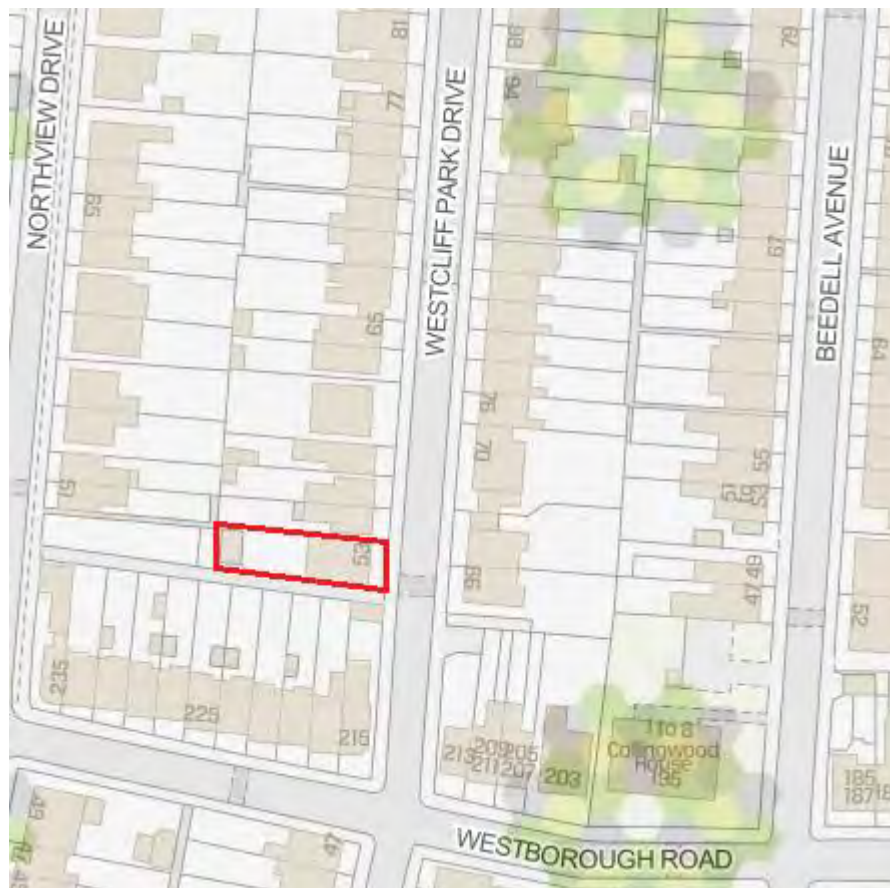


Reference:	18/00185/UNAU_B	
Ward:	Westborough	
Breaches of Control	Without planning permission, the construction of a roof replacement, hip to gable roof extension, dormer to rear and first floor rear extension above existing single storey extension	
Address:	53 Westcliff Park Drive, Westcliff-On-Sea, Essex, SS0 9LW	
Case Opened:	14 th June 2018	
Case Officer:	Hayley Thompson	
Recommendation:	AUTHORISE ENFORCEMENT ACTION	

53 Westcliff Park Drive, Westcliff-On-Sea, Essex, SS0 9LW



1 Site and Surroundings

- 1.1 53 Westcliff Park Drive is a semi-detached dwelling on the western side of Westcliff Park Drive. The area is residential and characterised by mostly semi-detached and terraced two storey dwellings. The site is prominent in the streetscene as it is the first dwelling in the streetscene when entering Westcliff Park Drive from Westborough Road.
- 1.2 No heritage or other designations apply to this site.

2 Lawful Planning Use

- 2.1 The lawful planning use is as a dwelling house within Class C3 of the Town and Country Planning Use Classes Order 1987 (as amended).

3 Present Position

- 3.1 In June 2018 an enforcement case was raised following complaints that building works were being undertaken to the roofspace without planning permission.
- 3.2 In June 2018 Planning Enforcement Staff visited the site noting that the roof was being replaced and extended to create a hip to gable roof and dormer extension at the rear.
- 3.3 In June 2018 Planning Enforcement Staff wrote to the owner concerning the potential breach of planning controls advising that a Lawful Development Certificate or a Planning Application should be submitted to the Local Planning Authority. The letter advised that any further works at the property cease until the planning position was regularised.
- 3.4 In August 2018 Planning Enforcement Staff were informed that an agent had been employed to submit the relevant applications. The agent explained that they had experienced difficulties in making contact with the applicant and gaining access to the site. This was similar to the Planning Enforcement Staff's experience during the preceding period.
- 3.5 In August 2018 Planning Enforcement Staff sent a second letter to the address to enquire what arrangements had been made in respect of the submission of a retrospective planning application and advised that any further works at this property cease until the appropriate plans were approved.
- 3.6 In September 2018 Planning Enforcement Staff revisited the site with Building Control staff for an arranged site visit and entry was not gained to the site. Staff were able to view the works from the rear. It was noted during this site visit that a first floor rear extension was being built above an existing single storey extension.
- 3.7 In November 2018 Planning Enforcement Staff made contact with the agent who explained they have experienced difficulties making contact with the home owner and that the relevant agent fees had not been paid.
- 3.8 In November 2018 Planning Enforcement Staff hand delivered a notice of intended entry to gain access to the site.

