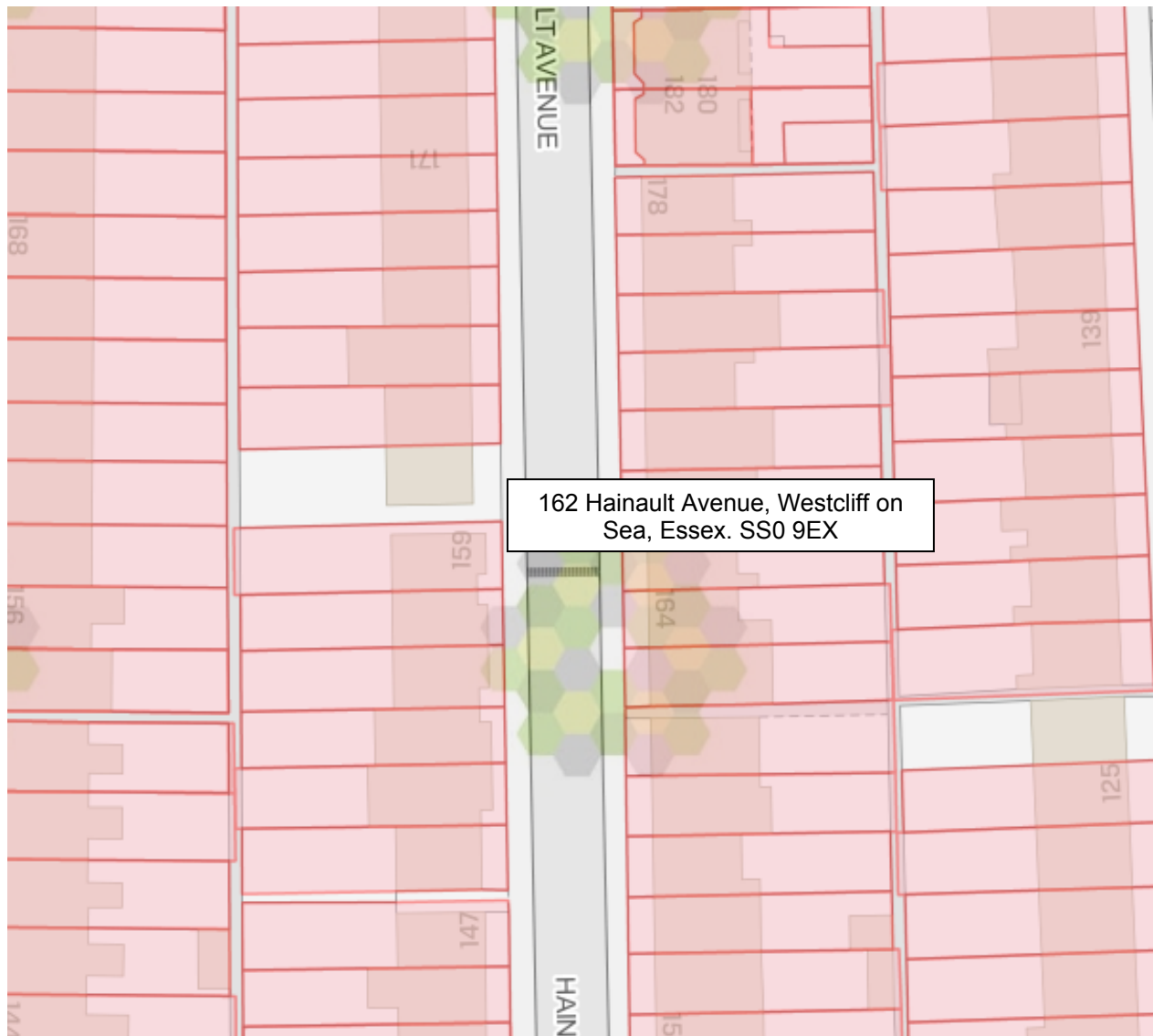


Reference:	18/00097/UNAU_B	
Ward:	Westborough	
Breach of Control	Without planning permission the installation of two dormer windows to the front elevation.	
Address:	162 Hainault Avenue, Westcliff on Sea, Essex. SS0 9EX	
Case Opened:	9 th April 2018	
Case Officer:	Steve Jones	
Recommendation:	AUTHORISE ENFORCEMENT ACTION	



