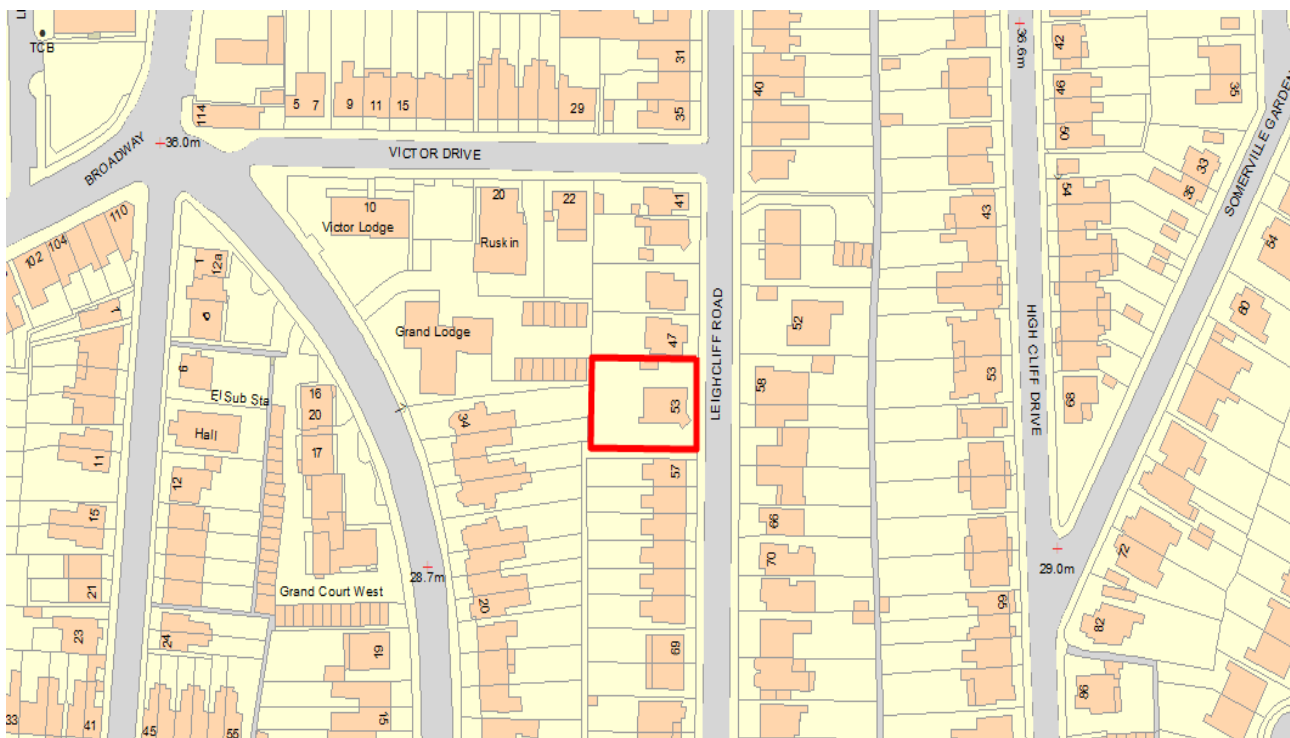


Reference:	18/00867/FULH
Ward:	Leigh
Proposal:	Erect two storey south side extension, two storey front extension, single storey north side extension incorporating garage, single storey rear extension with roof terrace, install dormer to north side, dormer with balcony to south west and alter roof and elevations (amended proposal)
Address:	53 Leigh Cliff Road Leigh-On-Sea Essex SS9 1DN
Applicant:	Mrs and Mrs Jarvis
Agent:	Do Architecture
Consultation Expiry:	28 th June 2018
Expiry Date:	6 th August 2018
Case Officer:	Abbie Greenwood
Plan Nos:	17.109-01, 17.109-02, 17.109-03, 17.109-04, 17.109-05, 17.109-07, 17.109-08B, 17.109-09B, 17.109-10B, 17.109-11B, 17.109-12B, 17.109-13B, 17.109-14B, 17.109-15B, 17.109-16B, 17.109-17B, Existing Sections dated Feb 2018
Recommendation:	GRANT PLANNING PERMISSION



