

Reference:	18/00813/FUL
Ward:	Leigh
Proposal:	Erect hip to gable roof extension to rear to form one self-contained flat, install dormer to front, external staircase to rear and form roof terrace
Address:	194 Leigh Road, Leigh-On-Sea, Essex
Applicant:	Mr J Doassans
Agent:	Stone Me Ltd
Consultation Expiry:	28.06.2018
Expiry Date:	26.07.2018
Case Officer:	Kara Elliott
Plan No's:	1729/05/A, 1729/06B, 1729/07, 1729/09
Recommendation:	GRANT PLANNING PERMISSION subject to conditions



1 The Proposal

- 1.1 Planning permission is sought to erect a roof extension to the rear and a pitched roof gable-end dormer to the front roof slope to form a one bedroom second storey flat with a roof terrace to the rear.
- 1.2 The newly created second storey one bedroom/two person dwelling would have a footprint of approximately 64m²; with approximately 50m² of floorspace with a head height of over 1.5 metres. Accommodation would consist of one double bedroom (with en-suite) and an open plan kitchen/living area. The gable to the rear addition would be entirely glazed with a single door providing access to the proposed roof terrace. Internal access to the flat would be available from the first floor of the unit as well as via an external staircase at the rear of the building.
- 1.3 The proposed rear extension would have a height of approximately 10.5 metres to its ridge and would project 8 metres deep with a width of 6 metres. The gable-end pitched roof dormer to the front would have a height of 3 metres, a width of 3.3 metres and would project 3.7 metres, set approximately 1 metre above the existing eaves height.
- 1.4 The proposed roof terrace would be located to the rear and would have a footprint of approximately 20m². Metal balustrading is proposed around the perimeter of the roof terrace.
- 1.5 The proposed development would be finished in render with black uPVC window frames and clay roof tiles to match the existing.
- 1.6 The application states that the proposed dwelling unit would be occupied by the manager of the existing bar at the application site, trading as Mojo.
- 1.7 The application has been called in to be decided by the Development Control Committee at the request of Cllr Mulronev.

2 Site and Surroundings

- 2.1 No 194 is a two-storey end of terrace commercial property consisting of a bar and lounge area to the ground floor with decked patio area to rear and a lounge area to the first floor. It is situated on the south side of Leigh Road, west of its junction with Carlton Drive. Immediately adjoining is a two storey building used as an artist's studio/gallery. The nearest residential accommodation is opposite in Carlton Drive and within the Leigh Road terrace to the west, above commercial properties. The bar is now called 'Mojo' but was formally known as 'Tigers' and 'Tiger Lily'.

3 Planning Considerations

- 3.1 The main considerations in relation to this application are the principle of the development, design and impact on the character and appearance of the area, traffic and transportation including parking, impact on residential amenity, standard of accommodation for the future occupiers and CIL contributions.

4 Appraisal

Principle of Development

National Planning Policy Framework, Core Strategy (2007) Policies KP1, KP2, CP4 and CP8, Development Management Document (2015) Policies DM1, DM3, DM7, DM8, DM13 and the Design and Townscape Guide (2009)

- 4.1 The site is previously developed land and it is therefore relevant to Core Strategy policy CP8, which supports the provision of dwellings on such land; subject to detailed considerations where it is expected that the intensification of development will play a role in meeting the housing needs of the Borough.
- 4.2 Government advice currently states that all sites should be examined in order to determine their potential for redevelopment for residential purposes. It should also be noted that Government Policy is to maximise the use of urban land. As such there is no objection in principle to a new residential unit within this site.
- 4.3 On this basis, subject to the detailed considerations that will be undertaken below, it is considered that the policy framework supports the broad principle of undertaking residential development at this site. It is also important to note that the proposed development would not result in the loss of any primary shopping frontage in accordance with DM13 of the Development Management Document.
- 4.4 It is noted that the proposed accommodation is intended to be occupied by the manager of the bar. However, the proposed development is assessed as it would be for any other conventional dwelling. Whilst it is not imperative to provide employee accommodation for the existing use of the site as a bar, the intention is seen in line with supporting and improving local businesses which in principle is considered acceptable.
- 4.5 Further assessment of the material considerations are below. However, the proposed development consisting of the creation of a second floor one bedroom flat and extensions and alterations to the existing building is considered to be acceptable in principle.