1 Site and Surroundings

- 1.1 This end terraced house is on the eastern side of Hainault Avenue, south of the junction with Fairfax Drive. The property has a single storey rear extension and a rear dormer. There is a small frontage and the property is not served by any parking provision. The property has been extended within the roofspace with a rear dormer and two flat roof front dormers (partly constructed).
- 1.2 The streetscene is characterised predominantly by terraced dwellings of a very similar design and style. Front dormer windows are not present within the immediate area of Hainault Avenue and the terraced properties have a strong uniform character within the streetscene. The ground level slopes upwards from north to south.
- 1.3 The site is not the subject of any site specific policy designations.

2 Lawful Planning Use

- 2.1 The current use of the site is residential and is within Use Class C3 of the Town and Country Planning Act Use Classes (Amendment) Order 2005.

3 Background

- 3.1 In May 2018 following a complaint of unauthorised works it was confirmed that two dormer windows had been partly constructed in the roof of the front elevation. The property owner stated the dormers were repairs to pre-existing dormers.
- 3.2 Enquiries on Google Street View revealed that there were no dormers installed at this location in 2014 and it was considered that the current, partly installed dormers, were unlikely to be repairs to pre-existing dormers.
- 3.3 Staff advised the owner to remove the newly constructed dormers as a retrospective planning application would not likely be approved.
- 3.4 In July 2018 the Local Planning Authority received a retrospective planning application to retain the dormers as built (18/01334/FULH.) In August 2018 that application was refused. See copy of the Officers Report at Appendix 'A'
- 3.5 In September 2018 an amended planning application was received (18/01745/FULH.) That application was refused. See copy of the Officers Report at Appendix 'B'
- 3.6 In October 2018 a further amended proposal was received. (18/01997/FULH). In January 2019 that application was refused. See copy of the Officers Report at Appendix 'C'.

4 Appraisal and Policy Considerations

- 4.1 The appended officer reports for the refused applications and in particular that seeking to retain the dormers (18/01334/FULH) – Appendix 'A', set out a full assessment of policy and other material considerations.

- 4.2 The key issue relevant to this enforcement report is the impact on character
- 4.3 **Design and Impact on the Character of the Area:**
- 4.4 **National Planning Policy Framework (NPPF)(2018), Core Strategy (2007) Policies KP1, KP2 and CP4; Development Management Document Policy DM1 and DM3 and Design and Townscape Guide (2009)**
- 4.5 The key element within all relevant policies is that good design should be a fundamental requirement of new development in order to achieve high quality living environments. Its importance is reflected in the NPPF, in Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management Document. The Design and Townscape Guide (2009) also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”*
- 4.6 Policy KP2 of the Core Strategy (2007), confirms 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”*
- 4.7 Policy DM1 of the Development Management Document 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”*.
- 4.6 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)...Large box style dormers should be avoided, especially where they have public impact, as they appear bulky and unsightly. Smaller individual dormers are preferred.’*
- 4.7 In this case, as set out in the officer report, the dormers by reason of their poor design and positioning within the roof slope, are an incongruous addition to the dwelling which has been found to cause material harm to the character and visual amenity of the existing dwelling itself and the wider streetscene contrary to (Core Strategy) Policies KP2 and CP4; Development Management DPD Policies DM1 and DM3, SPD 1 (Design & Townscape Guide (2009)) and the core principles of the NPPF.
- 4.8 Despite two further proposed amendment applications, the owner has not come forward with any proposals which successfully overcome the identified harm. None of the Councils three refusals of planning permission have been appealed. It is considered necessary and proportionate to the identified harm caused, that enforcement action be taken to require the removal of the two unauthorised front dormers.

5.0 Relevant Planning History

- 5.1 18/01334/FULH – Erect two dormer windows to front elevation (Retrospective) – Refused
- 5.2 18/01745/FULH - Erect dormer to front elevation (Retrospective) (Amended Proposal) – Refused
- 5.3 18/01997/FULH - Erect dormer to front elevation (Retrospective) (Amended Proposal) – Refused

6.0 Recommendation

- 6.1 Members are recommended to AUTHORISE ENFORCEMENT ACTION to secure the removal of the unauthorised dormer windows to the front elevation.
- 6.2 The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Act and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice.
- 6.3 When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. In this case a compliance period of 3 months is considered reasonable for the removal of the existing dormer windows.
- 6.4 Taking enforcement action in this case may amount to an interference with the owners' and/or occupiers' Human Rights. However, it is necessary for the local planning authority to balance the rights of the owners and/or occupiers against its legitimate aims to regulate and control land within its area. In this particular case it is considered reasonable, expedient, and proportionate and in the public interest to pursue enforcement action on the grounds set out in the formal recommendation.

