

Reference:	18/00284/BRCN_B	
Ward:	Chalkwell	
Breaches of Control	Without planning permission development built at variance from approved plans	
Address:	35 Beach Avenue, Leigh-On-Sea, Essex, SS9 1HP	
Case Opened:	3 <sup>rd</sup> September 2018	
Case Officer:	Hayley Thompson	
Recommendation:	AUTHORISE ENFORCEMENT ACTION	

35 Beach Avenue, Leigh-On-Sea, Essex, SS9 1HP



## **1 Site and Surroundings**

- 1.1 This site is located at the junction of Beach Avenue and Upland Road. Woodfield Road is to the west. Number 35 Beach Avenue is a two storey terraced dwelling with an average sized rear garden relative to the area.
- 1.2 The surrounding area is residential in character consisting mainly of two storey terraced and semi-detached dwellings of similar design with projecting gable fronts.
- 1.3 There is no heritage or other designations in this area.

## **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 On 16<sup>th</sup> May 2016 a planning application was received by the Local Planning Authority (LPA), reference 16/00891/FULH, proposing to erect a single storey side extension and this was approved on 23<sup>rd</sup> September 2016.
- 3.2 On 8<sup>th</sup> November 2016 a planning application was received by the LPA, reference 16/02031/FULH, with an amended proposal to erect a two storey flat roofed side extension.
- 3.3 This application was refused on 19<sup>th</sup> January 2017 as the proposed side extension would, by reason of its design, size, height, roof form and siting, represent a poorly integrated, discordant and incongruous addition, detrimental to the character and appearance of the host property and the area more widely.
- 3.4 On 26<sup>th</sup> April 2017 a planning application was received by the LPA, reference 17/00729/FULH, with an amended proposal to erect a two storey side extension.
- 3.5 This application was approved on 21<sup>st</sup> June 2017.
- 3.6 In September 2018 an enforcement case was raised following a complaint that building works being undertaken not in accordance with the approved plans in planning permission 17/00729/FULH.
- 3.7 A copy of the officer's report for application 17/00729/FULH is attached as Appendix 1.
- 3.8 In October 2018 Planning Enforcement Staff visited the site noting its variance from the approved plans.
- 3.9 On 30<sup>th</sup> October 2018 an application was received by the LPA, reference 18/02033/AMDT seeking to remedy the breach of planning control by applying to vary condition 02 of that planning permission with variations to previously approved plans.
- 3.10 A copy of the officer report for that application is attached as Appendix 2.

- 3.11 That application was refused on 9<sup>th</sup> January 2019 as inconsistencies and inaccuracies in the information presented within the application meant it was not possible to thoroughly assess the proposal's impact. Based on the information presented and taking available material planning considerations into account, it was found that the principle of the extension was acceptable. However, it was considered that the design of the extension as shown would be harmful to the character and appearance of the building and the visual amenities of the wider surroundings. Further, the proposed roof terrace at the rear would be harmful to neighbour amenities and this matter could not be satisfactorily addressed through the use of planning conditions.
- 3.12 The side extension and associated works at number 35 has been substantially completed. The variance from the approved plans in application 17/00729/FULH include the formation of an undercroft section to the southern flank elevation and various elevation alterations including the addition of a balcony to the front elevation and two doors installed at first floor level to the rear elevation to access the single storey rear extension for use as a roof terrace.
- 3.13 A planning application to retain the works as carried out on site would not be supported by the Local Planning Authority.

#### **4 Appraisal and Policy Background**

**National Planning Policy Framework, (NPPF) (2019); Core Strategy (2007) Policies KP1, KP2, CP3 and CP4; Development Management Document (2015) Policies DM1 and DM3, Design and Townscape Guide (2009).**

- 4.1 Policies KP2 and CP4 of the Southend Core Strategy and Policies DM1 and DM3 of the Southend Development Management Document all include requirements relating to high quality design in new development and respect for the character and scale of existing development and the surrounding area. These policies are consistent with the National Policy Framework.
- 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 The Design and Townscape Guide provides detailed guidance in support of these development plan policies and states side extensions can easily become overbearing and dominate the original property and in order to avoid this, side extensions should be designed to appear subservient to the parent building. Poorly designed side extensions will detrimentally affect the proportions and character of the existing property and so extreme care should be taken to ensure the original design qualities are preserved.
- 4.4 In addition, 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. Any 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.