Design and Impact on the Street Scene

National Planning Policy Framework, Core Strategy (2007) Policies KP2 and CP4, Development Management (2015) policies DM1, DM3, DM13 and the Design and Townscape Guide (2009).

- 4.6 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 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.”*
- 4.7 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”*.

- 4.8 Policy DM1 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”*.
- 4.9 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”*.
- 4.10 On balance, it is considered that the proposed gable-end roof extension would not result in demonstrable harm to the character and appearance of the application site or the wider area due to its compatibility with surrounding development and its limited depth which does not extend to the rear of the existing building. The use of glazing within the rear gable of the proposed addition to the rear is considered to be an interesting feature which would not result in demonstrable harm to the character and appearance of the building or the wider area.
- 4.11 In addition, front dormers are a common feature in the streetscene and due to its subservient size, scale, bulk and height, as well as well-proportioned fenestration and position within the roof; the proposed dormer would not result in a dominant addition to the principal elevation.
- 4.12 The use of matching materials for the proposed additions will assist in integrating successfully with the existing building.
- 4.13 In visual terms, there is no objection to the roof terrace due to its limited views from the public realm as a result of its location at second floor level and its set back position within the site.
- 4.14 In light of the above, it is considered that the proposed development would, on balance, not be out of keeping with the urban grain in this location and would not have a detrimental impact on the character and appearance the existing building or the area more widely. The development is therefore acceptable in these regards and policy compliant.

Living Conditions for Future Occupiers / Amenity Space

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

- 4.15 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;

- Minimum property size 1 bedroom (1 person) 37sqm-39sqm, 1 bedroom (2 persons) 50sqm, 2 bedroom (3 persons) 61sqm and 2 bedrooms (4 persons) 70sqm
- Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5m² for a single bedroom with a minimum width of 2.15m²; and 11.5m² 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.

4.19 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 1.25m² should be provided for 1-2 person dwellings. A minimum of 0.5m² 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.

4.20 The proposed residential unit to the second floor would measure approximately 65m² in total, with 50 square metres of floorspace with a head height of over 1.5 metres and would be considered as acceptable for a one bedroom, two person dwelling. The unit would gain a good level of natural light and outlook from the fully glazed rear gable elevation to the rear and the wide front dormer. The bedroom would have an overall floorspace of approximately 11.85m², in compliance with the national standard which stipulates a minimum floorspace of 11.5m² for a double bedroom. It is therefore considered that the proposed residential unit would provide

suitable living accommodation for future occupants in line with the National Planning Policy Framework, policies KP2 and CP4 of the Core Strategy, policies DM1, DM3 and DM8 and the National Technical Housing Standards and advice contained within the Design and Townscape Guide.

- 4.21 The required amount of amenity space for a development will be determined on a site by site basis taking into account local 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. Policy DM8 of the Development Management Document states that all new dwellings must make provision for useable private outdoor amenity space for the enjoyment of intended occupiers; for flatted schemes this can take the form of a balcony or semi-private communal amenity space.
- 4.22 The roof terrace would provide an external amenity space for flat amounting to approximately 20m². It is considered that the roof terrace provides a good standard of external amenity space for the proposed flat.
- 4.23 In terms of the impacts upon the future occupiers considering the use of the ground and first floors as a bar, whilst the current proposed occupier (bar manager) is likely to be working during operating hours, the lifetime use of the dwelling for persons not associated with the bar must be considered. In addition, it would not be unreasonable to consider the effect of the noise from the use below at times when the occupier is not working and upon a partner. Considering the late night drinking establishment below the proposed flat, it is appropriate to include a noise mitigation condition in order to ensure that the amenities of the occupiers of the development are not prejudiced by noise.
- 4.24 For the reasons above it is considered that the proposed development would not result in overdevelopment of the site and would result in a good standard of accommodation in compliance with the provisions of the National Planning Policy Framework, Policy KP2 and CP4 of the Core Strategy (2007), policies DM1, DM3 and DM8 of the Development Management Document (2015) and advice contained within the adopted Design and Townscape Guide (2009).

