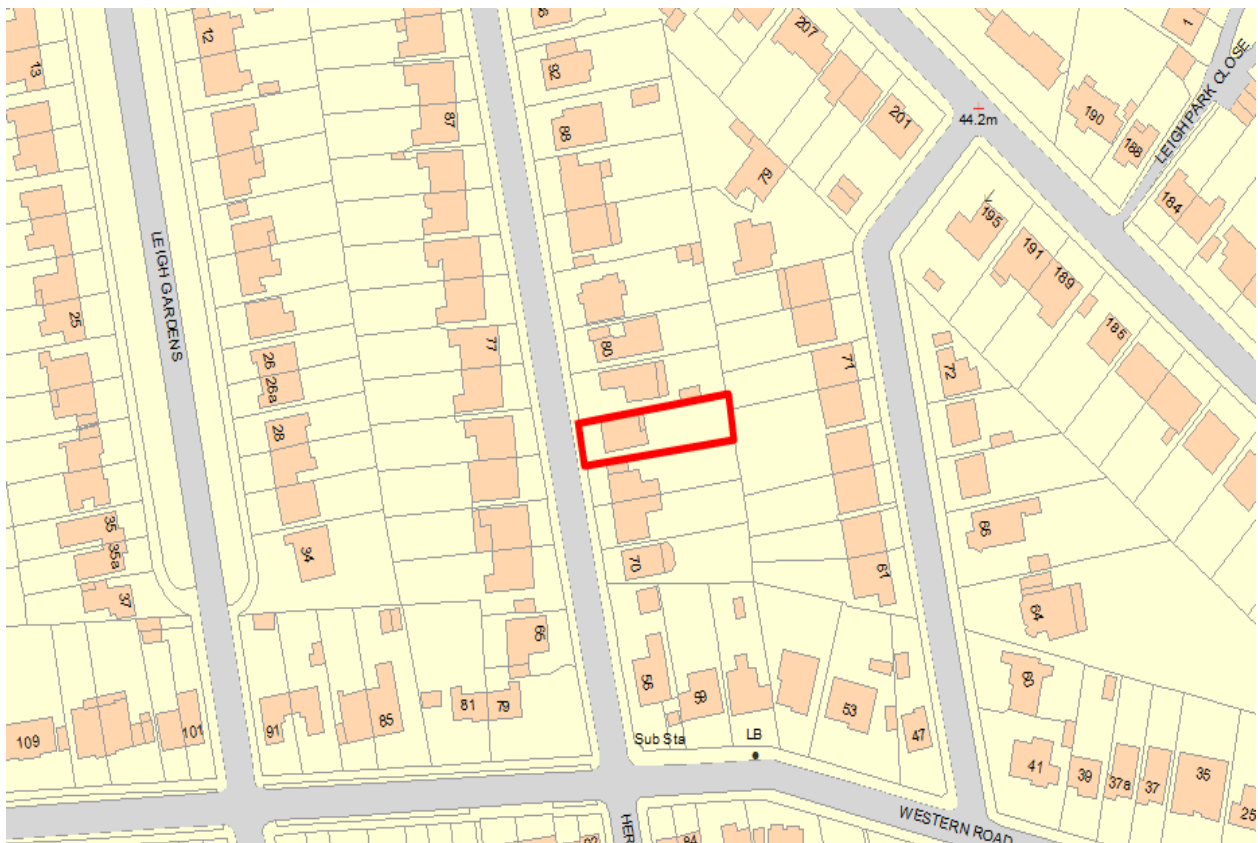


Reference:	18/00084/FUL	
Ward:	West Leigh	
Proposal:	Demolish existing timber workshop, erect enlarged timber workshop, alter elevations of existing oak framed gazebo to create enclosed summerhouse and install juliette balcony to rear of dwellinghouse	
Address:	76A Herschell Road, Leigh-On-Sea, Essex, SS9 2PU	
Applicant:	Mr Oliver Beacham	
Agent:	N/A	
Consultation Expiry:	27.02.2018	
Expiry Date:	03.04.2018	
Case Officer:	Janine Rowley	
Plan Nos:	16.109-01 A; 16.109-02; 16.109-03; 16.109-04; 16.109-05; 16.109-06; 16.109-07; 16.109-08; 16.109-09; 16.109-10; 16.109-11; 16.109-12; 16.109-13; 16.109-14; 16.OB1-15	
Recommendation:	REFUSE PLANNING PERMISSION	



