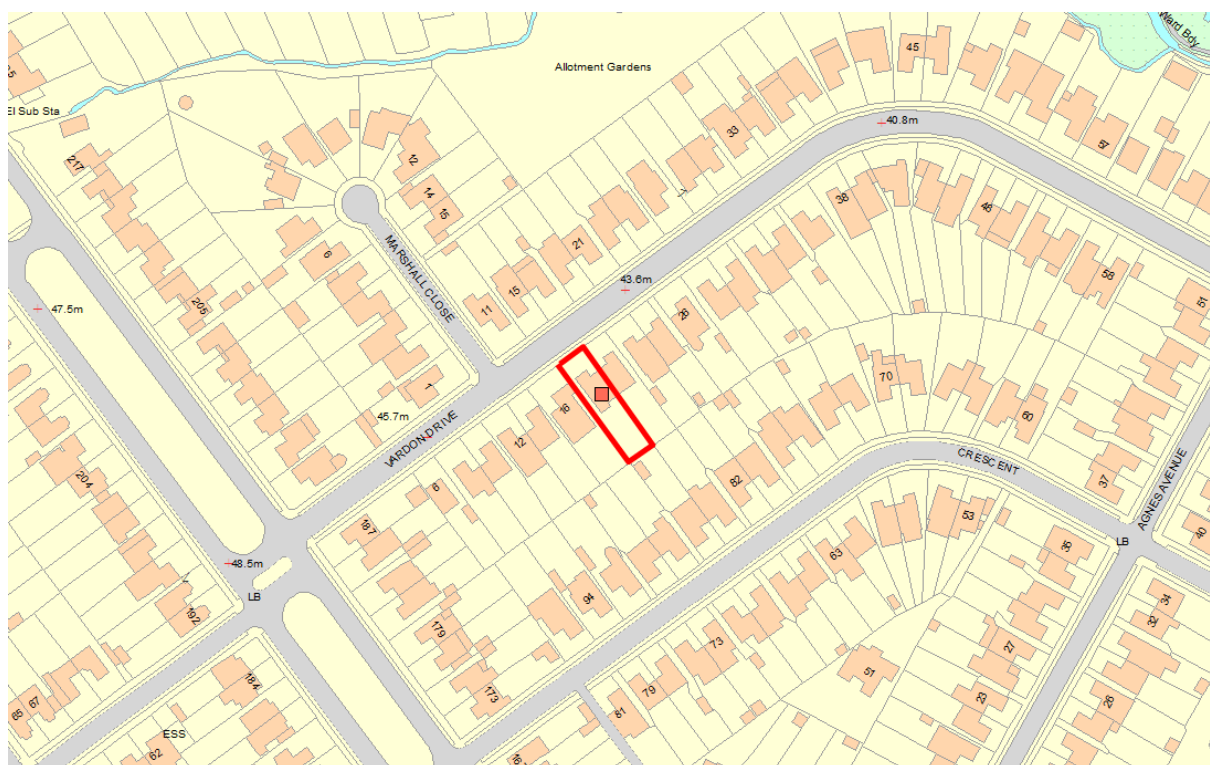


Reference:	19/00032/FULH
Ward:	West Leigh
Proposal:	Erect single storey rear extension (Amended proposal) (Retrospective)
Address:	18 Vardon Drive Leigh-On-Sea Essex SS9 3SR
Applicant:	Ms Emma Johnson
Agent:	CET Architectural Design
Consultation Expiry:	20 th February 2019
Expiry Date:	4 th April 2019
Case Officer:	Julie Ramsey
Plan Numbers:	Location plan and proposed site plan, 1158/1 Rev 3
Recommendation:	REFUSE PLANNING PERMISSION



1 The Proposal

- 1.1 The application seeks planning permission to erect a single storey rear extension. This is a retrospective application as the development has been completed.
- 1.2 The rear extension spans the full width of the property and measures some 6.8m wide and some 4.72m deep. The proposed extension has a part pitched roof with a glazed gable end and part flat roof with roof lantern. The roof has an eaves height of some 3.2m and is approximately 4.2m at the highest point of the roof.
- 1.3 The materials used are rendered walls, part tiled and part standard flat roof and uPVC windows and doors to match the existing dwelling.
- 1.4 The discrepancies in the previously submitted plans have been amended during the course of this application to reflect the fenestration and height of the development as built on site. A daylight and sunlight report and planning statement have been submitted in support of the application.

