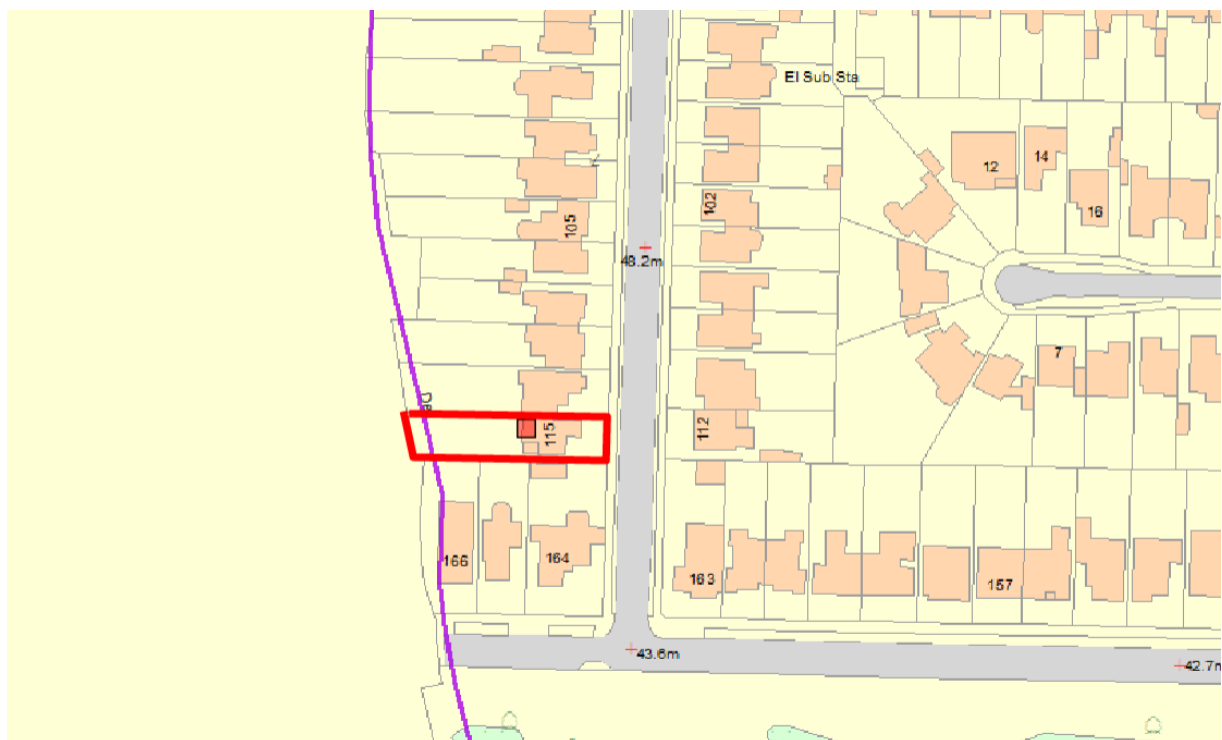


Reference:	18/01234/FULH	
Ward:	West Leigh	
Proposal:	Raise roof height and erect roof extension, erect two storey front extension, rear extension at first floor level, install balconies to rear at first and second floor, convert part of existing garage into habitable accommodation and alter elevations (Amended Proposal)	
Address:	115 Tattersall Gardens, Leigh-On-Sea, Essex, SS9 2QZ	
Applicant:	Mr J Moore	
Agent:	Knight Gratrix Architects	
Consultation Expiry:	27.07.2018	
Expiry Date:	17.09.2018	
Case Officer:	Scott Davison	
Plan Nos:	1200 010 Revision B & 1200 012 Revision E	
Recommendation:	REFUSE PLANNING PERMISSION	