Impact on Neighbouring Properties

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

- 4.25 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.
- 4.26 The proposed two storey rear addition would not project to the rear of the existing building and due to its height no higher than that of the existing building as well as the absence of residential dwellings immediately to the south (rear) of the site, it is

not considered that the proposed development would be to detriment of the amenities of the surrounding residential occupiers from an obtrusive or overbearing form of development, an unacceptable sense of enclosure or a loss of light or privacy. This also applies to the attached property to the west.

- 4.27 The proposed roof terrace for the second floor would provide a large, elevated roof terrace which has a depth of 3.3 metres. This would enable users to have views across to the side of the buildings within Carlton Drive. However, due to the presence of the two storey, deep, commercial building to the rear of the site, the orientation of the application site and the dwellings within Carlton Drive (i.e. no front or rear elevations facing the proposed development), a significant depth in excess of over 16 metres to the side of the nearest dwelling (7 Carlton Drive) and the obstructed and unavailable views for users of the terrace to view into the amenity areas of any of the neighbouring properties, it is not considered that the roof terrace would result in any material harm through perceived or actual overlooking or a loss of privacy.
- 4.28 The proposed second storey dormer window is not considered to result in demonstrable harm to the amenities of neighbouring occupiers due to its position and height and the distance to first and second floor dwellings opposite within Leigh Road of approximately 19 metres.
- 4.29 The development is found to be acceptable and policy compliant on neighbour amenity grounds in all relevant regards.

Traffic and Transportation issues

National Planning Policy Framework, Policies KP2, CP3 and CP4 of the Core Strategy 2007, Development Management 2015 Policies DM1, DM3 and DM15 and the Design and Townscape Guide.

- 4.30 The adopted Vehicle Parking Standards are expressed as a maximum and state that one space should be provided per unit. No off-street parking is proposed to serve the dwelling. Policy DM15 of the Development Management Document allows for flexibility in its application of the policy and states that the residential vehicle parking standards may be relaxed 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.
- 4.31 The intended user's place of work would be at the application site. However, taking into account the availability of public transport options, accessibility of the numerous services and facilities along Leigh Road and Leigh more generally, it is considered that there is sufficient justification to apply the standards flexibly in this instance. The proposed development providing no off-street parking would therefore be acceptable and would not result in harm to highway safety.
- 4.32 No details have been provided in respect of a secure bin and bike store. However, it is considered that these facilities could be provided within the existing courtyard to the rear of the site and a suitable condition could be included to any positive decision in order to ensure details are agreed prior to occupation of the flat.

CIL Charging Schedule 2015

- 4.33 The application is for creation of a new dwelling. This application is CIL liable and there will be a CIL charge payable. Section 143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive, in payment of CIL is a material 'local finance consideration' in planning decisions.

Conclusion

- 4.34 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. 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 and it provides adequate amenities for its future occupiers. This application is therefore recommended for approval, subject to conditions.