1 The Proposal

- 1.1 The application seeks planning permission to erect a two storey extension to the south side of the property, a two storey front extension, a single storey north side extension incorporating garage, a single storey rear extension with balcony above, install dormer to north side, a dormer with balcony to south west corner of the roof and alter roof and elevations to give building a Victorian/Edwardian appearance.
- 1.2 The proposed side extension to the south of the existing house will be 4.2m wide (5.1m including turret bay) and 13.2 deep with an eaves height of 6.2m and a maximum height of 10.2m. This extension also extends to the rear at single storey with a terrace at first floor on the flat roof measuring 3.1m deep, 5.2m wide with a height of 3.1m (not including balustrade).
- 1.3 To the north a single storey extension is also proposed to form a gym, utility area, shower/wc and attached garage. The extension here is 6.3m wide, 10m deep with an eaves of 2.3m and a max height of 4.2m.
- 1.4 At roof level the existing hipped roof is to be extended over the proposed 2 storey side extension including a slightly recessed flat area in the middle measuring 4.2m x 3.2m. Two new flat roofed dormers are proposed. One to the north side and one to the south west corner which also includes a projecting balcony measuring 6.6sqm. The dormer to the northern side dormer has a height of 1.8m, a width of 2.3m and a depth of 2.5m. The balcony dormer to the SW corner has a height of 2.4m, a width of 3.3m and a depth of 2.4m (plus a balcony of 3.1m deep).
- 1.5 In addition to these extensions a double height bay window and a two storey turret feature is proposed to the front elevation and the whole property is to be remodelled to have a Victorian/ Edwardian appearance.
- 1.6 The proposed materials are red brick to match the existing brick with stone detailing to the bays and lintels, aluminium sliding sash windows, clay roof tiles with decorative ridge detail and leaded dormers.
- 1.7 This is an amended proposal following a previous refusal reference 17/00868/FULH. That application sought a different design and was refused for the following reasons:

01. The proposed extensions and alterations would by reason of the size, scale and siting of the two storey side extension, garage and roof alterations and the overall detailed design of the development, be detrimental to the character and appearance of the existing dwelling and would conflict with the grain of the area, resulting in a development which would appear over dominant, out of scale and out of character in the streetscene. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (NPPF), Southend Core Strategy (2007) policies KP2 and CP4, Southend Development Management Document (2015) policies DM1 and DM3 and the advice contained with the Southend Design and Townscape Guide (2009).

02. The proposed development would, as a result of the positioning of the 2nd floor balcony, result in unacceptable overlooking of the private amenity space to 57 Leigh Cliff Road to the detriment of the privacy and amenities of the occupiers thereof. The proposal is therefore unacceptable and contrary to the National Planning Policy

Framework, Policies CP4 and KP2 of the Southend Core Strategy, Policies DM1 and DM3 of the Southend Development Management Document (2015) and the advice contained within the Southend Design and Townscape Guide (2009).

2 Site and Surroundings

- 2.1 The existing building is an attractive Arts and Crafts style house with distinctive exaggerated eaves detail and feature chimneys. It is located on a spacious plot within the centre of the street block on the west side of Leigh Cliff Drive which slopes down to the sea. The property is unique in the street and makes a positive contribution to local character.
- 2.2 Leigh Cliff Road itself has a mixed character including a variety of both traditional and modern houses most of which are individually designed detached or semi-detached houses but some of which are arranged in short runs or terraces of similar designs. Overall whilst this is an attractive street there is not a uniform character. The houses are predominately 2 storeys a few of which have small elements of glazing within the top of the gables indicating rooms within the roof space but dormers are not a common feature. A number of properties have forecourt parking. There are only a few garages in the street and where they do exist they are single width and subservient. The building lines are generally consistent and are noticeably closer to the pavement on the west side. Most properties have planted front gardens which make a positive contribution to the streetscene.
- 2.3 Leigh Cliff Road is set on the cliff and slopes down to the estuary to the south. The area is residential in character. The site is not located within a conservation area or subject to any site specific planning designations.

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 and traffic and transport implications.

4 Appraisal

Principle of Development

National Planning Policy Framework (2012); Core Strategy (2007) Policies KP1, KP2 and CP4; Development Management Document (2015) Policies DM1 and DM3 and the Southend Design and Townscape Guide (2009).