1 The Proposal

- 1.1 The application seeks planning permission to increase the height of the roof, to convert part of existing integral garage into habitable accommodation, to erect a two storey front extension, to create a rear extension at first floor level, install balconies to rear at first and second floor and to alter elevations.
- 1.2 The main roof form would be altered from the existing 8m high hipped pitched roof to a pitched roof to a height with a maximum ridge height of 9.9m. The proposed roof would be pitched to the front and have a gable ended rear elevation. The eaves at the side of the dwelling would remain at the same height as the existing eaves. A door opening within the new rear gable at second floor level would allow access onto a new balcony that would project 1.9m rearwards and would be 3.3m wide measuring 6.5 square metres in area. The balcony would be screened by 1.7m glazed screens to both flanks and by a 1.1m screen across the rear of the balcony. A dormer would be formed in the front roof slope. Rooflights would be formed in both sides of the new roof and a dormer would be formed in the north side of the roof.
- 1.3 The existing garage would be extended forward by 1.5m and this extended space would be subdivided and converted into storage area to the front and used as an extension to the existing living area to the rear. A front extension at first floor level to an existing bedroom would be formed over the garage area. It would be 3.95m in width and would project 2.65m forward from the existing front elevation. A rear extension to an existing bedroom at first floor level is proposed. It would be 2.7m wide and project rearwards to a depth 1.6m. The submitted plan shows a first floor Juliette balcony would be formed to a rear facing door opening. In terms of elevational changes, there would be a new garage door for the storage area and a new front door. New timber cladding along with a herringbone brick pattern would be provided to the first floor front extension and new double glazing to match the existing fenestration for the new extension.
- 1.4 The materials proposed to be used include new plain clay roof tiles, walls to be rendered to match the existing finish, double glazed windows match the existing finish, new guarding and obscure glazed screening to the balconies.
- 1.5 This application follows the refusal of planning application 17/02071/FULH described as: "*Raise roof height, erect two storey front extension, rear extension at first floor level, install balconies to rear at first and second floor, convert part of existing garage into habitable accommodation and alter elevations*". There were two reasons for refusal. The first reason concerned design and character issues and the second concerned impacts on neighbouring amenity. The reasons were as follows:

Reason 1: The proposed increased height and change to the roof form combined with the front and rear extensions would by reason of their height, size, scale and bulk appear as incongruous and dominant features that would be harmful to the character of the existing dwelling and the wider street scene and would be detrimental to the visual amenities of the surrounding area. This would be 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 guidance contained within the

Design and Townscape Guide (2009).

Reason Two: The proposed first floor rear balcony would result in overlooking and a loss of privacy to the detriment of the amenities of the occupiers of 166 & 168 Marine Parade. The proposed extensions would by reason of their size, scale; siting and design appear dominant and overbearing and would result in an undue sense of enclosure to the detriment of the amenities of the occupiers of 164 & 166 Marine Parade. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework; Southend-on-Sea Core Strategy (2007) policies KP2 and CP4, Southend-on-Sea Development Management Document (2015) policies DM1 and DM3 and the advice contained within the Design and Townscape Guide (2009).

- 1.6 It should be noted that reason 2 above misidentified neighbouring properties to the south of the site. For the avoidance of doubt, in terms of overlooking and a loss of privacy, the relevant properties affected were 165 & 166 Marine Parade. In regard to the dominant and overbearing impacts of the proposed development, the relevant properties affected by the proposal were 164 & 165 Marine Parade.
- 1.7 The main differences between the previously refused scheme and this application are:
- No first floor rear balcony
 - A new pitched roof front dormer
 - One dormer located in the north facing side roof slope and one single rooflight in comparison to the refused scheme which contained one double roof light and a dormer which broke the eaves on the northern side elevation.
 - Two single roof lights in south facing roof slope in comparison to two double roof lights for the refused scheme
 - A gable feature would project rearwards from a pitched roof slope in comparison to the fully gabled rear roof
 - The maximum ridge height of the roof would be 9.9m and the eaves height to the side of the dwelling would remain unchanged. In comparison the refused scheme had an overall ridge height of 10.7m and the eaves at the side of the dwelling would have been raised by 1.4m.

2 Site and Surroundings

- 2.1 The application site is the most southerly house on the western side of Tattersall Gardens and is located some 50 metres north of its junction with Marine Parade. It is a detached house with a large rear garden with several outbuildings, decking and patio areas. The rear garden is bordered on each side by neighbouring gardens, 113 Tattersall Gardens to the north and 164, 165 & 166 Marine Parade, to the south. Tattersall Gardens is located within a residential area and slopes down from north to south.

To the rear (west) there are views towards Hadleigh Marsh and Hadleigh Castle and the ground level also drops away at the rear of the dwelling.

2.2

The site is not the subject of any site specific planning policies.