2 Site and Surroundings

- 2.1 The property is located on the south eastern side of Vardon Drive, Leigh-on-Sea, which is accessed from Highlands Boulevard. The site contains a semi-detached bungalow with a hipped roof and front gabled projection with bay window. There is hardstanding to the front for parking purposes.
- 2.2 The streetscene in Vardon Drive is comprised of a mix of detached and semi-detached bungalows of similar design and scale. The street gently slopes down to Prittlebrook to the north. Single storey rear extensions are characteristic of the surrounding rear garden scene. There are no heritage or other designations in the vicinity of the site.

3 Background details and summary of planning statement submitted by Agent

- 3.1 An application reference 17/01808/GPDE was first submitted in September 2017 under the Larger Home prior approval scheme for an extension 4.5m deep. During the course of this application it became apparent that work had substantially commenced (to roof level) and thus the development no longer benefited from these permitted development rights and the application for Prior Approval was refused due to commencement of the development.
- 3.2 Despite this refusal the development continued and photographs from the enforcement officer's site visit on 21st February 2018 show the extension as completed both externally and internally with a new kitchen fully installed.
- 3.3 Two subsequent householder applications have been submitted and refused due to the impact of the extension on the neighbour at No. 20 Vardon Drive. The dimensions of the extension shown on the scaled drawings submitted with the first application differed from that built on site. The second householder application sought to gain planning permission for what had been built on site.

- 3.4 No neighbour objections were received for any of the three refused applications. However, it is noted that the neighbour at No. 20 Vardon Drive was an elderly man of poor health who has since passed away. The planning statement submitted focuses on the lack of neighbour objection to the proposal and claims that the neighbour at No. 20 is therefore content with the extension. An objection has been received in relation to the current application.
- 3.5 The extension has subsequently been built outside of the permitted development tolerances. The eaves height is greater than 3m and the overall height is more than 4m. The planning statement also incorrectly states that a 4m deep extension would be permitted development. For a semi-detached dwelling the maximum depth permitted is 3m.
- 3.6 A number of appeal decisions have been submitted with the application from properties in the Southend area referring to examples where large single storey rear extensions have been allowed on Appeal. This information is not considered to have material weight relevant in assessment of this application as each application is determined on their individual merits and are site specific and the cases referred to in the submitted appeal decisions are materially different to that currently under consideration. None of the three refused applications have been appealed.
- 3.7 This application is accompanied by a detailed Stage 2 Technical assessment daylight and sunlight report dated 29th January 2019 carried out by Trident Building Consultancy Ltd. This concludes that the impact of the extension in terms of outlook and potential loss of light to No. 20 Vardon Road is acceptable based on current guidelines and regulations. Further comment has been received following the submission of amended plans to reflect the height as built on site:

'My assessment was based on a pragmatic approach with Dims taken externally with a hand held laser disto.

If the dims were to differ by plus or minus 200mm the results would be relatively similar and the conclusions would undoubtedly remain the same.

Therefore the as built drawings you have supplied me with will have no change to the conclusion of the daylight and sunlight report, although the results could change but by only decimals points.

From the above I consider that the Rights of Light Report is robust having regard to the latest drawings and its conclusions as to lack of harm etc. must carry considerable weight.

4 Planning Considerations

- 4.1 The main considerations in relation to this application are the principle of the development, design and the impact on the street-scene, highways implications, any impact on neighbouring properties and CIL contributions.

5 Appraisal

Principle of Development

National Planning Policy Framework (2019), Core Strategy (2007) Policies KP1, KP2 and CP4, Development Management Document (2015) Policies DM1, DM3 and DM15 and the Design & Townscape Guide (2009)

- 5.1 This proposal is considered in the context of the National Planning Policy Framework and Core Strategy Policies KP1, KP2 and CP4. Also of relevance is Policy DM1 which addresses 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. The dwelling is situated within a residential area and an extension or an alteration to the property is considered acceptable in principle, subject to detailed considerations discussed below.

Design and Impact on the Character of the Area

National Planning Policy Framework (2019), Core Strategy (2007) Policies KP1, KP2 and CP4, Development Management DPD (2015) Policies DM1 and DM3 and Southend Design & Townscape Guide (2009)

- 5.2 Good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in Policy DM1 of the Development Management Document and in Policies KP2 and CP4 of the Core Strategy. 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."*
- 5.3 According to Policy KP2 of the Core Strategy 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"*.
- 5.4 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"*.
- 5.5 Paragraph 348 of The Design and Townscape guide 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'*
- 5.6 The proposal seeks to retain the single storey rear extension which is now fully completed. The proposal is part gabled following the line of the existing rear projection and part flat roofed on the boundary with No. 20 Vardon Drive. It has been designed to tie in with the eaves of the existing building and with the existing materials.
- 5.7 Overall, it is considered that the design of the proposal is suitably subservient and compatible with the existing property. It has a satisfactory impact in rear garden scene. The design of the extension with regard to its character impacts was not a reason refusal in the previous applications and therefore the proposal is considered to be acceptable and policy compliant in the above regards.

