

Reference:	17/01708/AMDT	
Ward:	Leigh	
Proposal:	Application to vary condition 02 (approved plans) and condition 03 (matching materials) relocation of glazed area to flank wall and amendments to materials (Minor Material Amendment of Planning Application 15/01313/FUL dated 29.09.2015)	
Address:	22A Woodfield Gardens, Leigh-On-Sea, Essex, SS9 1EW	
Applicant:	Ms Karen Daly	
Agent:	Mr David Grew	
Consultation Expiry:	25.10.2017	
Expiry Date:	15.11.2017	
EoT Date:	20.12.2017	
Case Officer:	Robert Lilburn	
Plan Nos:	15/26 No.1 A; 15/26 No.3(2) A	
Recommendation:	GRANT PLANNING PERMISSION	



1 The Proposal

- 1.1 This application was deferred from the 13 December meeting of Development Control Committee for a site visit. The report is unchanged except for further detail in Section 4 on the comments made by the appeal inspector about materials when deciding to allow the appeal relating to 15/00490/FUL.
- 1.2 Permission is sought to vary condition 02 (Approved Plans) and condition 03 (materials) of planning permission 15/01313/FUL dated 30.09.2015.
- 1.3 The development granted permission and already commenced further to application 15/01313/FUL is described as *'Form pitched roof extension with dormers to rear and recessed balcony to side (Amended Proposal)'*.
- 1.4 The conditions and reasons are as follows:

02 The development hereby permitted shall be carried out in accordance with the following approved plans: 15/26/1; 15/26/3 & Site Plan.

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

- 1.5 The amendments proposed are as follows:

1. Replace balustrade and balcony with a part-glazed, full height screen finished externally in glass with grey frames and grey "Hardie Plank" cladding.
2. The glazed screen would incorporate doors.

- 1.6 The works have already been carried out. The application has been submitted following a planning enforcement investigation into alleged unauthorised development (not in accordance with the approved plans).

2 Site and Surroundings

- 2.1 The application site is located on the east side of the Woodfield Gardens cul-de-sac, and is occupied by a two storey semi-detached dwelling with roof accommodation, which has been converted into two flats. The building is unusual in design as it has a subservient two-storey outrigger to the side with square bay windows facing south.

- 2.2 The building has been subject of an application for a hip to gable enlargement and rear dormer extension, with recessed balcony within the roof. This was allowed on appeal following concerns relating to the size of the rear dormer extension (15/00490/FUL refers). A concurrent amended proposal (15/01313/FUL) incorporated a revised dormer design and was also approved.
- 2.3 Planning permission has recently been refused for alterations to existing roof and formation of roof garden to second floor (17/00850/FUL).
- 2.4 Woodfield Gardens is residential in character, comprising two storey semi-detached dwellings. Apart from the application site and the semi-detached dwelling to the north, which are of larger scale and marginally different design, the rest of the properties in the immediate streetscene are of a relatively consistent design and scale. Blocks of flats are also located to the south of the property, as are two-storey dwellings which face on to Grand Parade. The land slopes downwards to the south.

3 Planning Considerations

- 3.1 The key considerations of this application are the principle of the development, design and impact on the character of the area and impact on residential amenity.

4 Appraisal

Principle of Development

National Planning Policy Framework, Policies KP1, 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)

- 4.1 The dwelling is located within a residential area. An extension or alteration to the property to provide additional living accommodation is considered acceptable in principle. Other material planning considerations are discussed below.

Design and Impact on the Character of the Area

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

- 4.2 It should be noted that good design is a fundamental requirement of new development to achieve high quality living environments. Paragraph 56 of the NPPF states that *“good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”*.
- 4.3 The importance of good design is reflected in Policies KP2 and CP4 of the Core Strategy and also in Policies DM1 and DM3 of the Development Management Document.