3 Planning Considerations

3.1 The key considerations in relation to this application are the principle of the development, the design and impact on the character of the area, traffic and parking implications, the impact on residential amenity and CIL implications.

4.0 Appraisal

Principle of Development

National Planning Policy Framework 2018, Core Strategy Policies KP2 and CP4, Development Management Document Policies DM1 and DM3 and Design and Townscape Guidance

4.1 This proposal is considered in the context of the NPPF and Core Strategy Policies KP2 and CP4. Also of relevance is Development Management Document policy DM1 which relates to design quality. 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. Subject to detailed considerations, extensions to the property are considered to be acceptable in principle.

Design and Impact on the Character of the Area:

National Planning Policy Framework 2018, Core Strategy Policies KP2 and CP4, Development Management Document Policies DM1 and DM3 and Design and Townscape Guidance

4.2 The importance of good design is reflected in policies KP2 and CP4 of the Core Strategy and also in Policies DM1 and DM3 of the Development Management Document. These policies seek to maintain and enhance the amenities, appeal and character of residential areas. 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”*.

4.3 In Paragraph 124 of the NPPF, it is stated that *“Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”*. Policy DM1 of the Development Management DPD states that all development should; *“add to the detailed design features.”*

4.4 Policy DM3 (5) also advises that; *‘Alterations and additions to a building will be expected to make a positive contribution to the character of the original building and the surrounding area through:*

(i) *The use of materials and detailing that draws reference from, and where appropriate enhances, the original building, and ensures successful integration with it; and*

(ii) *Adopting a scale that is respectful and subservient to that of the original building and surrounding area; and*

(iii) *Where alternative materials and detailing to those of the prevailing character of the area are proposed, the Council will look favourably upon proposals that demonstrate high levels of innovative and sustainable design that positively enhances the character of the original building or surrounding area.'*

- 4.5 The Design and Townscape Guide states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”* Paragraph 348 of The Design and Townscape Guide under the heading of Rear Extensions, it is stated that *“whether or not there are any public views, the design of the rear extensions is still important and every effort should be made to integrate them with the character of the parent building, particularly in terms of scale, materials and the relationship with existing fenestration and roof form.”*
- 4.6 Paragraph 364 of The Design and Townscape Guide advises that: *Balconies, particularly on front elevations are a traditional feature of seaside towns such as Southend. As an integral element of local character existing balconies should not be infilled. Where new balconies are proposed on existing buildings, care needs to be taken to ensure that the design is of a high quality, of an appropriate style for the period of property and that the privacy of neighbours is not compromised. Obscure screens may be used to prevent overlooking but these should not be at the expense of good design. Balconies created by cutting into the roofslope are a low impact alternative to the traditional projecting balcony and are more appropriate in some areas.*
- 4.7 Paragraph 366 of The Design and Townscape Guide states: *“Proposals for additional roof accommodation within existing properties must respect the style, scale and form of the existing roof design and the character of the wider townscape. Dormer windows, where appropriate, should appear incidental in the roof slope (i.e. set in from both side walls, set well below the ridgeline and well above the eaves). The position of the new opening should correspond with the rhythm and align with existing fenestration on lower floors. (Note: one central dormer may also be an appropriate alternative.) The size of any new dormer windows, particularly on the front and side elevations, should be smaller to those on lower floors and the materials should be sympathetic to the existing property. The space around the window must be kept to a minimum. Large box style dormers should be avoided, especially where they have public impact, as they appear bulky and unsightly. Smaller individual dormers are preferred”.*
- 4.8 With regard to the proposed roof, it would increase in height from a ridge height of 8.0m to a maximum height of 9.9m however the eaves height of the proposed roof would remain the same as the existing eaves. The roof form would change from the existing hipped pitched roof to a pitched roof with a projecting gable feature in the rear roof slope considerably increasing the massing of the dwelling. An existing pitched roof gabled feature in the front elevation would be retained and new dormers would be formed in the front roof slope and the north facing side elevation.

The overall height of the roof would increase by over 1.9m and although the previously refused scheme had a maximum height of 10.7m, it is considered that the proposed roof would nevertheless appear as a top heavy addition to the dwelling. Resultantly, it is considered the size, scale, bulk and height of the roof would be oversized, overbearing and would have an adverse dominant effect upon the appearance of the dwelling.

