

Reference:	17/02042/FULH	
Ward:	Leigh	
Proposal:	Install bi-folding doors to rear, raised decking to rear and render dwellinghouse. Install cladding and roof lantern to single storey side extension. New boundary fencing, landscaping and changes to land levels. Form additional parking area to front (retrospective)	
Address:	14 Leigh Park Road, Leigh-on-Sea, Essex, SS9 2DU	
Applicant:	Ms Law	
Agent:	DK Building Designs Ltd	
Consultation Expiry:	15.02.2018	
Expiry Date:	08.03.2018	
Case Officer:	Charlotte White	
Plan Nos:	3344-11 Rev B sheet 1 of 2, 3344-11Rev B Sheet 2 of 2	
Recommendation:	REFUSE PLANNING PERMISSION	



1 The Proposal

1.1 Retrospective planning permission is sought for the following developments at the site:

- Alterations to the existing single storey side projection including cladding the structure in black timber cladding (previously white render) and inserting a UPVC roof lantern.
- Re-render the main dwelling in white render.
- Bi-fold doors inserted on the rear elevation.
- Raised platform to the immediate rear of the dwelling which measures some 2.6m in depth, 9m in width and has a height of 0.67m.
- New boundary fencing to the eastern and southern boundaries which constitutes horizontal wooden boards with gaps between the boards. The plans submitted indicate that the fencing, which steps down to the south, with changes in ground levels; measures between 1.8m to 2m in height. However, it is apparent that steels have been inserted, with gravel boards provided below the fences, significantly increasing the height of the boundary treatment in places.
- Landscaping alterations, including changes in levels, including the insertion of steels and sleepers. However, limited information has been submitted to clearly identify the changes in levels across the site.
- To the front of the site, a previous car port and fence have been removed to provide additional off-street parking. The extended off-street parking area currently consists of loose gravel.

2 Site and Surroundings

2.1 The site is located on the southern side of Leigh Park Road and is occupied by a semi-detached dwelling with single storey side extension. The site slopes down to the south.

2.2 The site is also highly prominent from New Road, with the rear of the dwelling, the rear garden and its boundary treatments visible between The Ship and the dwellings in Leigh Hill.

2.3 The site is located in a residential area and is located within the Leigh Conservation Area which is subject to an article 4 direction which requires planning permission for the following types of development:

- The alteration of any window
- The rendering of brickwork of any part of a dwellinghouse
- Re-roofing with different materials
- Hard standings for vehicles
- Painting over facing brickwork on any part of a building

3 Planning Considerations

3.1 The main considerations in relation to this application include the principle of development, design, impact on the street scene and the Conservation Area, residential amenity, traffic and parking implications, and CIL.

4 Appraisal

Principle of development

National Planning Policy Framework; Core Strategy policies KP1, KP2, CP3, CP4; Development Management Document Policies DM1, DM3, DM5, DM15 and the Design and Townscape Guide (2009)

- 4.1 Altering the dwelling to provide facilities in association with the existing residential accommodation is acceptable in principle, subject to other material considerations, particularly the impact of the proposal on the character and appearance of the Conservation Area:

Design and Impact on the Character of the Conservation Area

The National Planning Policy Framework; Core Strategy policies KP2 and CP4; Development Management Document policies DM1, DM3 and DM5, the Design and Townscape Guide (2009) and the Leigh Conservation Area Appraisal (2010)

- 4.2 S72(1) of the Planning and Listed Building and Conservation Areas Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
- 4.3 This proposal is considered in the context of the Borough Council policies relating to design. Also of relevance are National Planning Policy Framework Chapters 7 which requires good design and Chapter 12 which seeks to conserve and enhance the historic environment.
- 4.4 Paragraph 56 of the NPPF states; *“the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”* Paragraph 64 of the NPPF states; *“that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”*
- 4.5 Policy KP2 of the Core Strategy requires that new development contributes to economic, social, physical and environmental regeneration in a sustainable way through securing improvements to the urban environment through quality design, and respecting the character and scale of the existing neighbourhood. Policy CP4 requires that new development be of appropriate design and have a satisfactory relationship with surrounding development.
- 4.6 Policy DM3 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.”* Moreover, 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”.