- 4.4 According to Policy KP2 of the Core Strategy 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*”.
- 4.5 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*”.
- 4.6 Policy DM3 advises that “*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”.
- 4.7 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*”.
- 4.8 Paragraph 366 of The Design and Townscape Guide advises that “*proposals for additional roof accommodation within existing properties must respect the style, scale and form of the existing roof design and the character of the wider townscape*”.
- 4.9 The gable has been infilled with slate grey “Hardie plank” cladding and slate-grey glazing and door frames. The glazing extends to the roof apex.
- 4.10 While the slate grey contrasts with the red roof tiles, white verges and rendered walls, it is neutral in appearance and of a quality finish. It distinguishes the roof gable from the remainder of the building and lends it a low visual profile.
- 4.11 It is considered that a matching material would have a higher visual profile, while the grey Hardie plank and glazing are akin to the void which would be apparent if the originally approved scheme with a recessed balcony had been implemented.
- 4.12 It is noted that the Planning Inspector commented in determining the appeal relating to application 15/00490/FUL that “*In considering the suggested conditions I have had regard to Paragraph 206 of the Framework and the Planning Practice Guidance in terms of the use of planning conditions. A condition requiring the development to be carried out in accordance with the submitted drawings is necessary for the avoidance of doubt and in the interests of proper planning.*”

A further condition requiring the development to be carried out with matching materials is reasonable in the interests of the character and appearance of the street scene. However, a condition requiring original work in terms of method of construction would be onerous given the age of the building and the fact that the works do not replace an existing feature such as a dormer”.

- 4.13 Therefore, while the materials do not match those on the existing building, it is considered on balance that they are appropriate to the context and do not materially harm the character and appearance of the original building, having regard to the development already approved and the comments made by the appeal inspector.
- 4.14 The secondary hipped roof to the front outrigger has been retained as indicated on the earlier approved plans and the applicant has shown this on the submitted drawings.

Impact on Residential Amenity

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

- 4.15 Policy DM1 of the Development Management Document requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities *“having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.”* The Design and Townscape Guide also states that *“extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties”*.
- 4.16 Paragraph 364 of The Design and Townscape Guide states that *“where new balconies are proposed on existing buildings, care needs to be taken to ensure that the design is of a high quality, of an appropriate style for the period of the property and that the privacy of neighbours is not compromised”*.
- 4.17 The windows and doors installed face in a south-south-westerly direction from the same position as the balcony balustrade which had been previously approved as part of the roof extension. At present a secondary hipped, ridged roof is situated immediately in front of the glazed doors. This arrangement is unchanged from the arrangement shown on the plans approved in application 15/01313/FUL and on appeal further to application 15/00490/FUL. As in those cases, the glazed doors are situated approximately 43m from the rear wall of the neighbouring properties to the south and 18.4m from the boundaries of their rear gardens.
- 4.18 It is noted that, when considering the appeal in relation to application 15/00490/FUL, the inspector stated:

“I note the comments in terms of the living conditions of nearby neighbours and the potential for overlooking.”

However, given the distances between the development and openings at nearby dwellings and the angles involved, I see no reason not to concur with the Council's assessment that there would not be material harm in this respect from the proposal.

- 4.19 The alteration as carried out encloses the balcony into a space fully integrated with the rest of the living accommodation, rather than an outdoor balcony. This may allow for potentially longer 'dwell times' and use through the seasons, as the use of the area would not be dictated by weather patterns. It also enlarges the space back into the building from which views may be taken, potentially accommodating more people than the narrower approved balcony. At the same time, however, the glazed area which affords outward views in the manner of a balcony is narrower than the approved balcony. Additionally, the area thus enclosed within the dwelling is a landing rather than a habitable room. The approved balcony was to be 4.1m in width, while the panel of glazed doors is 3m in width.
- 4.20 It has been established in application 15/001313/FUL and the above-noted appeal decision that the distance between the approved development including the balcony and the most directly-affected residential properties was sufficient to preclude a significant loss of privacy resulting to nearby occupiers including those at Grand Parade. The glazed screen would be the same distance from all nearby receptors, including Grand Parade, as the balcony. It follows that the distance would continue to be sufficient as to avoid a material loss of privacy, notwithstanding the different characteristics of the use of the area in either proposal. It is considered on this basis that a refusal of planning permission for any overlooking that might arise would be unreasonable. Additionally in the case of the proposal under consideration, the screen would be narrower than the balcony, and potential views thereby more curtailed. This would further reduce the opportunity for views available from the room.
- 4.21 It is therefore considered that the proposal would not have a greater effect on the privacy of nearby occupiers than the approved scheme, and would thus maintain the amenities of residents.
- 4.22 It is noted that the submitted plans show three glazed doors to the flank rather than fixed panes. The use of any part of the roof as a terrace or balcony would require a grant of planning permission. No explanation has been offered as to the intentions for the doors. At the present time there would appear to be no scope to access the adjacent secondary roof other than for storage access, maintenance or emergency. Additionally, a set of opening doors would allow for ventilation during warm weather.
- 4.23 A condition on any planning permission for the development has been considered. Any condition should meet the six tests for planning conditions set out in the National Planning Policy Framework. Paragraph 206 of the NPPF states "Planning conditions should only be imposed where they are:
- 1.necessary;
 - 2.relevant to planning and;
 - 3.to the development to be permitted;
 - 4.enforceable;
 - 5.precise and;
 - 6.reasonable in all other respects."