1 The Proposal

- 1.1 Planning permission is sought to demolish an existing timber workshop, erect a larger timber workshop, alter the elevations of an existing oak framed gazebo to create an enclosed summerhouse and install a Juliette balcony to the rear.
- 1.2 The existing garden area serving 76a Herschell Road previously contained a timber workshop, which has since been demolished and the concrete base has been laid out for the new workshop. There are two other structures within the site including an existing oak pergola and oak deck bridge over the existing pond to the centre and an existing open gazebo to the rear of site. The existing oak pergola and oak decking bridge to the centre of the site is to remain unchanged as part of this application
- 1.3 The former existing timber workshop was 3.3m wide x 2.4m deep x 2.8m high sited 1.9m away from the rear elevation of the existing building.
- 1.4 The proposed workshop which is 3.3m wide x 5.7m deep x 3.1m high (2.2m to the eaves) is to be sited 2.2m away from the rear elevation of the existing building. The materials include larch board and batten cladding. The fenestration to the outbuilding includes a roller shutter door to the west elevation and a window and door to the south elevation.
- 1.5 The proposal includes alterations to the existing oak framed gazebo to the rear of the site so that it becomes enclosed to provide a summerhouse 4m wide x 2.2m deep x 2.5m high. It should be noted there is a discrepancy on the plans shown on drawings “existing layout” 16.109-03, and “proposed layout” 16.109-09 where the gazebo to the rear is set 0.3m away from the northern boundary however, “proposed site plan” drawing 16.109-08 illustrates only a 0.1m separation distance to the northern boundary. However, on balance it is not considered this would warrant a reason for refusal taking into account it’s siting to the rear of the garden and existing outbuildings to the north.
- 1.6 At first floor a Juliette balcony is proposed to the existing building to serve an existing pair of full height windows in the first floor flat.
- 1.7 This application has been submitted following an enforcement complaint (17/00233/UNAU_B), whereby the base for the workshop has been laid out within the rear garden without planning permission.

2 Site and Surroundings

- 2.1 The site contains a two storey detached building on the eastern side of Herschell Road which is in use as two self-contained flats, no. 76 to the ground floor and 76a to the first floor. The garden is split into two to the rear with a shared access to the south of the property adjacent to 74 Herschell Road which is a single family house. The streetscene is characterised by two storey semi-detached and detached properties.

3 Planning Considerations

- 3.1 The main considerations are in relation to the principle of the development, design and impact on the character of the area, traffic and transportation issues and impact on residential amenity and CIL.
- 3.2 Flats do not benefit from permitted development rights under the Town and Country Planning General Permitted Development Order so planning permission is required for rear garden outbuildings and structures.

4 Appraisal

Principle of Development

National Planning Policy Framework (2012); Core Strategy (2007) Policies KP2, CP4; Development Management Document (2015) Policies DM1 and DM3, Design and Townscape Guide (2009)

- 4.1 The property is located within a residential area and subject to detailed considerations; the principle of outbuildings and external alterations in this location is acceptable subject to the other material planning considerations discussed in detail below.

Design and impact on the character of the area

National Planning Policy Framework (2012), Core Strategy Policies KP1 (Spatial Strategy), KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and Design and Townscape Guide (2009)

- 4.2 National Planning Policy Framework 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”*.
- 4.3 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 to secure urban improvements through quality design. Policy CP4 of the Core Strategy states that 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.
- 4.4 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.

- 4.5 The proposed outbuilding is 3.3m wide, 5.7m in depth and 3.1m high. The design is a simple form with a pitched roof. The outbuilding is to be constructed from larch and batten cladding on a concrete base with a roller shutter to the west elevation and window and door to the south elevation.
- 4.6 The design and scale of the outbuilding satisfactorily relates to the existing property and does not result in a form of development out of keeping with the surrounding area taking into account that there exist a number of outbuildings to the rear of existing properties. It is therefore not considered that the outbuilding in design terms would significantly affect the character of the area in a harmful way.
- 4.7 No objections are raised to the enclosure of the existing gazebo to form a summerhouse at the bottom of the rear garden on character grounds.
- 4.8 For these reasons it is considered that the proposal would not cause harm to the character or appearance of the site or the surrounding area and, it is therefore acceptable and policy compliant in that regard.