- 3.9 In November 2018 the agent made contact in response to the notice of intended entry and explained that the home owner was on holiday abroad until February 2019.
- 3.10 In February 2019 Planning Enforcement Staff revisited the site and viewed the developments from an alley located to the side of the dwelling. It was established on site that works to the roof and the first floor rear extension are substantially built and are of poor design and construction.
- 3.11 To date, no planning application has been received by the Local Planning Authority to seek to regularise the breaches of planning control.
- 3.12 Express planning permission is required for the unauthorised roof extensions and first floor rear extension which constitutes operational development as defined by the Town and Country Planning Act 1990 (as amended).
- 3.13 The works to the roof would not be permitted development as the edge of the dormer roof enlargement closest to the eaves of the original roof is less than 0.2 metres from the eaves and the dormer is flush with the original rear wall of the dwelling.
- 3.14 The first floor flat roofed rear extension is not permitted development as the first floor rear extension connects to the rear dormer. In addition, the first floor extension is located within seven metres of the boundary opposite the rear wall of the dwelling and has been built above a single storey extension that was not built as permitted development or subject to planning approval. It is noted that the existing single storey extension is lawful by virtue of time.
- 3.15 The issues raised by the unauthorised developments are the design and visual impact of the structures and their impact on neighbouring properties and the character of the surrounding area.

4 Appraisal and Policy Background

National Planning Policy Framework, (NPPF) (2018); Core Strategy (2007) Policies KP1, KP2 and CP4; Development Management Document (2015) Policies DM1 and DM3, Design and Townscape Guide (2009).

- 4.1 Good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF (National Planning Policy Framework), 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.
- 4.2 Paragraph 124 of the NPPF states 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.”*

- 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 Policy KP2 of the Core Strategy states that new development should *“respect the character and scale of the existing neighbourhood where appropriate.”* Policy CP4 requires that a development 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.”*
- 4.5 Particular to this report seeking enforcement authority, the roof replacement and extensions and first floor rear extension have been constructed using poor quality timber materials. The roof replacement and hip to gable roof extension are not considered to result in material harmful to the character and appearance of the property or wider amenity. It is the largely completed rear dormer and flat roofed first floor rear extension which by reason of their form, poor quality design and appearance are incongruous and unsightly and which results in demonstrable material harm to the character and appearance of the rear garden scene as the developments are materially visible from adjoining dwellings and surrounding area. The developments are unsympathetic to their surroundings and respond negatively to the local character contrary to policy requirements.
- 4.6 In addition, the development is harmful to the residential amenities of the neighbouring occupiers at number 55 Westcliff Park Drive by causing an unacceptable sense of enclosure and material loss of daylight and outlook. This is contrary to policy requirements.
- 4.7 As extensive abortive attempts have been made to seek regularisation through submission of a planning application and material harm is identified it is considered necessary, proportionate and expedient for enforcement action to be taken.
- 4.8 Taking enforcement action in this case may amount to an interference with the owner/occupier’s human rights. However, it is necessary for the Council to balance the rights of the owner/occupiers against the legitimate aims of the Council 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 to remove the unauthorised developments.

Relevant Planning History

- 5.1 None.

6 Planning Policy Summary

- 6.1 The National Planning Policy Framework (NPPF) (2018).
- 6.2 Core Strategy (2007) Policies KP1 and KP2 (Development Principles) and CP4 (The Environment and Urban Renaissance).

6.3 Development Management Document (2015) Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land).

6.4 Design and Townscape Guide (2009).

7 Recommendation

7.1 **Members are recommended to AUTHORISE ENFORCEMENT ACTION** to secure the removal of the rear dormer window and first floor rear extension.

7.2 The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of said Notice.

7.3 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 deemed reasonable.

Appendix 1 – Photographs of 53 Westcliff Park Drive taken February 2019