5 Planning Policy Summary

- 5.1 National Planning Policy Framework
- 5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance), CP8 (Dwelling Provision)
- 5.3 Development Management Document (2015) Policies DM1 (Design Quality), DM3 (The Efficient and effective use of land), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards), DM15 (Sustainable Transport Management)
- 5.4 The Design & Townscape Guide 2009
- 5.5 Technical Housing Standards – Nationally Described Space Standard (2015)

6 Representation Summary

Public Consultation

- 6.1 10 neighbours were notified and a site notice was displayed. Ten letters of representation have been received which objects on the following grounds;
- Existing noise and disturbance from the bar;
 - Create new point of disturbance;
 - Overlooking properties on Carlton Drive;
 - Large numbers of people could congregate at the rear;
 - Plans are unclear as to the use of the roof terrace to (concerns will be used for customers of bar);
 - The elevation shows a balustrade across the flat roof but this is not shown on the plan;

- Roof terrace would result in overlooking into gardens and windows of neighbouring properties;
- Outside space too large for residential dwelling.
- No internal access to the flat;
- The external staircase will allow patrons of the bar to gain access to the roof terrace;
- The first floor landing of the fire escape is already used by patrons as an external smoking area;
- Harm to neighbour amenity;
- Lack of off-street parking.

6.2 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. Noise and disturbance issues relating to the existing operations of the bar should be direct to the relevant department, i.e. Environmental Health. Furthermore, please note the application has been amended since its original submission in order to include integral access to the flat from the existing building.

Consultation Responses

Leigh Town Council

6.3 No Objection

Highways & Transportation

6.4 No objection

Environmental Health

6.5 No objection, subject to noise mitigation and standard construction hour's conditions.

7 Relevant Planning History

7.1 06/00902/FUL - Erect two storey rear extension, change of use of first floor to restaurant and alter side and front elevations – Refused;

7.2 08/00810/FUL - Install new shopfront and alter side elevation - Refused;

7.3 08/01143/FUL - Alter side elevation - Refused;

7.4 08/01331/FUL - Install new shopfront - Refused;

7.5 14/01193/FUL - Install new shopfront – Granted.

7.6 On 7th March 2018 the Council authorised to serve an enforcement notice to require the removal of the unauthorised development. The unauthorised structure has subsequently been removed, prior to any enforcement notice being served.

7.7 18/00250/FUL - Erect pergola to rear (Retrospective) – Refused 10.04.2018.

8 Recommendation

Members are recommended to GRANT PLANNING PERMISSION subject to the following conditions;

- 1. 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.

- 2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1729/05/A, 1729/06B, 1729/07, 1729/09.**

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

- 3. No development shall take place until samples and/or details of the materials to be used in the construction of the external elevations of the development 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.**

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.

- 4. No part of the development shall be occupied until details of refuse and recycling facilities and cycle parking have been submitted to and agreed in writing by the Local Planning Authority. The refuse and recycling facilities and cycle parking shall thereafter be implemented in accordance with the approved details before first occupation of any of the development and shall be permanently maintained thereafter.**

Reason: In order to protect the character and visual amenities of the area and the environment for residents and provide sustainable modes of transport in accordance with of the Council's Policies KP2 and CP4 of the Core Strategy (2007), Development Management Document (2015) policies DM1, DM3 and DM15.

- 5. Demolition or construction works associated with this permission shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time Sundays or Bank Holidays.**

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character the area in accordance with policies KP2 and CP4 of the Core Strategy DPD1 and Policies DM1 and DM3 of the Development Management DPD 2015.

6. Prior to the commencement of the development, a full scheme of the measures to be incorporated in the development to mitigate the impact of noise from road traffic, the activities of uses neighbouring the site and any other relevant sources of noise on the future occupiers of the new dwellings in the development shall be submitted to the Local Planning Authority and approved in writing. The development shall be implemented in full accordance with the approved scheme of noise mitigation measures in its entirety before the first occupation of the development.

Reason: To ensure that the amenities of the occupiers of the development are not prejudiced by noise and 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).

7. The roof terrace hereby approved shall only be used as private amenity space for the enjoyment of the occupier/s of the flat hereby granted and shall at no times be used in connection with the commercial use of the application site.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (NPPF), DPD1 (Core Strategy) 2007 policy CP4, Development Management Document policy DM1, and the Design and Townscape Guide (2009).

Informative

1. You are advised that as the proposed development 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.
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.

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.

