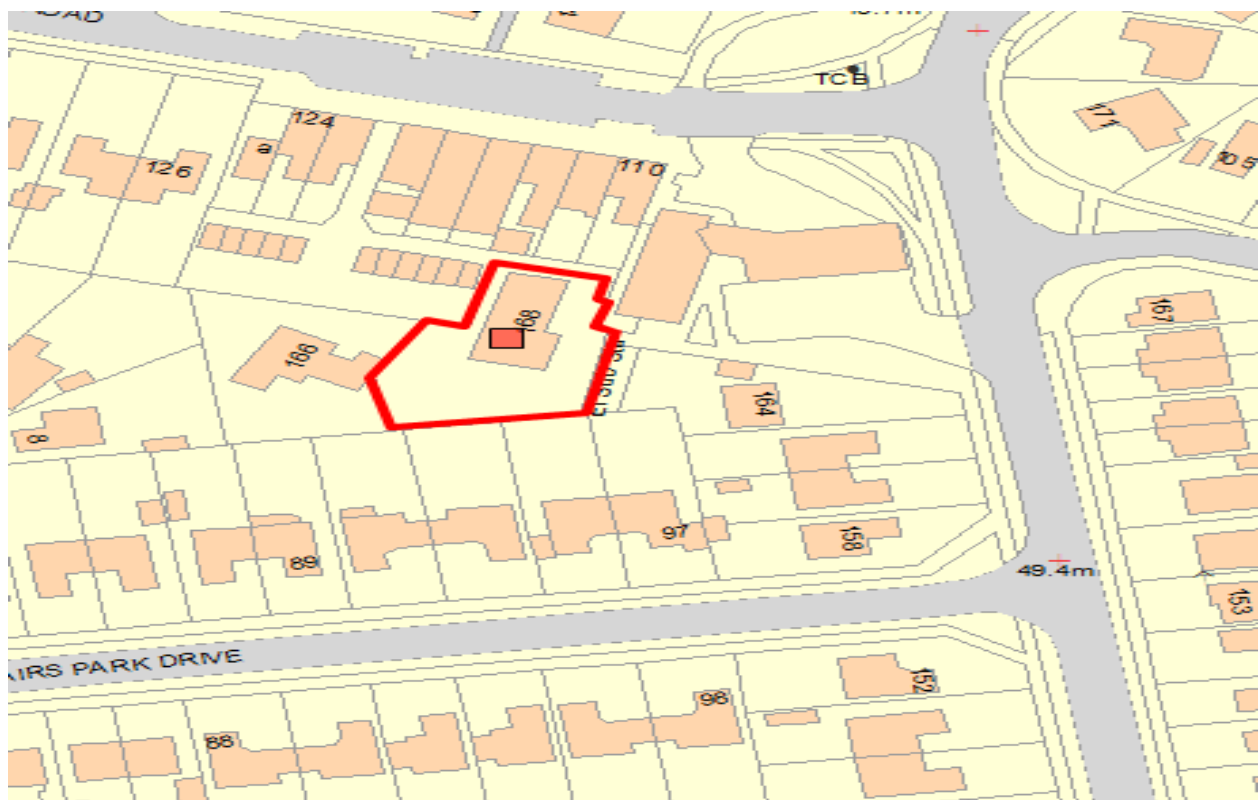


Reference:	17/02218/FULH	
Ward:	Belfairs	
Proposal:	Form roof extension, erect dormer to side and alter front elevation (Amended Proposal)	
Address:	168 The Fairway, Leigh-On-Sea	
Applicant:	Mr And Mrs Upton	
Agent:	DK Building Designs Ltd - Danny Knott	
Consultation Expiry:	26.01.2018	
Expiry Date:	12.02.2018	
Case Officer:	Kara Elliott	
Plan Nos:	3108-12A, 3108-12B	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 The Proposal

- 1.1 The application seeks planning permission for a roof extension, side dormer and to alter the elevations of the building.
- 1.2 The proposed development would increase the roof pitch of the gable by a maximum of 1.55m to a roof height 6.1m. The proposal includes a side dormer which would have a maximum height of 5.6m from ground level. The height of the elongated roof element of the dwelling would remain the same. The dormer incorporates a screen structure which extends down to ground floor level.
- 1.3 There are five windows measuring 1.35m (h) x 0.5(w) proposed on the south side elevation, which would all be obscure glazed. There would be an additional window on the front elevation at ground floor. There would be one window on the rear west elevation at first floor measuring 1.3m (h) x 1.3 (w).
- 1.4 The proposal is contemporary in its design approach with a two storey flat faced column on the southern side of the east elevation incorporated into the existing patio, creating an overhang on the first floor. There is also a column proposed on the front elevation, resulting in an overhang and as such creating a porch area.
- 1.5 The proposed materials would include dark grey, smooth faced roof tiles. The proposal would be white render, incorporating cedar colour hardi plank cladding on part of the side dormer and on the front 'porch' area.
- 1.6 The proposal would create two bedrooms on the first floor and an additional bathroom. 4 no. rooflights are proposed to the north side facing roof space.
- 1.7 This application forms a resubmission of a previous refused scheme. The previous application proposed slight differences in design – but not dimensions – and proposed an alternative arrangement of fenestration i.e. first floor window to front facing 164 The Fairway. The reason for refusal was;
 1. The proposed development, by reason of its bulk and the position of upper floor windows, would result in a loss of privacy to residents at No.164 The Fairway and result in an overbearing form of development, contrary to policies NPPF; DPD 1 (Core Strategy) Policies KP2 and CP4; Development Management DPD Policy DM1 and DM5; SPD 1 (Design & Townscape Guide (2009).
- 1.8 The application is called to be decided by members of the Development Committee at the request of Cllr M Butler.