APPENDIX 'A'

Reference:	18/01334/FULH
Ward:	Westborough
Proposal:	Erect two dormer windows to front elevation (Retrospective)
Address:	162 Hainault Avenue, Westcliff-On-Sea, Essex, SS0 9EX
Applicant:	Mr J Esmaelzadegan
Agent:	Mr Alex Collinson
Consultation Expiry:	3rd August 2018
Expiry Date:	31st August 2018
Case Officer:	Hayley Thompson
Plan Nos:	Drawing number 2722/5/40 1 of 1, Drawing number 2722/5/40 2 of 2
Recommendation:	REFUSE PLANNING PERMISSION

1 The Proposal

- 1.1 Planning permission is sought to retain two dormer windows to the front elevation of an end terraced dwellinghouse to provide accommodation in the loft.
- 1.2 The proposed dormers are both box dormers with flat roofs. The dormer windows each measuring approximately 1.45 metres wide, 2 metres high and 2.95 metres deep.
- 1.3 Details of the proposed materials are not specified in the submitted plans or in the Design and Access Statement.

2 Site and Surroundings

- 2.1 The application site is an end terraced dwelling on the eastern side of Hainault Avenue. The adjoining terraced dwelling, number 164, is located on the northern side of the applicant property and has not been extended within the roof space.
- 2.2 The streetscene is characterised predominantly by terraced dwellings of similar design. There are no dormer windows located to the front of any dwellings or evidence that dwellings have been extended within the roof space in the immediate streetscene of Hainault Avenue.
- 2.3 The site is not located within a designated Conservation area and is not a listed building

3 Planning Considerations

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

4 Appraisal

Design and Impact on the Character of the Area:

National Planning Policy Framework 2018, Core Strategy (2007) Policies KP1, KP2 and CP4; Development Management Document Policy DM1 and DM3 and Design and Townscape Guide (2009)

- 4.1 The key element within all relevant policies is that good design should be a fundamental requirement of new development in order to achieve high quality living environments. Its importance is reflected in the NPPF, in Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management Document. The Design and Townscape Guide (2009) also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”*

- 4.2 According to Policy KP2 of the Core Strategy (2007), 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”*.
- 4.3 Policy DM1 of the Development Management Document 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”*.
- 4.4 Paragraph 366 of the Design and Townscape Guide (2009) under the heading of ‘Roof Extensions and Dormer Windows’ states that *“dormer windows 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) and the materials should be sympathetic to the existing property.”* Also of relevance is Paragraph 348 of The Design and Townscape guide (2009) which stipulates that *‘Whether or not there are any public views, the design of 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’*.
- 4.5 The dormers to the front have been designed with a modest depth and height; however the dormers are positioned at roof ridge height, although this detail is not reflected in the submitted plans. The dormers, therefore, do not appear incidental or subservient within the roof plane and fail to adhere to guidance contained within the Design and Townscape Guide (2009).
- 4.6 While the front fenestration can be seen to align with that of the existing dwelling, consisting of two large bow uPVC windows and one modestly sized window, the dormers by reason of poor design and positioning within the roof slope, are an incongruous addition to the dwelling resulting in material harm to the character and visual amenity of the existing dwelling itself and the wider streetscene contrary to (Core Strategy) Policies KP2 and CP4; Development Management DPD Policies DM1 and DM3; SPD 1 (Design & Townscape Guide (2009)) and the core principles of the NPPF.

Traffic and Transport:

National Planning Policy Framework, Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policy DM15 of the Southend-on-Sea Development Management Document (2015) Policy DM15, Southend-on-Sea Design and Townscape Guide (2009).

- 4.7 The dwelling has no off street parking currently. The creation of additional bedrooms within the roof space does not materially affect the dwelling’s non-compliance with the Council’s parking standards. A reason for refusal on parking grounds, therefore, could not be reasonably sustained.