Impact on Neighbouring Properties

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

- 5.8 The Design and Townscape Guide Paragraph 343; (under the heading of Alterations and Additions to Existing Residential Buildings), states 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."*
- 5.9 The application site is neighboured by No. 16 (to the south west) and No. 20 (to the north east) Vardon Drive.
- 5.10 The proposed rear extension is set on the north eastern boundary with the semi-detached neighbour, No.20. The extension on this side has a flat roof with roof lantern and is some 4.72m deep on this boundary with an overall height of 3.2m. The proposal is set to the south west of the neighbour. The rear window closest to the extension serves the main living space for the property. Both properties are set at a slightly raised level with matching eaves due to the slight change in ground levels.
- 5.11 The proposal at 4.72m in depth and 3.2m in height, located to the south west does result in a material and detrimental impact on this neighbour, (No. 20), due to a dominant and obtrusive outlook and an undue sense of enclosure. There are no overlooking or loss of privacy concerns as there are no windows in the flank elevation facing the shared boundary. A detailed Stage 2 Technical assessment daylight and sunlight report dated 29th January 2019 carried out by Trident Building Consultancy Ltd has been submitted as part of the application and assesses the impact of the extension on both the sunlight and daylight levels and outlook and comes to the following conclusion:
- Further to the completion of a full daylight and sunlight stage 2 technical assessment for the extension of 18 Vardon Drive assessing the impact on 20 Vardon Drive it is fair to say that this property will be left more than adequately lit in accordance with the recommendations of the Building Research Establishment's (BRE), Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (2011) 209 Paper.
- In regard to the matter of outlook whilst there are no technical means for measuring this, the daylight and sunlight assessment provide a good representation of the change in outlook with the use of Waldram diagrams which in our view is deemed acceptable and, in our opinion, create an outlook that follows precedent to other properties located on Vardon Drive and others within the vicinity of the Highlands Estate.
- 5.12 Whilst it is acknowledged that there would be a reduction in the amount of light received to the rear of the neighbouring property (No. 20), the submitted daylight and sunlight assessment maintains that the property would remain adequately lit and therefore this does not represent a robust reason for refusal.

- 5.13 However it is considered that the height, depth and resulting bulk of the extension together with its location on the common boundary would result in a materially harmful impact on outlook, appearing overly dominant and visually obtrusive when viewed from the main living area of this neighbouring property. This is an entirely different impact to that of daylight and sunlight. The proposed extension also gives rise to an undue sense of enclosure which would have a materially harmful impact on the residential amenities of this adjoining neighbour. The development is therefore unacceptable and contrary to policy in this respect and an objection is raised on this basis.
- 5.14 The proposal is set 1.9m from the boundary to the south west and a further 1.9m from the neighbouring property No. 16. This neighbour has an existing single storey extension to its rear elevation which extends out approximately 2.6m. The proposal would therefore extend 2.12m past the rear wall of this neighbour's extension with an eaves height of 3.2 metres. The proposal is located to the north of this neighbour.
- 5.15 It is considered that, given the separation distances, the existing projection at the rear of number 16 and the orientation of the extension to the north of the neighbour, the proposal would not give rise to an unacceptable impact on the amenity of this property.
- 5.16 The proposed extension is some 13.5m from the rear boundary and backs onto the rear gardens of Nos 84 – 88 Adalia Crescent. There is adequate separation distance between the proposed development and the rear boundary. Hence, it is not considered that the proposed extension would have a detrimental impact on these adjoining neighbours to the rear.
- 5.17 Taking all material planning considerations into account along with the results of the submitted sunlight and daylight assessment, it is considered, that the proposal is contrary to policy and unacceptable in these regards.

Highways and Transport Issues

National Planning Policy Framework (2019), Policy CP3 of the Core Strategy, Development Management Document Policy and DM15 and the Design and Townscape Guide (2009).