- 4.24 It is considered that limiting the ability to open the doors would be unreasonable.
- 4.25 Given the need for planning permission to form a balcony or roof terrace a condition with respect to this would be unnecessary. A condition to simply restrict egress from the doors would be unenforceable. It is considered reasonable that the development should be granted planning permission with the ability to open the doors.
- 4.26 It is considered that the development would maintain neighbour amenities and would be consistent with the above-noted development plan policies.

5 Conclusion

- 5.1 The principle of extending and altering the building is acceptable. On balance it is found that the design is appropriately sympathetic and respectful to the character of the original building, maintaining the visual amenities of the wider area. The development does not lead to a significant loss of privacy to neighbouring occupiers, maintaining the amenities, character and quality of the residential environment. The application is therefore recommended for approval.

6 Planning Policy Summary

- 6.1 The National Planning Policy Framework (2012) : Section 7 (Requiring Good design)
- 6.2 Development Plan Document 1: Core Strategy Policies KP2 (Development Principles) and CP4 (Environment & Urban Renaissance)
- 6.3 Development Management DPD 2015: DM1 (Design Quality) and DM3 (Efficient and Effective Use of Land)
- 6.4 Supplementary Planning Document 1: Design & Townscape Guide (2009)
- 6.5 CIL Charging Schedule 2015

7 Representation Summary

Leigh Town Council

- 7.1 No objections confirmed.

Design and Regeneration

- 7.2 No comment received.

Public Consultation

7.3 Seventeen neighbours were notified and two letters of objection have been received, as follows:

- Applicant may build a roof garden at later date;
- Proposal is different to what has been approved, and has been built;
- Proposal would not have been approved in this form;
- Overlooking and loss of privacy;
- The scale of the proposal is beyond the earlier approval and dominates the gable end;
- Effectively a much deeper balcony than under the approved scheme;
- Anomalous appearance of the outrigger roof following the formation of balcony;
- Questions the potential for further alterations relating to the outrigger roof;
- 'Grandstand' view of no.53 Grand Parade and neighbours;
- Visual balance between the conjoined properties is damaged;

- The proposal conflicts with the conditions imposed by an earlier planning appeal decision.

[Officer comment: These concerns are noted and they have been taken into account in the assessment of the application. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case].

8 Relevant Planning History

- 8.1 17/00850/FUL - Alter existing roof and form roof garden to second floor. Refused.
- 8.2 15/01313/FUL - Form pitched roof extension with dormers to rear and recessed balcony to side (Amended Proposal). Approved.
- 8.3 15/00490/FUL - Form pitched roof extension with dormers to rear and recessed balcony to side. Appeal allowed.

9 Recommendation

GRANT PLANNING PERMISSION subject to the following conditions:

- 01 The development hereby permitted shall be retained in accordance with the following approved plans: 15/26 No.1 A; 15/26 No.3 (2) A.**

Reason: In the interests of visual amenities, pursuant to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy 2007 and Policies DM1 and DM3 of the Development Management Document 2015.

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