- 4.5 The principle of a two storey side extension was found to be acceptable in approved planning application, reference 17/00729/FULH.
- 4.6 Application 18/02033/AMDT was refused as the proposal was found to be unacceptable and contrary to the National Planning Policy Framework (2018), 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 Southend-on-Sea Design and Townscape Guide (2009).
- 4.7 The formation of an undercroft section to the southern flank elevation fronting Upland Road, is considered to be incongruous. Together with creating a large expanse of blank frontage, harmfully impacting the appearance of the front elevation, it is found unacceptable in this prominent corner location. This substantial alteration to the approved scheme is considered to be of a form and design materially at odds with the established form and character of surrounding buildings and townscape, resulting in material harm to the character and appearance of the host dwelling and the wider streetscene.
- 4.8 The Design and Townscape Guide paragraph 343, under the headline of 'Alterations and Additions to Existing Residential Buildings' states that amongst other criteria, that *'extensions must respect the amenity of neighbouring buildings and ensure no to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties.'* In addition to this, Policy DM1 of the Development Management Document states that development should *"Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight."*
- 4.9 The installation of doors to the rear elevation would enable the single storey projection and approved rear extension to be used as a balcony. It is considered that the creation of a balcony would result in an increase in overlooking and loss of privacy for neighbouring occupiers due to their close proximity and could lead to an unacceptable visual impact.
- 4.10 Particular to this report seeking enforcement authority, the two storey side extension containing balcony to the front elevation and the installation of doors at first floor level to the rear elevation are found to cause material harm contrary to policy requirements. As material harm has been identified, it is considered necessary, proportionate, reasonable and expedient for enforcement action to be taken.
- 4.11 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.

## **5 Relevant Planning History**

- 5.1 16/00891/FULH – Erect single storey side extension – Permission granted.
- 5.2 16/02031/FULH – Erect two storey side extension (Amended Proposal) – Permission refused.
- 5.3 17/00729/FULH - Erect two storey side extension (Amended Proposal) – Permission granted.
- 5.4 18/02033/AMDT - Application to vary condition 02 (Approved Plans) replace plan number 2631/5/37A with plan number 2732/9/40 - variations to previously approved plans including the addition of doors at first floor level, front and rear to create balconies – Permission refused.

## **6 Planning Policy Summary**

- 6.1 The National Planning Policy Framework (NPPF) (2019).
- 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 remove the two storey side extension containing balcony to the front elevation and two doors at first floor level to the rear elevation.
- 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 calendar months is deemed reasonable.

Appendix 1 – Officer Report in application reference 17/00729/FULH.

<b>Reference:</b>	17/00729/FULH
<b>Ward:</b>	Chalkwell
<b>Proposal:</b>	Erect two storey side extension (Amended Proposal)
<b>Address:</b>	35 Beach Avenue, Leigh-On-Sea, Essex SS9 1HP
<b>Applicant:</b>	Mr Uddin
<b>Agent:</b>	Mr A. Collinson (New World Designers)
<b>Consultation Expiry:</b>	14.06.17
<b>Expiry Date:</b>	21.06.17
<b>Case Officer:</b>	Abbie Greenwood
<b>Plan No's:</b>	2631/5/37A
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>

## **1 The Proposal**

- 1.1 Planning permission is sought to erect a part single/part two storey side extension. This is an amended proposal following the refusal of 16/02031/FULH where an objection was raised to the design of the proposal in particular relating to the proposed flat roof of the two storey section. The proposal has now been amended to extend the existing pitched roof over the extension and changing its form from a hip to a gable. The single storey rear extension remains as previously proposed.
- 1.2 The proposed would be built to an eaves height of 5 metres, a ridge height of 8.4 metres and would be 8.6 metres deep, stepped back 2 metres from the adjacent gable projection and 1 metre back from the front building line.
- 1.3 The proposed part single storey flat roof rear extension would be built to height of 3.2 metres and would be 4 metres deep to be aligned with the existing rear elevation.