- 4.1 The proposal is considered in the context of the above policies. These policies and guidance support extensions to properties in most cases but require that such alterations and extensions respect the existing character and appearance of the building and the surrounding area. The dwelling is located within a residential area where extensions and alterations to this property are considered acceptable in principle.

Design and Impact on the Character of the Area

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

- 4.2 The National Planning Policy Framework (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 56 – ‘Requiring good design’).
- 4.3 The Core strategy Policy KP2 states the need for all new development to “*respect the character and scale of the existing neighbourhood’ in order to achieve a sustainable urban environment.*”
- 4.4 In addition Core Strategy Policy CP4 stipulates “*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.*”
- 4.5 The proposal is an amended design following a refusal for a similar range of extensions reference 17/00868/FULH. This application was refused because it was considered that the proposal resulted in an over scaled and poorly detailed design that would be detrimental to local character.
- 4.6 In order to address this reason for refusal the proposal has sought to reduce the scale of the single storey element to the north of the building, changing the proposal from a double garage to a single garage linked to the house by a recessed single storey extension. This gives this element of the proposal a better articulated and much more subservient relationship with the existing building. The proposal has also been further amended during the course of the application to reduce the height of the garage by removing the first floor accommodation and to reduce the scale of the dormer on this side. This has helped to reduce the scale of the proposal in relation to the original scheme.
- 4.7 The largest addition to the south side of the building, remains similar in width and position to the previous application. The detailed design of this element, and of the scheme generally, has however been significantly improved and finessed. The proposal is now a truer representation to the desired Victorian/ Edwardian style and as such will be much more convincing in the streetscene in this respect. It is also noted that the amended design reduces the bulk of the roof by separating the turret element from the main roof and reducing the number of dormers from 3 to 2 and reducing the scale of the northern dormer and the bulkiness of the south eastern element of the roofscape compared to the refused scheme.
- 4.8 As proposed, the scheme will still be the widest property in the street and would be nearly twice as wide as some of the smaller properties, however, whilst this increase in scale would be very out of place if the streetscene were very uniform, in this instance the variety of design, typology and plot width provides some justification for a deviation from the scale. The changes in the design detail including the increased and improved articulation to the front and the amendments to the garage, dormer

and roof form noted above, have also helped to ensure that this property overall is acceptably proportioned both elevationally and in its setting within its plot. On balance it is considered that the amended design has demonstrated that the proposal of this scale would not appear detrimental to the streetscene.

- 4.9 There are no objections raised to the design or scale of the other extensions including the single storey rear addition and the proposed dormers now that the northern dormer, which was overscaled, has been amended.
- 4.10 Overall therefore, it is considered that the proposal has overcome the reason for refusal 01 of 17/00868/FULH in relation to design and scale and is policy compliant in this regard.

Traffic and Transport Issues

National Planning Policy Framework (2012); Development Management Document (2015) Policy DM15 and the Southend Design and Townscape Guide (2009).

- 4.11 The existing property is a 5 bedroom house and has space for 3 cars to be parked on the frontage. The policy requirement for houses in this area is 2 spaces. The proposal also has 5 bedrooms. There would be space for 3 off street parking spaces, one in the proposed garage and two on the frontage. As proposed the development would exceed this standard for a house in this location and is therefore acceptable and policy compliant in this regard.

Impact on Residential Amenity:

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

- 4.12 The Design and Townscape Guide paragraph 343 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 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.*"

Impact on neighbour to the south (57 Leigh Cliff Road)

- 4.13 The new two storey extension to the south will be the same depth as the existing building but will reduce the gap to the southern boundary from 6.5m to 1.8m and the gap to the neighbouring property will be reduced from 8.1m to 3.5m. The single storey rear projection will extend 3.1m deep on this alignment to a height of 3.1m (not including balustrade). The proposed single storey extension has one window facing south but this is high level only to prevent overlooking. A secondary bedroom window and ensuite bathroom window are proposed on the flank elevation of the extension at first floor. A large balcony is also proposed at first floor above the rear

projection and another sizable balcony and dormer to a bedroom on the corner of the roof looking to the south west.

