site photograph