## **2 Site and Surroundings**

- 2.1 The application site is located at the junction intersection of Beach Avenue and Upland Road, Woodfield Road is to the west. The site is occupied by a two storey terraced dwelling with an average sized rear garden relative to the area.
- 2.2 The surrounding area is residential in character consisting two storey terraced dwellings of similar design with projecting gable fronts. The front curtilage of the property is hard surfaced and is used for parking.

## **3 Planning Considerations**

- 3.1 The main 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 traffic and transportation implications.

## **4 Appraisal**

### **Principle of Development**

**National Planning Policy Framework (2012); Development Plan Document 1 (DPD1): Core Strategy Policies KP2 (Development Principles) and CP4 (Environment and Urban Renaissance); Development Management Document 2: Policy DM1 (Design Quality), DM3 (The Efficient and Effective Use of Land) and Design and Townscape Guide SPD1 (2009).**

- 4.1 This proposal is considered in the context of the Core Strategy DPD policies KP2 and CP4, policies DM1 and DM3 of the Development Management DPD2 and the Design and Townscape Guide. 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. Therefore, the principle is acceptable subject to the detailed design considerations below.

## Design and Impact on the Character of the Area

**National Planning Policy Framework (2012); Development Plan Document 1 (DPD1): Core Strategy Policies KP2 (Development Principles) and CP4 (Environment and Urban Renaissance); Development Management Document 2: Policy DM1 (Design Quality), DM3 (The Efficient and Effective Use of Land) and Design and Townscape Guide SPD1 (2009).**

- 4.2 The National Planning Policy Framework (NPPF) states *“The Government attaches great to the design of the built environment. Good is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.”* (Paragraph 56 – ‘Requiring good design’).
- 4.3 Policy KP2 of the Core Strategy advocates the need for all new development to *“respect the character and scale of the existing neighbourhood where appropriate and secure improvements to the urban environment through quality design.”* Policy CP4 of the Core Strategy states *“development proposals will be expected to contribute to the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend by maintaining and enhancing the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development.”*
- 4.4 Policy DM1 of the Development Management DPD2 advocates the need for good quality design that contributes positively to the creation of successful places. All developments should respect the character of the site, its local context and surroundings in terms of its architectural approach, height, scale, form and proportions.
- 4.5 Paragraph 351 of the Design and Townscape Guide (SPD1) under the heading of ‘Side Extensions’ states *“Many properties in the Borough have the capacity to extend to the side. However, side extensions can easily become overbearing and dominate the original property. In order to avoid this, side extensions should be designed to appear subservient to the parent building. This can generally be achieved by ensuring the extension is set back behind the existing building frontage line and that its design, in particular the roof, is fully integrated with the existing property. Poorly designed side extensions will detrimentally affect the proportions and character of the existing property and so extreme care should be taken to ensure the original design qualities are preserved. Setbacks can also alleviate the difficulty of keying new materials (particularly brickwork) into old and disguises slight variations.”*
- 4.6 Paragraph 63 of SPD1 Design and Townscape Guide states that, *“When planning development on a corner site, the issue of two public frontages needs to be addressed. The context of the adjoining streets including scale, rhythm and form requires a single design solution, and development will be required to present well-designed and appropriately scaled elevations to both frontages. In some areas of the Borough the openness of road junctions is part of the local character and where this occurs it must be respected in the design of new development. This can mean setting the footprint back from the road to open the corner at ground level and ensuring the height of the proposal is appropriate and does not create a ‘canyon*



*effect’.*”