- 4.7 Policy DM5 states *“Development proposals that result in the total loss of or substantial harm to the significance of a designated heritage asset, including listed buildings and buildings within conservation area, will be resisted, unless there is clear and convincing justification that outweighs the harm or loss. Development proposals that are demonstrated to result in less than substantial harm to a designated heritage asset will be weighed against the impact on the significance of the asset and the public benefits of the proposal, and will be resisted where there is no clear and convincing justification for this.”*
- 4.8 Paragraph 324 of the Design and Townscape Guide states *“In the Borough’s Conservation Areas there is generally a good balance between the visual “hardness” of building and streets and the “softness” of gardens and planted open areas. Front gardens, in particular should be maintained as planted areas wherever possible.*
- 4.9 Paragraph 325 of the Design and Townscape Guide states *“Hardstandings in front gardens harm the appearance of individual properties and the Area’s character if badly designed. They will only be acceptable if no reasonable alternative to parking is possible, and there is adequate space in the garden to allow a good design incorporating a suitable surface, landscaping and partial enclosure of the frontage with a traditional boundary wall or railings. It should not involve the loss of mature trees.*
- 4.10 Paragraph 327 of the Design and Townscape Guide states *“Development will be expected to...preserving and enhancing gardens and landscaping wherever possible.”*
- 4.11 The Leigh Conservation Area Appraisal states: *“With the exception of the Broadway, the Conservation Area is predominantly residential, the streets presenting terraces of housing or else tightly grouped together...the buildings in individual streets are generally similar in style...this has created streetscapes with regular rhythm of well detailed and well-articulated facades...Gardens too are usually well presented. Where houses are built along the slope, they often have long gardens terraced down the hill, which because of their prominence have a significant impact on the appearance of the Conservation Area...relatively few gardens have been paved over for car parking...boundary treatments are usually walls, often white painted and hedges...Featheredge weatherboard was very common in Leigh as a cladding on late timber frames, but is a feature of relatively few buildings today...”*
- 4.12 The site is located within the ‘Arts and Crafts Suburban’ Zone of the Conservation Area. The Leigh Conservation Area Appraisal states; *the semi-detached houses at the lower end of Leigh Park Road are smaller and more modest than the others in the character zone, with casement windows, many with black painted frames, arranged in wide curved bays. The generous red tiled window-cills are the tiled roofs all contribute to the architectural coherence of the area...Old photographs show this street lined with newly planted small trees in gardens with attractive low picket fences running along their boundaries.*
- 4.13 Firstly, it is noted that no heritage statement has been submitted with this

application.

- 4.14 This proposal includes a number of alterations which can be considered in turn with regards to the impact on the character and appearance of the area and the Conservation Area.
- 4.15 The re-rendering of the dwelling is white render to match the neighbouring dwelling is of an acceptable design that would not harm the character and appearance of the dwelling or the surrounding Conservation Area.
- 4.16 The rear bi-fold doors replace an existing door with windows each side and would not result in any material harm to the character and appearance of the host dwelling or the surrounding Conservation Area.
- 4.17 The raised platform would not be particularly visible from the public realm and would not therefore result in any material harm to the character and appearance of the Conservation Area. Whilst limited information has been submitted with regard to the changes in levels and no existing levels information has been specifically provided, it is nevertheless considered that the levels that have been provided across the site would not result in any material harm to the character and appearance of the Conservation Area. It is also noted that the Leigh Conservation Area Appraisal notes that houses built on slopes often have gardens terraced down the hill.
- 4.18 However, with regard to the alterations to the side extension: the proposed cladding is out of keeping with the existing white, rendered dwelling and the UPVC roof lantern constitutes an incongruous feature in the streetscene and setting of the Conservation Area. It is noted that the Leigh Conservation Area Appraisal states that featheredge weatherboarding is a feature of relatively few buildings today.
- 4.19 The proposed boundary treatments are of an unduly stark and contemporary form that is highly prominent in the streetscene and result in a prominent and incongruous development in the Conservation Area. Whilst limited information has been submitted with the application, it is apparent that the site previously benefited from soft landscaping to the rear of the site. These alterations undertaken have resulted in material harm to the character and appearance of the Conservation Area in this regard.
- 4.20 The hardsurfacing to the front of the site is of a poor design, resulting in an excessively large area of rough hardstanding within the streetscene. The majority of the adjoining dwellings have a more discrete single off-street parking space, enabling the provision of some soft landscaping features and low level boundary treatments. Whilst no objection is raised to the removal of the previous car port, the site previously benefitted from some soft landscaping and a picket fence to the front of the site. This part of the proposal is considered to result in material harm to the character and appearance of the Conservation Area. However, it is considered that it could be addressed through the use of conditions had the scheme been found acceptable.
- 4.21 As such, it is considered that the cladding and roof lantern to the side extension and the new boundary treatments are unacceptable alterations to the site, which would result in material harm to the character and appearance of the host dwelling

and the surrounding Conservation Area.