Impact on Residential Amenity:

National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2 and CP4; Development Management Document Policy DM1 and DM3 and Design and Townscape Guide (2009)

- 4.8 The Design and Townscape Guide (2009) Paragraph 343; under the heading of Alterations and Additions to Existing Residential Buildings) 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 (2015) also 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."*
- 4.9 The application property is an end terraced dwelling adjoined to number 164 on the northern side of the dwelling. There is an adequate separation distance between the applicant property and number 160 to the southern side of the dwelling.
- 4.10 As the dormers are situated at the front of the applicant property on Hainault Avenue, the public highway is already open to the public gaze and the immediate neighbours are not subject to material levels of overlooking.
- 4.11 It is therefore considered that the proposed dormers would not give rise to a material increase in overlooking or loss of privacy and would not have a detrimental impact on the amenity of the neighbours to the front of the property. The proposal is therefore acceptable and policy compliant in this regard.

Community Infrastructure Levy

CIL Charging Schedule 2015

- 4.12 The proposed development equates to less than 100sqm of new floor space 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, it is considered that the proposed development would be unacceptable and contrary to the objectives of the relevant development plan policies and guidance. It is considered that the proposed development by virtue of its siting and design would be unacceptable in terms of design and material impact on the character of the dwelling and the wider streetscene. The proposal therefore is recommended for refusal.

6 Planning Policy Summary

- 6.1 National Planning Policy Framework (2018): Section 7 (Requiring Good design)
- 6.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles) and CP4 (Environment & Urban Renaissance)
- 6.3 Development Management Document (2015): DM1 (Design Quality) and DM3 (Efficient and Effective Use of Land)
- 6.4 Design & Townscape Guide (2009)
- 6.5 CIL Charging Schedule 2015

7 Representation Summary

Public Consultation

- 7.1 Eight neighbours were notified of the proposal and no letters of representation have been received.

8 Relevant Planning History

- 8.1 No relevant planning history.

9 Recommendation

REFUSE PLANNING PERMISSION for the following reason:

- 1 **The proposed front dormers by reason of their poor design and siting at the ridge line would be an incongruous addition failing to relate satisfactorily to the existing dwelling or the character of the area and to the detriment of visual amenity. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2 and CP4; Development Management Document Policy DM1 and DM3 and Design and Townscape Guide (2009).**

Informative

- 1 **You are advised that as the proposed extensions 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.**

- 2 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 officer's report.**

APPENDIX 'B'

Reference:	18/01745/FULH
Ward:	Westborough
Proposal:	Erect dormer window to front elevation (Retrospective) (Amended Proposal)
Address:	162 Hainault Avenue Westcliff-On-Sea Essex SS0 9EX
Applicant:	Mr J Esmaelzadegan
Agent:	Mr Alex Collinson
Consultation Expiry:	16th October 2018
Expiry Date:	12th November 2018
Case Officer:	Julie Ramsey
Plan Nos:	2722/5/40 Rev A Sheet 1 of 2, Sheet 2 of 2
Recommendation:	REFUSE PLANNING PERMISSION

1 The Proposal

- 1.1 Planning permission is sought to remove the part constructed two small dormer windows to the front elevation and replace with a pitched roof single dormer, to facilitate accommodation within the roof space.
- 1.2 The proposed dormer measures 3.25m wide, 3.3m deep with an eaves height of 1.75m and a maximum height of 2.1m.
- 1.3 The materials proposed are Redland Regent 13° Black/Red tile and double glazed windows to match the existing property. The dormers are to be clad in Hardie Plank – dark grey.
- 1.4 The loft space has been converted into living accommodation comprising of 2 bedrooms and a bathroom. A rear box dormer has been constructed.

2 Site and Surroundings

- 2.1 The application site is located on the eastern side of Hainault Avenue, south of the junction with Fairfax Drive. The site is occupied by an end terraced house. The property has a single storey rear extension and a rear dormer. There is a small frontage and the property is not served by any parking provision.
- 2.2 The streetscene is characterised predominantly by terraced dwellings of a very similar design and style. Front dormer windows are not present within the immediate area of Hainault Avenue and the terraced properties have a strong uniform character within the streetscene and the neighbouring streets. The ground level slopes upwards from north to south.
- 2.3 The site is not located within a designated Conservation area and is not a listed building

3 Planning Considerations

- 3.1 The key considerations in relation to this application are the principle of the development, design and impact on the character of the area, impact on residential amenity and any traffic or transport issues and CIL contributions.