- 4.14 The neighbouring property to the south is set at a lower ground level than the proposal and has no windows in its flank elevation. To the rear it has French doors close to the boundary with the application property at ground floor and a bedroom window above however a single storey extension is being constructed which will subsume the French doors reference 17/02007/FULH. This proposal infills the area between the outrigger and the boundary and extends the rear building line by 3.9m. This extension has commenced.
- 4.15 The proposed extension projects 3.3m past the rear building line of the proposal and almost aligns with the outrigger at number 57, however, as noted above an extension is being constructed at ground floor level which will project past that of the proposal at number 53. At first floor it is noted that the two storey element of the proposed extension does not breach a notional 45 degree line taken from the bedroom window of the neighbouring property so should not materially impact on light to this first floor room.
- 4.16 In relation to overlooking it is considered the ensuite and rear bedroom windows proposed to the first floor flank elevation could be obscured to prevent overlooking of the neighbouring rear amenity area and this could be secured by a condition.
- 4.17 A first floor terrace and a corner dormer with balcony are also proposed on this side of the proposal. This is similar to the previous scheme. In this 2017 proposal it was noted that although balconies were present at other properties in the vicinity and it was considered that the potential for overlooking from the first floor terrace could be overcome by the installation of a 1.7m privacy screen, the proposal was refused because of the potential for material overlooking from the 2nd floor balcony.
- 4.18 The proposal now includes a privacy screen to the southern side of the first floor terrace. A condition would be imposed to require details of this privacy screen to be agreed. The external staircase which was originally proposed to the south west corner of the proposed terrace has been removed from the scheme following concerns raised that this would give rise to overlooking of the neighbouring amenity area.
- 4.19 In response to the reason for refusal relating to overlooking from the second floor balcony the agent comments that the planning consent for a large single storey rear extension at number 57 reference 17/02007/FULH would shield and thereby significantly reduce the potential for overlooking of the neighbouring property and their amenity space from the proposed second floor balcony.
- 4.20 It is considered that the extension under construction at the neighbouring property is a material change in circumstance and it is considered that it will reduce the potential for overlooking from the proposed corner balcony. The previous concerns relating to overlooking from this balcony, and reason for refusal 02, have been addressed.
- 4.21 Concerns have been raised in respect of overlooking to the front from the proposed turret window. On this corner the neighbouring property has a bay window with one section that is angled north east towards the application site. The turret window proposed on this corner has been detailed so that the window in the southern face is

not a large sash instead it is a high level 'bulls eye' window to prevent any direct overlooking to the south. It is also noted that it is not uncommon for houses within this area to have front bays within a few metres of each other such that it is possible as a characteristic of the locality to glimpse into the neighbouring bay although not the room itself. The proposed arrangement, which has reduced outlook, would not be unreasonable in this respect.

Impact on neighbour to the north (47 Leigh Cliff Road)

- 4.22 The particular element of the proposal which would impact on this neighbour is the proposed garage. This would be set 400mm off the boundary with an eaves height of 2.4m on this side and a roof sloping away from the neighbour to a ridge height of 4.2m. The proposed garage would not extend past the rear building line of the adjacent property, and has no windows in the flank elevation. The property to the north is set on slightly higher ground than the application property with a secondary bedroom window on its southern flank towards the front of the property. This bedroom also has a window to the front.
- 4.23 The only impact on this property will be the impact on the small bedroom window on the flank elevation, however the roof of the garage slopes away from this boundary and the proposal is set on a lower land level so overall it is considered that the impact on this window will be slight. It is also noted that this is a secondary window and not the primary outlook or light source to the room. It is therefore considered that the proposal would not result in a harmful impact on the amenities of this neighbour will.

Impact on properties to the rear (Grand Drive)

- 4.24 The rear wall of the proposal is 13.9m from the rear boundary and the balcony is 10.9m. The houses in Grand Drive have deep rear gardens (21m) and are angled away from the proposal. It is therefore considered that the proposal would not have an unreasonable impact on the amenity of properties to the west.

Conclusion

- 4.25 Overall therefore, given the change in circumstance of the neighbour to the south and the imposition of conditions requiring obscure glazing, a privacy screen to the south elevation of the proposed first floor terrace, and a construction management plan, it is considered that the proposal would have an acceptable impact on the amenities of neighbouring properties and is policy compliant in this regard.
- 4.26 A concern has been raised in respect of the nuisance caused during the construction process including impact on parking. It is considered that a construction management plan could be conditioned to ensure that mitigation measures are put in place to minimise the impact on the surrounding neighbours during construction

CIL

Charging Schedule

- 4.27 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section

143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. The proposed development has an internal area of 412.3 sqm, which may equate to a CIL charge of approximately £29780.75 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the "in-use building" test, as set out in CIL Regulation 40, may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

5 Conclusion

- 5.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The principle of the development is found to be acceptable and the proposal would have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site, the street scene and the locality more widely. The highways impacts of the proposal are acceptable. This application is therefore recommended for approval subject to conditions.