- 4.7 The proposed part single/two storey side extension would be clearly visible in the streetscene although set back 2 metres from the front projecting gable and 1 metre back from the primary front elevation to ensure that it appeared subservient. The proposal would project 3 metres from the south flank elevation to be aligned with the boundary wall along Upland Road.
- 4.8 There was no objection was raised in the previous application to a two storey extension of this scale to the side, the proposal was refused because of the poor integration with the exiting property particularly at roof level where it was considered that a flat roof was out of keeping and would be detrimental to the property and the wider streetscene. The current proposal has amended this element and now includes the extension of the existing roof over the side extension and a change of form from a hip to a gable and the removal of the chimney. The eaves to the front overhang the proposed front building line of the side extension to enable them to tie in with the eaves level of the existing roof above the entrance which is set forward and therefore lower than the proposed extension. The proposal windows for the extension will match that of the existing building.
- 4.9 The single storey element of the side extension to the rear section remains as previously proposed which is to extend the form of the existing single storey rear addition to the south boundary. No objection was raised to this in the past and this therefore remains the Council’s position.
- 4.10 Overall it is considered that these amendments have result in a scheme which is much better integrated with the character of the existing property and the wider streetscene and have therefore overcome the reasons for refusal in relation to design.

### **Impact on Residential Amenity**

**National Planning Policy Framework (2012); Development Plan Document 1 (DPD1): Core Strategy Policies KP2 (Development Principles) and CP4 (Environment and Urban Renaissance); Development Management Document 2: Policy DM1 (Design Quality), DM3 (The Efficient and Effective Use of Land) and Design and Townscape Guide SPD1 (2009).**

- 4.11 Paragraph 343 of the Design and Townscape Guide (SPD1) 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.”*

and

Policy DM1 of the Development Management DPD 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.”*

- 4.12 The proposed side extension would be sited approximately 18 metres from the eastern boundary with Woodfield Court and the proposed south flank elevation would be sited approximately 11 metres from the north flank elevation of No. 41A Beach Avenue. Taking the separation distances from the surrounding properties into consideration it is considered the proposal would not cause an issue of overbearing or sense of enclosure for the occupants of the surrounding properties.
- 4.13 The proposed bedroom window at first floor level and hallway window at ground floor level to the proposed front elevation would enable views towards neighbouring properties, but only towards those parts of the properties that are visible from the public domain and are therefore not private. As such no objection is raised to the proposal on grounds of overbearing and loss of privacy.

### **Traffic and Transportation**

**National Planning Policy Framework (2012); Development Plan Document 1 (DPD1): Core Strategy Policies KP2 (Development Principles) and CP4 (Environment and Urban Renaissance); Development Management Document 2: Policy DM1 (Design Quality), DM3 (The Efficient and Effective Use of Land) and DM15**

- 4.14 Policy DM15 of the Development Management DPD requires that all development should meet the minimum off-street parking standards. Therefore, for a four bedroomed dwelling outside Southend Central area, the provision of two parking spaces is required.
- 4.15 The proposal would not increase the parking requirements for the site. The proposal extension would be built on an area which can currently be used for parking; however, it would still be possible to park 2 cars on the frontage, one parallel to the footway and one in front of the extension. The highways officer has not objected to the proposal. This is therefore considered to be acceptable.

### **Community Infrastructure Levy (CIL)**

#### **Charging Schedule.**

- 4.16 The proposed extension to the existing 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.

## **5 Conclusion**

- 5.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The principle of the development is found to be acceptable and the proposal would have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site, the street scene and the locality more widely. The highways impacts of the proposal are not considered to be such that a refusal of planning permission would be justified.

This application is therefore recommended for approval subject to conditions.

## **6 Planning Policy Summary**

- 6.1 The National Planning Policy Framework (NPPF) (2012)
- 6.2 Development Plan Document 1: Core Strategy Policies CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance) and KP2 (Development Principles)
- 6.3 Development Management Document 2: Policy DM1 (Design Quality), DM3 (Efficient and Effective Use of Land) and DM15 (Sustainable Transport Management)
- 6.4 Supplementary Planning Document 1: Design and Townscape Guide 2009
- 6.5 CIL Charging Schedule

## **7 Representation Summary**

### **Public Consultation**

- 7.1 Fourteen neighbouring properties were notified and no letters of representation were received.