2 Site and Surroundings

- 2.1 The site is located to the north of The Fairway, approximately 80m from the junction of the A127 Southend Arterial Road. The application site is set back from the streetscene and is located to the rear of No.164 and the petrol station. The site is accessed through a private road off The Fairway.

- 2.2 The surrounding area of Belfairs Park Drive is characterised by detached and semi-detached bungalows of similar scale and design.
- 2.3 The site is not located within a conservation area or subject to any site specific planning policies.

3 Planning Considerations

- 3.1 The main considerations in relation to this application are the principle of development, design and impact on the character of the area, impact on residential amenity, traffic and transport implications and whether the proposed development overcomes the previous reason for refusal.

4 Appraisal

Principle of Development

NPPF; Core Strategy (2007) Policies KP1, KP2 and CP4; Development Management Document (2015) Policy DM1 and DM3.

- 4.1 Policy DM3 (4) quotes that; *"The conversion or redevelopment of single storey dwellings (bungalows) will generally be resisted. Exceptions will be considered where the proposal:*

(i) Does not create an unacceptable juxtaposition within the streetscene that would harm the character and appearance of the area; and
(ii) Will not result in a net loss of housing accommodation suitable for the needs of Southend's older residents having regard to the Lifetime Homes Standards."

- 4.2 In relation to DM3 part (i) the application site is positioned unusually, set back from the streetscene located to the rear of No.164 The Fairway and a petrol station. The site is accessed through a private road off The Fairway. Further assessment of the impact upon the character and appearance is assessed below in the relevant section. However, in principle, it is considered that the proposed development would not appear out of keeping and at odds with the existing varied mix of built form in this location as well as the wider streetscene.
- 4.3 In respect of DM3 (ii), since 1st of October 2015 policy DM3 (ii) of the Development management Document has been amended and substituted by building regulation M4 (2). The requirements of M4 (2) to include for example a requirement for a step-free access to the dwelling and any associated parking space, a step-free access to a WC and any private outdoor space, accessible accommodation and sanitary facilities for older people or wheelchair users and socket outlets and other controls reasonably accessible to people with reduced reach. The applicant has submitted information demonstrating that the proposed two storey dwelling meets the criteria of building regulation M4 (2).

Design and Impact on the Character of the Area:

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

- 4.4 It should be noted that good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in the Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management DPD. The Design and Townscape Guide (SPD1) also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”*
- 4.5 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.”* One of the core planning principles of stated in the NPPF requires *“to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”*.
- 4.6 According to 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”*.
- 4.7 Paragraph 374 of the Design and Townscape guide outlines that *‘Extensions that raise the ridge height of an existing building are only considered acceptable in principle where they complement the design of the original building and where they do not break the continuity of the streetscene or appear overbearing.’* As the dwelling is set back from the streetscene of The Fairway, there is limited visibility. The proposed front elevation would not appear dominant in the streetscene given it would result in a similar scale to that of No. 164 which is sited closer to the highway.
- 4.8 The proposed alterations on the front elevation satisfactorily relate to the existing dwelling in terms of design, the proposed ‘porch’ area which would be partially cedar clad and would create a focal point on the front elevation.
- 4.9 Although the application site is located on slightly higher ground, the backland site is surrounded with development both residential and commercial of different scales and as such an increase in roof height would not be considered to be out of keeping with the design and character of the surrounding area.
- 4.10 The ‘Design and Townscape Guide’ stipulates that; *‘Dormer windows, where appropriate, should appear incidental in the roof slope (i.e. set in from both side walls, set well below the ridgeline and well above the eaves). The position of the new opening should correspond with the rhythm and align with existing fenestration on lower floors.’*
- 4.11 The proposed dormer would be set lower from the ridge height by 700mm and set up above the eaves by 300mm. The dormer would be sited 1m and 1.7m from the south and north elevations respectively. The contemporary design approach of the dormer and screen structure satisfactorily relates to the existing building. On balance the proposal is considered to be acceptable and policy compliant in terms of the impact on design, the character and appearance of the surrounding area.

Traffic and Transport Issues

NPPF; Development Management Document (2015) Policy DM15; Core Strategy (2007) Policy CP3; The Design & Townscape Guide (2009)

- 4.12 Policy DM15 of the development Management Document requires that dwellings with 2+ bedrooms must provide two parking spaces. Currently the dwelling has capacity for two car parking spaces and the proposal does not impact on the availability of car parking spaces or increase the requirement for car parking need. Therefore, no objection is raised in relation to car parking space provision.