- 4.9 The properties in this part of Tattersall Gardens do not have a uniform appearance and a small number of dwellings do have pitched roofs and gabled rear elevations containing balconies are evident in the rear environment. However there are no examples of roof additions of the size and scale proposed and this element of the scheme would appear out of keeping and result in demonstrable harm to the character and appearance of the building. It is considered that the proposed second floor balcony screened with obscure glazed panels within the gabled rear feature, in itself would not be materially harmful to the character and appearance of the rear elevation of the property. However taken together with the other alterations to the dwelling it serves only to exacerbate the impact of the enlarged dwelling.
- 4.10 The proposed ground floor garage extension would project 1.5m forwards of the existing elevation and new garage door would be inserted in the front elevation to match the existing door in style. The first floor front extension above the garage would project 2.6m forward of the existing cat slide roof which would be removed. New timber cladding and a herringbone brick panel to replicate the existing front bay would be formed in the front elevation of this extension. The first floor rear extension would project 1.6m beyond the existing rear elevation.
- 4.11 The two storey element to the side of the property would increase the size of the built form on the southern side of dwelling and would be appear as a prominent feature because of its position at the end of the run of dwellings. Given that the eaves height would remain unaltered, on balance, it is considered that this two storey element would integrate satisfactorily with the main dwelling and on balance it is not considered that this element of the proposal would appear as an excessively dominant or visually harmful feature in the street scene.
- 4.12 There is presently a modest pitched roof front dormer above the garage serving a first floor bedroom. A new pitched front roof dormer comparable in size would be centrally positioned in the new roof serving an en-suite room in the roof space. It is not considered it would add significant bulk to the roof and would comfortably be accommodated within the larger roof slope, set in off the hip, below the ridge line and up off the eaves. The proposed dormer in the north side elevation would be a modest sized dormer with a mono pitched roof providing additional space to accommodate the staircase to the accommodation in the roof space. It is not considered that the proposed dormers would appear dominant nor visually obtrusive nor would they disrupt the overall balance of the property or the wider streetscene.
- 4.13 No objection is raised in respect of the proposed rooflights to the sides of the property or the alterations to the fenestration and doors.

- 4.14 The rear of the property is open to the farmland beyond and the extensions would be widely visible where they would appear incongruous within the rear garden scape and wider area to the detriment of visual amenity. It is therefore considered that the proposed change to the roof shape, the increase in the height of the roof and the rear gabled feature would in combination by reason of their bulk and scale have a detrimental impact on the character and appearance of the dwelling itself and the wider area to the detriment of visual amenity, in conflict with Core Strategy Policies KP2 and CP4; Development Management Policies DM1 and DM3; The Design & Townscape Guide (2009) and the core principles of the NPPF.

Impact on Residential Amenity:

NPPF (2018); Core Strategy Policies KP2 and CP4; Development Management Document Policies DM1 and DM3 and Design & Townscape Guidance

- 4.15 Paragraph 127 of the National Planning Policy Framework states that *Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.*
- 4.16 Policy KP2 of the Core Strategy seeks to secure improvements to the urban environment through quality design and states new development should; *“respect the character and scale of the existing neighbourhood where appropriate”*. Policy CP4 of the Core Strategy seeks to maintain and enhance the amenities, appeal and character of residential areas. It 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”*
- 4.17 Policies DM1 and DM3 of the Development Management Document seeks to support sustainable development *“which is appropriate in its setting, and that protects the amenity of the site, immediate neighbours, and surrounding area, having regard to matters including privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight”*.
- 4.18 Paragraph 343 (Alterations and Additions to Existing Residential Buildings) of The Design and Townscape Guide states 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”*.
- 4.19 Because of the topography of the area, the application property is set at a materially higher level than the dwellings in Marine Parade. The existing two storey southern flank elevation is set 0.7m off the shared boundary and is a visible feature in the street scene of Tattersall Gardens & Marine Parade and the rear garden environment of 164 and 165 Marine Parade. The proposed extensions and roof alteration would increase the size and form of the dwelling close to the shared boundary, however the eaves height of the proposed roof would not be any higher than the existing eaves height and the proposed roof would be angled away from the shared boundary.