- 5.18 Policy DM15 of the Development Management Document requires that all development should meet the minimum off-street parking standards. A provision of two parking spaces is required for a 2+ bedroom dwelling.
- 5.19 Currently the property is a 3 bed bungalow. The site has a driveway to the side and hardstanding to the front of the dwelling which can accommodate the required two parking spaces. The proposal is therefore considered to be acceptable and policy compliant in these regards.

Community Infrastructure Levy

CIL Charging Schedule (2015)

- 5.20 The proposal for the existing property 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.

6 Conclusion

- 6.1 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. The proposed development would, as a result of the height and depth of its projection on the northern boundary, have a material and detrimental impact on the outlook to the main habitable room of the neighbouring property and would appear overly dominant and visually obtrusive creating an undue sense of enclosure to the detriment of the residential amenity of the occupiers of No. 20 Vardon Drive. Therefore the application is recommended for refusal.

7 Planning Policy Summary

- 7.1 National Planning Policy Framework (2019)
- 7.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility) and CP4 (Environment & Urban Renaissance)
- 7.3 Development Management Document (2015) Policies DM1 (Design Quality) DM3 (Efficient and Effective Use of Land), and DM15 (Sustainable Transport Management)
- 7.4 The Design and Townscape Guide (2009)
- 7.5 Community Infrastructure Levy Charging Schedule (2015)

8 Representation Summary

- 8.1 Councillor Phillips has called the application in for consideration by the Development Control Committee.

Leigh Town Council

- 8.2 Objection raised - no objection raised to the first proposal when it was 4m deep, this amended application appears deeper in size than the original. This would have an effect on the neighbouring property, as it would result in an unacceptable loss of light to the main habitable room of the attached property and appear dominant and visually obtrusive to the detriment of the resident amenity of the occupiers.

Public Consultation

- 8.3 Eight neighbouring properties were notified of the proposal. One letter of representation has been received.

Matters raised:

- The extension is larger than the permitted development regulations for the area and is inappropriate.
- The majority of the building works were carried out and completed before a decision was made.
- The dates submitted on the application form dated 08/01/19 state that the works did not start until 30/10/17. The works were well underway on 21/10/17 and were structurally completed by 04/11/17.
- Materials including bricks, sand/cement and portable towers were placed in the rear garden without authorisation.
- The application dated 08/01/19 states that no trees were removed for the construction of the extension. The applicants' builders removed a tree in the neighbouring garden in order for the construction to go-ahead.
- Drawing No1158/1 (this has since been revised but the amended plan still shows the space) shows a clear space between the extension wall and the boundary of the neighbouring property. Upon inspection of the completed works, it would appear that the wall has been built on the boundary and the plastic fascia overhangs the neighbouring property.
- No application for a new Third Party Wall was issued prior to works being carried out.
- The contents of the report submitted by Trident regarding the technical assessment for daylight and sunlight is noted, however, the completed extension is disproportionately large for the property and has an effect on the neighbouring occupiers in terms of both light and outlook onto the garden.
- The brickwork finish on the neighbouring side is also of very poor quality and does nothing to enhance its appearance.
- The Supporting Statement from Bowhills dated 18/10/18, Section 8 Appraisal, makes the lack of neighbour correspondence as acceptance that the finished works are satisfactory. The neighbouring occupier was very upset with the works from the start, however did not wish to cause any trouble. The lack of correspondence should not indicate acceptance of the development.
- The methodology used by the applicant to construct the extension at No 18, was arrogant at best with little or no concern given to the neighbouring properties and more importantly to the correct planning process.

These concerns are noted and they have been taken into account in the assessment of the application. The application is recommended for refusal.

9 Relevant Planning History

- 9.1 18/01130/FULH - Erect single storey rear extension (retrospective) (amended proposal) – Planning permission refused
- 9.2 17/02094/FULH – Erect single storey extension (retrospective) – Planning permission refused

- 9.3 17/01808/GPDE - Erect single storey rear extension, projecting 4.5m beyond the existing rear wall of the dwelling, 3 metres high to eaves and with a maximum height of 4 metres – Prior approval refused due to commencement of the development.

10 Recommendation

Members are recommended to REFUSE PLANNING PERMISSION for the following reason:

- 01 The proposed development would, as a result of its height and depth of its projection on the northern boundary, result in an unacceptable loss of outlook to a main habitable room of the neighbouring property and would result in an overly dominant and visually obtrusive feature within the rear garden scene, forming an unacceptable sense of enclosure to the detriment of the residential amenity of the occupiers of No. 20 Vardon Drive. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).**

Informative

- 1 You are advised that as the proposed development equates to less than 100 sqm of additional floorspace so 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.**