4 Appraisal

Design and Impact on the Character of the Area:

National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2 and CP4; Development Management Document Policy DM1 and DM3 and Design and Townscape Guide (2009)

- 4.1 The key element within all relevant policies is that good design should be a fundamental requirement of new development in order to achieve high quality living environments. Its importance is reflected in the NPPF, in Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management Document. The Design and Townscape Guide (2009) also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality*

living environments.”

- 4.2 According to Policy KP2 of the Core Strategy (2007), 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”*.
- 4.3 Policy DM1 of the Development Management Document 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”*.
- 4.4 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)...Large box style dormers should be avoided, especially where they have public impact, as they appear bulky and unsightly. Smaller individual dormers are preferred.’*
- 4.5 The proposed front dormer is considered to be unacceptable in this location, due to its size and scale. The dormer is set off centre within the front roof plane and there is minimum space between the top of the dormer and the ridge of the main dwelling. Therefore due to its position, size, scale and poor design, the proposed front dormer would excessively dominate the roofscape and fails to appear subservient. This is further exacerbated by the mismatch of fenestration detailing within the dormer and the front elevation overall.
- 4.6 The proposed dormer would result in a prominent, incongruous and obtrusive form of development, which lacks subservience within the streetscene and is considered to be out of character with the host dwelling and the wider streetscene. It is therefore considered that the proposed development would result in material harm to the character and appearance of the host dwelling and the surrounding area. The development is therefore unacceptable and contrary to policy in this respect and an objection is raised on this basis.

Traffic and Transport:

National Planning Policy Framework, Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policy DM15 of the Southend-on-Sea Development Management Document (2015) Policy DM15, Southend-on-Sea Design and Townscape Guide (2009).

- 4.7 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.

- 4.8 The dwelling currently has no off street parking, which is a characteristic of Hainault Avenue. The property is currently a three bedroom property and the formation of additional bedrooms within the roof space does not increase the parking requirements or materially affect the dwelling's non-compliance with the Council's parking standards. Therefore a reason for refusal on parking grounds could not be reasonably justified.

Impact on Residential Amenity:

National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2 and CP4; Development Management Document Policy DM1 and DM3 and Design and Townscape Guide (2009)

- 4.9 The Design and Townscape Guide Paragraph 343; under the heading of Alterations and Additions to Existing Residential Buildings 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 also 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."*
- 4.10 The application property is an end terraced dwelling adjoined to number 164 to the north and separated by a small alleyway to No. 160, which is also an end terrace.
- 4.11 The dormer is situated within the front roof slope and does not extend beyond the roof plane of the existing dwelling. The front of No. 162 Hainault Avenue is already open to the public gaze and the proposed dormer is not considered to have a detrimental impact on the residential amenities of the immediate neighbours to the north, south and east, in terms of undue dominance, overlooking, loss of light and privacy. The proposal is therefore acceptable and policy compliant in this regard.

Community Infrastructure Levy

CIL Charging Schedule 2015

- 4.12 The proposed development equates to less than 100sqm of new floor space 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, it is considered that the proposed development would be unacceptable and contrary to the objectives of the relevant development plan policies and guidance. It is considered that the proposed development by virtue of its, size, siting and location would be form a prominent and incongruous built form which is unacceptable in terms of design and material impact on the character of the dwelling and the wider streetscene. The proposal therefore is recommended for refusal.

6 Planning Policy Summary

- 6.1 National Planning Policy Framework (2018)
- 6.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles) CP3 (Transport and Accessibility) and CP4 (Environment & Urban Renaissance).
- 6.3 Development Management Document (2015): DM1 (Design Quality), DM3 (Efficient and Effective use of land) and DM15 (Sustainable Transport Management)
- 6.4 Design & Townscape Guide (2009)
- 6.5 CIL Charging Schedule 2015

7 Representation Summary

Public Consultation

- 7.1 Eight neighbours were notified of the proposal and no letters of representation have been received.