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), CP3(Transport and Accessibility) and CP4 (Environment & Urban Renaissance)
- 6.3 Development Management DPD 2015: DM1 (Design Quality), DM3 (Efficient and Effective Use of Land) and DM15 (Sustainable Transport Management)
- 6.4 The Southend Design & Townscape Guide (2009)
- 6.5 CIL Charging Schedule 2015

7 Representation Summary

Leigh Town Council

- 7.1 No objections

Public Consultation

- 7.2 14 neighbours were notified. 2 letter of objection were received raising the following issues:
- Concerns that the 2 storey garage element would restrict light to the neighbour to the north [**Officer Comment: this element has now been amended to single storey**]
 - Loss of views.
 - The proposed turret will overlook and block light to the front bay in the property to the south
 - Concerns over the impact of construction on parking within the street
 - Concern regarding overlooking from the 2nd floor balcony

7.3 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.'

7.4 The application has been called to committee by Councillor Mulroney.

8 Relevant Planning History

8.1 17/00868/FULH - Erect two storey side extension, single storey rear extension, balconies to first floor front and rear, install bay window to front, erect dormers to the front and side and dormer to the side/rear with balcony, extend existing single storey extension to form double garage and alter elevations – refused

8.2 05/00989/CLP - Erect single storey extension to north and west elevations and form recessed balcony area to south roof space – granted 2005

9 Recommendation

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

01 The development hereby permitted shall begin not later than three years of 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 17.109-01, 17.109-02, 17.109-03, 17.109-04, 17.109-05, 17.109-07, 17.109-08B, 17.109-09B, 17.109-10B, 17.109-11B, 17.109-12B, 17.109-13B, 17.109-14B, 17.109-15B, 17.109-16B, 17.109-17B, Existing Sections dated Feb 2018

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

03 The materials to be used in the construction of the development shall be as shown on drawing number 17.109-13B and 17.109-14B.

Reason: To safeguard the visual amenities of the area, in accordance with policies This is as set out in Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) Policy DM1 and advice contained within the Southend Design and Townscape Guide (2009).

04 No development shall take place until details of the privacy screen to be placed on the southern side of the proposed first floor terrace have been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details before the first floor terrace is first used and shall be retained as such in perpetuity.

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 DPD (2015) policy DM1, and advice contained within the Design and Townscape Guide (2009).

- 05 The north and south facing first and second floor windows and dormer windows in the side elevation and roof slopes of the proposed building shall only 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) and fixed shut and unopenable, except for any top hung light which shall be a minimum of 1.7 metres above internal floor level before the occupation of the dwelling hereby approved and shall be retained as such 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 DPD (2015) policy DM1, and advice contained within the Design and Townscape Guide (2009).

- 06 Prior to occupation of the extensions hereby permitted not less than 2 off street car parking spaces shall be provided at the site in accordance with drawing reference 17.109-09B. The parking spaces shall be permanently retained thereafter only for the parking of occupiers of and visitors to the development.**

Reason: To ensure that adequate car parking is provided and retained to serve the development in accordance with Core Strategy (2007) policy CP3 and Development Management Document (2015) policy DM15.

- 07 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to in full throughout the construction period. The Statement shall provide, amongst other things, for:**

- i) the parking of vehicles of site operatives and visitors**
- ii) loading and unloading of plant and materials**
- iii) storage of any plant equipment and materials used in constructing the development**
- iv) the erection and maintenance of any security hoarding**
- v) measures to control the emission of dust and dirt during construction**
- vi) A scheme for recycling/disposing of waste resulting from demolition and construction works that does not allow for the burning of waste on site.**

Reason: In the interests of highway safety and in order to protect the amenities

of occupiers of the development surrounding occupiers and the character the area in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 08 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 (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

Informative

- 01 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notice. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability Notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at www.southend.gov.uk/cil.
- 02 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, 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.