Traffic and Transportation

National Planning Policy Framework (2012); Core Strategy (2007) Policies KP2, CP4, CP3; Development Management Document (2015) Policy DM15, and the Design and Townscape Guide (2009)

- 4.9 The existing parking to the front of the site will remain as existing providing one parking space per flat, which is policy compliant.
- 4.10 The proposed development will not be detrimental to highway or pedestrian safety and the proposed development is therefore acceptable in this regard and satisfies the policies detailed above.

Impact on residential amenity

National Planning Policy Framework (2012), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, Design and Townscape Guide (2009)

- 4.11 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.
- 4.12 The proposed workshop outbuilding is located to the rear garden serving the first floor flat No. 76A Herschell Road set 2.2m from the rear elevation of the existing building and projecting 5.7m into the garden. No. 76 Herschell Road the ground floor flat, has windows serving a bathroom to the immediate west of the proposed outbuilding and sitting room to the north. The proposed outbuilding has a height of 3m (eaves 2.2m high) and set 0.2m away from the boundary to the north serving the garden of 76 Herschell Road and 1.3m away from the boundary to the south of

the site with 74 Herschell Road. It is not considered the proposal would result in a material harmful impact on the amenities enjoyed by existing occupiers of no. 74 taking into account the existing single storey rear extension serving no. 74 and siting of the outbuilding proposed. However, the proposed building would, by reason of its design, siting, height and depth of rearward projection, result in an excessively overbearing relationship, an unduly increased sense of visual enclosure and a loss of light and outlook at 76 Herschell Road, to the detriment of the residential amenities of the occupiers of this property. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework; Policies KP2 and CP4 of the Core Strategy (2007); Policies DM1 and DM3 of the Development Management Document (2015); and the advice contained within the Design and Townscape guide (2009).

- 4.13 In relation to impact on residents to the rear of the site in Vernon Road there is a separation of 33m, which is sufficient to mitigate against any harm to light, outlook or impact on the rear garden scene.
- 4.14 The proposed enclosure of the existing gazebo to the rear of the site will not result in material harm to the adjacent residential occupiers surrounding the site taking into account its siting and modest scale and increase of height from 2.3m to 2.5m (0.2m difference) compared with the existing structure. It should be noted there is a discrepancy on the plans shown on drawings “existing layout” 16.109-03, and “proposed layout” 16.109-09 where the gazebo to the rear is set 0.3m away from the northern boundary however, “proposed site plan” drawing 16.109-08 illustrates only a 0.1m separation distance to the northern boundary. However, on balance it is not considered this would warrant a reason for refusal taking into account its siting to the rear of the garden and existing outbuildings to the north.
- 4.15 In terms of overlooking and loss of privacy from the proposed Juliette balcony to the first floor serving the habitable accommodation of no. 76A Herschell Road, on balance the impact of this element of the proposal is found to be acceptable and no worse than existing windows to the rear elevation of the existing property at first floor including adjacent residential properties to the north and south of the site and the separation distance to the rear elevations of properties in Vernon Road to the east of the site.
- 4.16 The applicant has confirmed that the outbuilding will be used as a workshop for purposes incidental to occupation of the existing flat at first floor. It is noted from the plans and neighbours representations that the workshop is intended for use in connection with the applicant’s hobby, keeping and maintaining motorbikes. A motorbike is illustrated for example on the building sections submitted as part of the application. There is potential for the introduction of a purpose built workshop to intensify motorbike related activity and attendant noise and disturbance on the site which could have a harmful impact on residential amenity. However, a condition could be imposed to restrict the workshop incidental hobby related use, with no business activity (such as the servicing and repair of motorbikes not owned by the applicant). In these circumstances it is not considered that such a restricted use of the building would in itself represent a specific reason for refusing planning permission. Whilst the level of activity will increase within the rear garden it is considered to not be harmful, taking into account the existing outbuildings in the vicinity of the site and would not result in material harm on noise and disturbance grounds to the existing occupiers to the north, south and west of the site.

Furthermore, a condition could be imposed to ensure the outbuilding remains incidental to the first floor flat no. 76A Herschell Road if this application was otherwise deemed acceptable.