On balance, it is not considered that this element of the proposal would appear as an overbearing and dominant feature nor would it result in an unduly increased sense of enclosure within the rear gardens of neighbouring properties to the south of the site. The converted garage would not contain any new window openings in the side elevation facing to the south. The front and rear first floor extensions would not contain any new window openings in the side elevation facing towards Marine Parade to the south. It is not considered that these extensions would detrimentally impact on properties to the north, east or west of the site in respect of loss of privacy, light or outlook in any material regard.

- 4.20 A Juliette balcony would be formed to a rear facing door opening on the proposed rear first floor extension. The Juliette balcony would prevent recreational access onto the roof of an existing single storey extension. There is an existing window opening in the first floor rear elevation and although the proposed door opening would be larger than the existing window, it is not considered that it would result in any materially harmful overlooking of rear elevations and garden areas of neighbouring occupiers to the south of the site in Marine Parade or a worse relationship than that which currently exists. It is not considered that the proposed screen would result in a significant sense of overbearing or an adverse impact on daylight/sunlight to the neighbouring properties.
- 4.21 A new window is proposed in the first floor extension to the front serving a bedroom. There is an existing dormer in the catslide roof over the garage and it is considered that it would not result in any materially harmful overlooking of front elevations and garden areas of neighbouring occupiers to the south and east of the site.
- 4.22 Turning to the second floor balcony to the rear of the application site, this would project rearwards from the gabled roof form. The balcony would be bounded on both sides by an obscure glazed screen to a height of 1.7m and a screen to a height 1.1m would enclose the rear of the balcony. The balcony and window would be centrally located within the rear elevation of the dwelling and set away from the shared boundaries immediately to the north and south of the site. Given that there is an existing window at first floor level in the rear elevation, it is considered that the balcony and window would not have any unreasonable impacts on the amenity of the immediate neighbours to the south or north of the site any worse than the relationship that already exists with the property immediately to the south and north of the site in regard to loss of privacy or overlooking. Given the distance between this element of the scheme and neighbours it is not considered that the proposal would give rise to any detrimental overbearing, perceived or actual dominant impacts upon the neighbouring properties.
- 4.23 With regard to the increase in roof height, the proposed roof would be lower in height than the previously refused scheme by 0.8m and the eaves height would not be any higher than the existing eaves. It is not considered that the increase in roof would materially impact upon the residential amenity of the occupants of any neighbouring properties in terms of loss of daylight, sunlight, or loss of outlook or privacy. The rooflights would be 1.7m above internal finished floor level and it is not considered that they would adversely impact upon neighbouring residential amenity in terms of overlooking or loss of privacy, a relationship which would be controlled by condition were the proposal otherwise acceptable.

- 4.24 A modestly sized dormer is proposed in the roof slope facing towards No. 113 Tattersall Gardens and would provide light to a staircase. A condition requiring obscure glazing would prevent any adverse impacts upon the residential amenity of neighbouring properties in terms of overlooking or loss of privacy. It is not considered that the front dormer would result in any detrimental overbearing, perceived or actual dominant impacts nor would it result in any harmful impacts upon the residential amenity of neighbouring properties in terms of overlooking or loss of privacy. Finally it is not considered that the new fenestration and doors would impact on neighbouring residential amenity. The impact on neighbours amenity is therefore acceptable and policy compliant in this regard.

Traffic and Transport Issues

NPPF (2018); Development Management Document Policy DM15; Core Strategy Policy CP3; Design & Townscape Guide

- 4.25 Policy DM15 of the Development Management Document states that new development will only be permitted if it makes provision for off-street parking in accordance with the adopted vehicle parking standards. For a dwelling of 2+ bedrooms, a minimum of 2 off-street parking spaces should be available.
- 4.26 Although the scheme would result in the loss of the integral garage which meets the adopted standards to be considered as a parking space, off-street parking space on hard standing to the front of the property would continue to be available within the curtilage of the property and capable of accommodating 2 vehicles. Therefore there are no highway objections to this proposal.

Community Infrastructure Levy

- 4.27 The proposed extension(s) to the property equate to less than 100sqm of new floorspace therefore the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

5 Conclusion

- 5.1 Having taken all material planning considerations into account, whilst the principle of extending and altering the property is acceptable, it is considered that the proposed increase in height and change to the roof shape including the rear gable feature would result in additions which by reason of their scale and bulk, would not appear subservient or sympathetic to the existing building. The proposal would therefore appear dominant and out of keeping and would result in an unduly prominent and obtrusive development which would result in a detrimental impact on the character and appearance of the dwelling itself and the wider area. Therefore the proposal would not be consistent with the aims of maintaining and enhancing the quality of the residential environment, including character and visual amenities and refusal is recommended accordingly.