- 4.22 As material harm has been identified to the Conservation Area, it is necessary to determine whether this harm is substantial or less than substantial. In this respect the NPPG provides guidance: *“What matters in assessing if a proposal causes substantial harm is the impact on the significance of the heritage asset...significance derives not only from a heritages asset’s physical presence, but also from its setting...In general terms, substantial harm is a high test, so it may not arise in many cases.”* (Paragraph 017 ID: 18a-017-20140306).
- 4.23 Given this guidance and the nature of the unacceptable alterations, it is considered that the development would result in less than substantial harm to the character and appearance of the Conservation Area. As such, the harm identified needs to be weighed against the public benefits of the proposal. In this respect, the proposed changes will have no significant public benefits. An objection is therefore raised to the proposed development as the proposal is contrary to National and Local Planning Policy as the development would result in material harm to the character and appearance of the Conservation Area.

Impact on Residential Amenity.

National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy, Development Management Document Policies DM1 and DM3 and Design and Townscape Guide.

- 4.24 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.
- 4.25 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):
- 4.26 *“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;”*
- 4.27 In terms of overlooking and loss of privacy, the proposed bi-fold doors, given their nature would not result in any material overlooking. The proposed roof lantern is located above head height and would also not result in any material overlooking or loss of privacy.
- 4.28 Limited information has been provided in relation to the changes in levels. However, given the existing sloping nature of the site and the changes in levels which characterise the area it is considered that the levels within the site would not result in any material overlooking. With regards to the raised platform at the rear, it is noted that there was a previous raised platform to the rear of the dwelling.

Subject to a condition requiring a 1.8m high visibility screen being retained to the western edge of the raised platform, no objection is therefore raised on this basis. Given the scale and nature of the proposed alterations, it is not considered that the development would result in any material harm to the residential amenity of the adjoining residents in terms of dominance, an overbearing impact, sense of enclosure or loss of light and outlook.

The proposed alterations to the existing dwelling would not result in any material harm to the adjoining residents in terms of noise and disturbance over and above the existing situation.

Highways and Transport Issues:

National Planning Policy Framework, Policy KP2, CP3 and CP4 of the Core Strategy, Development Management Document Policies DM1, DM3 and DM15 and the Design and Townscape Guide.

- 4.29 Policy DM15 of the Development Management Document seeks a minimum of 2 parking spaces per 2+ bedroom dwellinghouse. The dwelling previously only benefited from 1 parking space, and this proposal seeks to increase the parking provisions, no objection is therefore raised on this basis.
- 4.30 However, it is noted above that the proposed additional parking provisions would result in material harm to the Conservation Area. It is not considered that the provision of additional parking to meet the parking standards would outweigh this harm, especially considering that the site is located in a sustainable location, where a lower provision of off-site parking can be considered acceptable. The majority of the adjoining dwellings also only benefit from 1 off-street parking space.

Community Infrastructure Levy

- 4.31 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 taken all material planning considerations into account, it is found that the proposed development is unacceptable; and would result in material harm to the character and appearance of the Conservation Area which is not outweighed by any public benefits. The application is therefore recommended for refusal.

6 Planning Policy Summary

- 6.1 National Planning Policy Framework and National Planning Practice Guidance
- 6.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy); KP2 (Development Principles); CP3 (Transport and Accessibility); CP4 (The Environment and Urban Renaissance);

6.3 Development Management Document 2015: Policies DM1(Design Quality), DM3 (Efficient and Effective Use of Land), DM5 (Southend-on-Sea's Historic Environment) and Policy DM15 (Sustainable Transport Management)

6.4 Design & Townscape Guide 2009

6.5 Leigh Conservation Area Appraisal 2010

6.6 Community Infrastructure Levy Charging Schedule 2015

7 Representation Summary

Traffic and Transportation

7.1 There are no highway objections to this proposal.

Leigh Town Council

7.2 No objection

8 Public Consultation

8.1 The application was advertised in the press, a site notice was displayed, and 11 neighbour letters were sent out. No responses have been received.

8.2 This application was called in to the Development Control Committee by Cllr Arscott.

9 Relevant Planning History

9.1 None

10 Recommendation

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

01 The cladding and roof lantern to the side extension and the garden boundary treatments by reason of their unduly stark contemporary design and appearance result in incongruous and obtrusive features in the streetscene and garden setting which cause material harm to the character and appearance of the host dwelling and the Leigh Conservation Area. Whilst this material harm is less than substantial, no public benefits have been identified to outweigh this harm. The development is therefore unacceptable and contrary to Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1, DM3 and DM5 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009) and the Leigh Conservation Area Appraisal (2010).

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

- 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.