### **Highways**

- 7.2 There are no highways objections to this proposal.

## **8 Relevant Planning History**

- 8.1 16/02031/FULH - Erect two storey side extension (Amended Proposal) – refused 2016
- 8.2 16/00891/FULH – Erect single storey side extension – Permission Granted.
- 8.3 91/0887 – Demolish existing two garages and erect new garage – Application Permitted.
- 8.4 91/0295 – Form accommodation in roofspace with dormers to front, side and rear – Application Refused.
- 90/1091 – Extend roof to form accommodation in roofspace with windows to side and rear – Application Refused.

## **9 Recommendation**

**GRANT PLANNING PERMISSION subject to the following conditions:**

- 1 Condition: The development hereby permitted shall begin not later than three years from the date of this decision**

**Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.**

- 2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plan 2631/5/37A**

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

- 3 Condition: The external materials for the proposed extensions, including windows, shall match that of the existing unless differences are shown on the drawings hereby approved or are required by conditions to this permission.**

**Reason: To safeguard the visual amenities of the area, in accordance with policies This is as set out in DPD1 (Core Strategy) 2007 policy KP2 and CP4, DM DPD Policy DM1 and SPD1 (Design and Townscape Guide).**

**The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.**

### **Informative**

**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 for further details about CIL**

## Appendix 2 – Officer Report in application reference 18/02033/AMDT

<b>Reference:</b>	18/02033/AMDT
<b>Ward:</b>	Chalkwell
<b>Proposal:</b>	Application to vary condition 02 (Approved Plans) replace plan number 2631/5/37A with plan number 2732/9/40 - variations to previously approved plans including the addition of doors at first floor level, front and rear to create balconies - (Minor Material Amendment to Planning Permission - 17/00729/FULH dated 20.06.2017 - (Retrospective)
<b>Address:</b>	35 Beach Avenue Leigh-On-Sea Essex SS9 1HP
<b>Applicant:</b>	Mr Uddin
<b>Agent:</b>	New World Designers
<b>Consultation Expiry:</b>	14 <sup>th</sup> December 2018
<b>Expiry Date:</b>	9 <sup>th</sup> January 2019
<b>Case Officer:</b>	Julie Ramsey
<b>Plan Nos:</b>	2732/9/40
<b>Recommendation:</b>	<b>REFUSE PLANNING PERMISSION</b>

## **1 The Proposal**

1.1 Planning permission has been granted under application 17/00729/FULH dated 20<sup>th</sup> June 2017 “*Erect two storey side extension (Amended Proposal)*”

1.2 The application seeks to vary condition No.2. It reads:

*The development hereby permitted shall be carried out in accordance with the following approved plan: 2631/5/37A*

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

1.3 The submitted approved elevation plan is not consistent with the approved plans on file. Therefore the proposed amendments are assessed further to the approved plan on file.

1.4 The extension does not appear to have been constructed in accordance with the approved plans. Full details of the proposed changes in light of this have not been submitted in the form of a revised floor plan and northern flank elevation. The application is therefore assessed on the basis of the information provided in the submitted plans.

1.5 The amendments being sought include:

- Alteration of ground floor to provide undercroft section to southern flank elevation fronting Upland Road;
- Alteration of fenestration to front elevation to provide a smaller obscure glazed window at ground floor;
- Alteration to fenestration to front elevation at first floor to provide set of double doors and balcony;
- Alterations to rear fenestration at ground and first floor;
- Installation of roof lantern to ground floor side extension;
- Formation of balcony to rear elevation over rear projection and over single storey extension, with installation of railings to side and rear.

## **2 Site and Surroundings**

2.1 The application site is located at the junction of Beach Avenue and Upland Road; Woodfield Road is to the west. The site is occupied by a two storey terraced dwelling with an average sized rear garden relative to the area.