6 Planning Policy Summary

- 6.1 National Planning Policy Framework (2018)

- 6.2 Core Strategy (2007) Policies KP2 (Spatial Strategy) CP3 (Transport and Accessibility) and CP4 (Development Principles)
- 6.3 Development Management Document (2015) Policies DM1 (Design Quality) and DM3 (Efficient and Effective Use of Land) & DM15 (Sustainable Transport Management)
- 6.4 Design and Townscape Guide (2009)
- 6.5 Community Infrastructure Levy Charging Schedule (2015)

7 Representation Summary

7.1 Leigh Town Council

No objection

Castle Point Borough Council

- 7.2 Response received. CPBC does not wish to provide any comment on the development.

Transport and Highways

- 7.3 No highway objections to this proposal. As per previous scheme, the site has retained off street parking as part of the development.

Public Consultation

- 7.4 This application was called in to Committee by Cllr Evans. Cllrs Arscott and Cllr Garston have forwarded representations sent to them objecting to the application. Cllr Phillips sought confirmation that application had been called in to Committee and requested a site visit to the application site. Cllr Buckley forwarded additional information from the applicant including photographs and an explanation for revised application and how it has attempted to address the previous refusal.
- 7.5 7 neighbouring properties were notified of the application. 5 letters of objection have been received from the occupants of five neighbouring properties which object on the following grounds:
- The proposal would adversely affect the objectors property
 - A previous enforcement notice was upheld and an appeal dismissed in relation to a single storey rear extension and first floor balcony in 2012.
 - The proposed rear balcony is at a high level and would directly overlook neighbouring properties and garden areas
 - The proposed Juliette balcony would result in a harmful and material loss of privacy
 - The increased roof height and rear roof extension with a gable end will detract from the character and appearance of the dwelling and would appear as a highly visible and dominant feature.

- The front and rear extension would be out of character with the neighbourhood
- The proposed development plans appear excessive and out of keeping with local scale.
- The proposed development would be out of character in the neighbourhood.
- The proposed increase in roof height will block light to solar panels on a neighbouring property
- The proposed development would result in more windows looking down into bedrooms of a neighbouring property and obscuring views from the neighbours windows
- The obscure glazed screen being proposed along the northern and southern boundaries of both balconies, these screens will represent visually intrusive and discordant features.
- The use of the balconies will be even more obtrusive in terms of noise and disturbance to neighbouring properties in Tattersall Gardens and Marine Parade than noise arising from the application property's garden.

[Officer Comment: The concerns raised are noted and have been taken into account in the assessment of the proposal].

8 Relevant Planning History

- 8.1 On 7th March 2012, the Council served an Enforcement Notice. The breach of planning control alleged in the notice was the erection of a single storey rear extension including a balcony at first floor level. On 17th August 2012, two appeals against the enforcement notice (Ref: APP/D1590/C/12/2173815/6) were dismissed and the notice was upheld. The requirements of the notice were subsequently complied with.
- 8.2 16/01868/FULH: Erect decking to rear and Bamboo fences to both side boundaries (Retrospective) - Permission granted
- 8.3 17/02071/FULH: Raise roof height, erect two storey front extension, rear extension at first floor level, install balconies to rear at first and second floor, convert part of existing garage into habitable accommodation and alter elevations – Application Refused for reasons set out in paragraph 1.5.

9 Recommendation

9.1 REFUSE PLANNING PERMISSION for the following reasons:

- 01 **The proposed increased height and design of the roof combined with the rear gable feature sought would, by reason of their height, size, scale and bulk not appear subservient or sympathetic in bulk and scale to the host dwelling.**

As a result they would appear as incongruous, obtrusive and excessively dominant features that would be harmful to the character and appearance of the existing dwelling and the surrounding area. This would be 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 guidance contained within the Design and Townscape Guide (2009).

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. 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 and is also willing to provide pre-application advice in respect of any future application for a revised development, should the applicant wish to exercise this option in accordance with the Council's pre-application advice service.

Informative

- 10 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.**