8 Relevant Planning History

- 8.1 18/01334/FULH - Erect two dormer windows to front elevation (Retrospective)

9 Recommendation

REFUSE PLANNING PERMISSION for the following reason:

- 1 **The proposed front dormer by reason of its size, scale, design and position would form a prominent, obtrusive and incongruous addition, which fails to relate satisfactorily to the existing dwelling or the character and appearance of the prevailing streetscene. The proposal thereby results in material harm to the character and appearance of the host dwelling and the wider streetscene. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice contained with 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, 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 officer's report.

Informative

- 1 You are advised that as the proposed extensions 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.

APPENDIX 'C'

Reference:	18/01997/FULH
Ward:	Westborough
Proposal:	Erect dormer window to front elevation (Part retrospective) (Amended Proposal)
Address:	162 Hainault Avenue Westcliff-On-Sea Essex SS0 9EX
Applicant:	Mr J Esmaelzadegan
Agent:	Mr Alex Collinson – New World Designers
Consultation Expiry:	3rd January 2019
Expiry Date:	31st January 2019
Case Officer:	Julie Ramsey
Plan Nos:	2730/9/40 Sheet 2 of 2, 2730/9/40 Sheet 1 of 2 dated Dec 2018
Recommendation:	REFUSE PLANNING PERMISSION

1 The Proposal

- 1.1 Planning permission is sought to remove the unauthorised and part constructed two small dormer windows to the front elevation and replace with a pitched roof single dormer, to facilitate accommodation within the roof space.
- 1.2 The proposed dormer measures 3.3m wide, 3.3m deep with an eaves height of 1.75m and a maximum height of 2.1m.
- 1.3 The materials proposed are Redland Regent 13° dark red/black tile and double glazed windows to match the existing property. The dormers are to be dark grey cement cladding.
- 1.4 The loft space has already been converted into living accommodation comprising of 2 bedrooms and a bathroom. A large rear box dormer has been constructed.
- 1.5 This application follows two recent refusals, 18/01745/FULH - Erect dormer to front elevation (Retrospective) (Amended Proposal) and 18/01334/FULH - Erect two dormer windows to front elevation (Retrospective). The applications were seeking regularisation of the development to the front roof plane.

1.6 Reasons for refusal:

18/01745/FULH

The proposed front dormer by reason of its size, scale, design and position would form a prominent, obtrusive and incongruous addition, which fails to relate satisfactorily to the existing dwelling or the character and appearance of the prevailing streetscene. The proposal thereby results in material harm to the character and appearance of the host dwelling and the wider streetscene. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice contained with the Design and Townscape Guide (2009).

18/01334/FULH

The proposed front dormers by reason of their poor design and siting at the ridge line would be an incongruous addition failing to relate satisfactorily to the existing dwelling or the character of the area and to the detriment of visual amenity. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2 and CP4; Development Management Document Policy DM1 and DM3 and Design and Townscape Guide (2009).

- 1.7 This re-submitted application appears to have increased the width of the dormer by 0.05m and altered the materials to dark grey cement cladding. Otherwise, based on the submitted information, the proposal appears to be identical to that previously refused under 18/01745/FULH.

2 Site and Surroundings

- 2.1 The application site is located on the eastern side of Hainault Avenue, south of the junction with Fairfax Drive. The site is occupied by an end terraced house. The property has a single storey rear extension and a rear dormer. There is a small frontage and the property is not served by any parking provision. The property has been extended within the roofspace with a rear dormer and two flat roof front dormers (partly constructed).
- 2.2 The streetscene is characterised predominantly by terraced dwellings of a very similar design and style. Front dormer windows are not present within the immediate area of Hainault Avenue and the terraced properties have a strong uniform character within the streetscene and the neighbouring streets. The ground level slopes upwards from north to south.
- 2.3 The site is not located within a designated Conservation area and is not a listed building

3 Planning Considerations

- 3.1 The key considerations in relation to this application are the principle of the development, design and impact on the character of the area, impact on residential amenity and any traffic or transport issues and CIL contributions.

4 Appraisal

Design and Impact on the Character of the Area:

National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2 and CP4; Development Management Document Policy DM1 and DM3 and Design and Townscape Guide (2009)

- 4.1 The key element within all relevant policies is that good design should be a fundamental requirement of new development in order to achieve high quality living environments. Its importance is reflected in the NPPF, in Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management Document. The Design and Townscape Guide (2009) also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”*
- 4.2 According to Policy KP2 of the Core Strategy (2007), 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”*.
- 4.3 Policy DM1 of the Development Management Document 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”*.