Impact on Neighbouring Properties

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

- 4.13 The Design and Townscape Guide (Paragraph 343; under the heading of Alterations and Additions to Existing Residential Buildings) states that amongst other criteria, that *'extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties'*. In addition to this Policy DM1 of the Development Management Document 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 proposal is not considered to have a negative impact on the residential amenity of No. 166 which is located to the west of the application site. Similarly, the proposal is not considered to be overbearing or result in an undue material impact on the residential amenity of properties north of the site which face onto Eastwood Old Road.
- 4.15 As result of the separation distance between the application site and properties south of the site on Belfairs View Drive and the proposed obscure glazing of first floor windows, it is considered not to be overbearing or result in overlooking to an extent that would warrant refusal. As result of the considerable separation distance and siting north of properties on Belfairs Park Drive it is not considered to result in an undue loss of light to these properties.
- 4.16 The previously refused application concluded that, as result of the proposed siting of the first floor window on the front elevation combined with the ground level change between No. 168 and No. 164, the proposal would have resulted in overlooking and an overbearing nature to the rear garden and habitable rooms of No. 164 to the east, resulting in an undue loss of privacy.
- 4.17 The proposed development attempts to overcome this demonstrable harm above by removing first floor windows to the east (front) elevation. The distance from the east elevation of the dwelling to the boundary shared with no. 164 measures approximately 6.5 metres. The distance from the east elevation of the dwelling to the rear of no. 164 is approximately 23 metres. Furthermore, the orientation of

no.164 is skewed in relation to that of the dwelling at the application site.

- 4.18 It is considered that the removal of the first floor window mitigates the harm as occupiers of 164 The Fairway would no longer feel a sense of overlooking and loss of privacy. The height and scale of the proposed development remains the same as per the previously refused application. However, the omission of a first floor window is considered to alleviate the cumulative negative effects as previously proposed.
- 4.19 The proposal is therefore considered to be acceptable and policy compliant in terms of the impact on residential amenity and is considered to overcome the previous reasons for refusal.

CIL Charging Schedule.

- 4.20 The proposed development equates to less than 100sqm of new floorspace. As such, the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and no charge is payable.

5 Conclusion

- 5.1 Having regard to all material considerations assessed above, it is considered that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant local development plan policies and guidance as well as those contained within the National Planning Policy Framework. Furthermore, the proposed development would have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site and the locality more widely. The proposal would not result in any adverse impact on parking provision or highways safety. This application is therefore recommended for approval, subject to conditions.

6 Planning Policy Summary

- 6.1 The National Planning Policy Framework (2012)
- 6.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance)
- 6.3 Development Management Document (2015) Policies DM1 (Design Quality), DM3 (The Efficient and effective use of land), DM15 (Sustainable Transport Management)
- 6.4 Design & Townscape Guide (2009)
- 6.5 CIL Charging Schedule 2015

7 Representation Summary

7.1 Public Consultation

17 neighbours were notified and a site notice was posted at the site. A total of 13 representations have been received (9 objections / 4 in support) and are summarised below;

- Letters of support are pro-forma and read as follows: “I am writing to confirm that I have no objections or concerns in connection to the above planning application and give my full support to go ahead.”

The objections can be summarised as follows:

- Loss of privacy and overlooking;
- Overbearing and oppressive impact on neighbours;
- Dominant impacts upon neighbours;
- No guarantee windows will be obscure/fixed shut;
- Is not considered to overcome the previous reasons for refusal;
- The dwelling is already elevated and appears ‘crammed in’;
- Development is not in keeping with area;
- The 1.5 metre increase in ridge height is unrealistic;
- Sets a precedent for similar development;
- Health effects upon neighbouring occupiers;
- Building works will be undertaken for a long time;
- Overshadow and unacceptable loss of light ;
- Against human rights to live in peace;
- Out of keeping with character and appearance of surrounding development and wider area;
- Property prices will go down;
- Imposing and unpleasant development
- Overdevelopment of site
- Impacts from lighting at property

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. The main body of the report considers the main material planning considerations. In terms of the effect upon the health and wellbeing of the neighbouring occupiers, paragraphs 4.11 – 4.16 of the report consider the effect upon neighbouring occupiers and consider the proposed development to be acceptable in this regard.

8 Relevant Planning History

- 8.1 16/02265/FULH - Form roof extension and erect dormer to side – Refused.

9 Recommendation

GRANT PLANNING PERMISSION subject to the following conditions:

- 01 The development hereby permitted shall begin no later than three years from the date of this decision.**

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

- 02 The development hereby permitted shall be carried out in accordance with the following approved plans: 3108-12A, 3108-12B**

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

- 03 No development shall take place, other than for demolition and site clearance works, until samples of the materials to be used in the construction of the external elevations of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out only in accordance with the approved details before it is occupied.**

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

- 04 The first floor windows in the south elevation shall be 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) before the first floor accommodation hereby approved is occupied and retained as such thereafter in perpetuity. 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: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (NPPF), Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1 and The Design and Townscape Guide (2009).

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

Informative

- 1. You are advised that as the proposed extension(s) to your property equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about CIL.**