Other matters

- 4.17 A third party representation has been received stating the flat roof to the ground floor flat is currently used as a balcony following the installation of sliding doors in 2003. Whilst this is not subject of the current planning application a condition the formation of a balcony enclosure on the flat roof would require separate planning permission. Furthermore, the proposal to enclose the doors with a Juliette balcony reasonably indicates that access onto the roof is not being sought in order to protect the amenities of nearby residential occupiers if this application is deemed acceptable.

Community Infrastructure Levy (CIL) Charging Schedule.

- 4.18 The outbuilding 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.

Conclusion

- 4.19 Having taken all material planning considerations into account, it is found that the proposed alterations to the existing gazebo to the rear of the site to enclose and form a summerhouse and Juliette balcony to the first floor of no. 76A Herschell Road are acceptable as they would not harm the character or amenity of the surroundings. However, the proposed workshop outbuilding would, by reason of its design, siting, height and depth of rearward projection represent an excessively large and intrusive structure which would result in an unduly overbearing relationship, increased sense of visual enclosure and a material loss of light and outlook to 76 Herschell Road, to the detriment of the residential amenities of the occupiers of this property. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework; Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007); Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015); and the advice contained within the Southend-on-Sea Design and Townscape guide (2009). This application is therefore recommended for refusal and fails to comply with development plan policies.

5 Planning Policy Summary

- 5.1 National Planning Policy Framework (2012)
- 5.2 Core Strategy (2007) CP4 (The Environment and Urban Renaissance) KP1 (Spatial Strategy), KP2 (Development Principles)
- 5.3 Development Management Document (2015) policy DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), DM15 (Sustainable Transport Management)
- 5.4 Design & Townscape Guide (2009).

5.5 Community Infrastructure Charging Levy

6 Representation Summary

Leigh on Sea Town Council

6.1 Resolved to object to the proposal on the following basis:

The height above the fence line is considerable for much of the boundary line and will have an adverse impact on the amenity of neighbours. With the 'gym' abounding the northern boundary of 76 Herschell Road, the sense of visual enclosure is unacceptable and the use of such a large studio needs questioning in a residential property – this will have an impact on the noise and disturbance of neighbouring properties. Furthermore the proposed development does not contribute positively to the space between buildings.

As such the application is contrary to Policy DM1 of the Development Manager Document 2015.

Public Consultation

6.2 8 neighbours were notified of the proposal and four objections have been received stating:

- The property was converted in 1984 into two flats and as part of the leases no obstruction should be to the sideway which is continuously blocked by Mr Beacham of no. 76A Herschell Road [**Officer Comment: This is a civil matter and not a material planning consideration**];
- The concrete base has been laid without planning permission and this application is the result of raising the matter with the planning enforcement team;
- Appearance of the development unacceptable
- Noise
- Loss of privacy
- The sideway could be turned into a building site, which is contrary to the lease agreement [**Officer Comment: This is a civil matter and not a material planning consideration**];
- Siting of the outbuilding is too close to the bathroom of no. 76 Herschell Road;
- Existing outbuilding has already been removed and was previously erected without planning permission or consent from the leaseholder;
- No objection to the summerhouse converted from the gazebo subject to it not running a separate business;
- Juliet balcony is proposed to the rear first floor doors, installed in 2003 and legal action is being sought on this matter separately;
- The flat roof of the ground floor flat is used as a balcony for occupiers of no. 76A Herschell Road at first floor;
- Too large for the area
- Height unacceptable
- Installation of Juliette balcony will result in overlooking or properties in Vernon Road

- Increased height of the gazebo would result in shade to gardens to the east in Vernon Road

These concerns are noted and they have been taken into account in the assessment of the application.

6.3 Councillor Phillips has requested this application be dealt with by Development Control Committee.

7 Relevant Planning History

7.1 Alleged unauthorised development (Erection of Outbuilding)- Pending consideration (17/00157/UNAU_B)

8 Recommendation

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

01 The proposed workshop outbuilding would, by reason of its design, siting, height and depth of rearward projection, result in an excessively large and intrusive structure which would create an unduly overbearing relationship, an increased sense of visual enclosure and a material loss of light and outlook to 76 Herschell Road, to the detriment of the residential amenities of the occupiers of this property. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework; Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007); Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015); and the advice contained within the Southend-on-Sea Design and Townscape guide (2009).

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.

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.