- 4.4 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)...Large box style dormers should be avoided, especially where they have public impact, as they appear bulky and unsightly. Smaller individual dormers are preferred.'*
- 4.5 The proposed front dormer is slightly wider than the previously refused and it is indicated on the plans to use dark grey cement cladding instead of the previously proposed dark grey Hardie Plank cladding. The front dormer remains unacceptable in this location, due to its size and scale. The dormer is set off centre within the front roof plane and there is minimum space between the top of the dormer and the ridge of the main dwelling. Therefore due to its position, size, scale and poor design, the proposed front dormer would excessively dominate the roofscape and fails to appear subservient. This is further exacerbated by the disparity between the two small windows proposed within the dormer and the front elevation overall.
- 4.6 The proposed dormer would result in a prominent, incongruous and obtrusive form of development, which lacks subservience within the streetscene and is considered to be out of character with the host dwelling and the wider streetscene. It is therefore considered that the proposed development would result in material harm to the character and appearance of the host dwelling and the surrounding area. The development is therefore unacceptable and contrary to policy in this respect and an objection is raised on this basis.

Traffic and Transport:

National Planning Policy Framework, Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policy DM15 of the Southend-on-Sea Development Management Document (2015) Policy DM15, Southend-on-Sea Design and Townscape Guide (2009).

- 4.7 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.
- 4.8 The dwelling currently has no off street parking, which is a characteristic of Hainault Avenue. The property is currently a three bedroom property and the formation of additional bedrooms within the roof space does not increase the parking requirements or materially affect the dwelling's non-compliance with the Council's parking standards. Therefore a reason for refusal on parking grounds could not be reasonably justified and did not form a reason for refusal of the previous applications.

Impact on Residential Amenity:

National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2 and CP4; Development Management Document Policy DM1 and DM3 and Design and Townscape Guide (2009)

- 4.9 The Design and Townscape Guide Paragraph 343; under the heading of Alterations and Additions to Existing Residential Buildings 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 also 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."*
- 4.10 The application property is an end terraced dwelling adjoined to number 164 to the north and separated by a small alleyway to No. 160, which is also an end terrace.
- 4.11 The dormer is situated within the front roof slope and does not extend beyond the roof plane of the existing dwelling. The front of No. 162 Hainault Avenue is already open to the public gaze and the proposed dormer is not considered to have a detrimental impact on the residential amenities of the immediate neighbours to the north, south and east, in terms of undue dominance, overlooking, loss of light and privacy. The proposal is therefore acceptable and policy compliant in this regard.

Community Infrastructure Levy

CIL Charging Schedule 2015

- 4.12 The proposed development equates to less than 100sqm of new floor space 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, it is considered that the proposed development would be unacceptable and contrary to the objectives of the relevant development plan policies and guidance. It is considered that the proposed development by virtue of its, position, size, scale and poor design would be a prominent and incongruous built form which is unacceptable in terms of design and material impact on the character of the dwelling and the wider streetscene. The proposal therefore is recommended for refusal.

6 Planning Policy Summary

- 6.1 National Planning Policy Framework (2018)
- 6.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles) CP3 (Transport and Accessibility) and CP4 (Environment & Urban Renaissance).
- 6.3 Development Management Document (2015): DM1 (Design Quality), DM3 (Efficient and Effective use of land) and DM15 (Sustainable Transport Management)
- 6.4 Design & Townscape Guide (2009)

6.5 CIL Charging Schedule (2015)

7 Representation Summary

Public Consultation

7.1 Eight neighbours were notified of the proposal and no letters of representation have been received.

8 Relevant Planning History

8.1 18/01745/FULH - Erect dormer to front elevation (Retrospective) (Amended Proposal) – Planning permission refused

8.2 18/01334/FULH - Erect two dormer windows to front elevation (Retrospective) – Planning permission refused

9 Recommendation

REFUSE PLANNING PERMISSION for the following reason:

1 **The proposed front dormer by reason of its size, scale, poor design and position would form a prominent, obtrusive and incongruous addition, which fails to relate satisfactorily to the existing dwelling or the character and appearance of the prevailing streetscene. The proposal thereby results in material harm to the character and appearance of the host dwelling and the wider streetscene. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2018), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice contained with 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, 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 officer's report.

Informative

1 **You are advised that as the proposed extensions 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.**