2.2 The surrounding area is residential in character consisting of two storey terraced dwellings of similar design with projecting gable fronts. The front curtilage of the property is hard surfaced and is used for parking.

### **3 Planning Considerations**

- 3.1 The main considerations in relation to this application are the design and impact of the proposal on the character of the area. However, the principle of the development, the impact on residential amenity and parking and CIL implications are also assessed.

### **4 Appraisal**

#### **Principle of Development**

**National Planning Policy Framework (2018), Core Strategy (2007) Policies KP1, KP2, CP3 and CP4; Development Management Document (2015) Policies DM1 DM3 and DM15 and the Design and Townscape Guide (2009).**

- 4.1 The proposed changes are considered to fall within the ambit of a minor material amendment to the consented scheme in principle.
- 4.2 The principle of the development was accepted under the previously approved planning application. This is a material consideration of significant weight. Since the application 17/00729/FULH was determined the revised National Planning Policy Framework (2018) came into force, replacing a previous version of the NPPF. It is considered that the contents of the revised NPPF do not materially alter the assessment of the principle of the development. There are no other policy changes or variations to the development which alter this view. The determining material planning considerations are discussed below.

#### **Design and Impact on the Character of the Area**

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

- 4.3 Good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the National Planning Policy Framework (NPPF). Paragraph 124 of the NPPF states that “good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”
- 4.4 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*”.
- 4.5 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 351 of the Design and Townscape Guide under the heading of 'Side Extensions' states *"Many properties in the Borough have the capacity to extend to the side. However, side extensions can easily become overbearing and dominate the original property. In order to avoid this, side extensions should be designed to appear subservient to the parent building. This can generally be achieved by ensuring the extension is set back behind the existing building frontage line and that its design, in particular the roof, is fully integrated with the existing property. Poorly designed side extensions will detrimentally affect the proportions and character of the existing property and so extreme care should be taken to ensure the original design qualities are preserved. Setbacks can also alleviate the difficulty of keying new materials (particularly brickwork) into old and disguises slight variations."*
- 4.7 Paragraph 63 of the Design and Townscape Guide states that, *"When planning development on a corner site, the issue of two public frontages needs to be addressed. The context of the adjoining streets including scale, rhythm and form requires a single design solution, and development will be required to present well-designed and appropriately scaled elevations to both frontages. In some areas of the Borough the openness of road junctions is part of the local character and where this occurs it must be respected in the design of new development. This can mean setting the footprint back from the road to open the corner at ground level and ensuring the height of the proposal is appropriate and does not create a 'canyon effect'".*
- 4.8 There are marked inconsistencies and inaccuracies between the approved and proposed elevations which do not appear to form part of the application. There is a rear first floor projection at the site. The submitted elevations show this element at varying proportions and it is not clear if there is a proposal to make alterations in this respect. These inconsistencies prejudice the ability to thoroughly and accurately assess the submitted plans, and as a result it cannot be satisfactorily concluded that there would not be some material harm arising in neighbour amenities or townscape and design terms. This is unacceptable.
- 4.9 The fenestration to the rear elevation of the approved development at both ground and first floor level has been altered considerably, however the alterations are not considered to be unacceptable. At first floor it is proposed to install various doors to facilitate access to the proposed balcony. It is proposed to form a balcony over the single storey extension and install railings to the side and rear, extending the full width of the extension. It is also proposed to install a roof lantern within the roof of the single storey element of the approved side extension. It is considered that these alterations to the rear elevation in design terms would not be materially harmful to the character of and appearance of the dwelling or the wider streetscene. Therefore there is no objection to this element of the proposal.
- 4.10 The formation of an undercroft section to the southern flank elevation fronting Upland Road, is considered to be incongruous. Together with creating a large expanse of blank frontage, harmfully impacting the appearance of the front elevation, it is found unacceptable in this prominent corner location. This substantial alteration to the approved scheme is considered to be of a form and design materially at odds with the established form and character of surrounding buildings and townscape, resulting in material harm to the character and appearance of the host dwelling and the wider streetscene.



- 4.11 The alterations to the front of the dwelling incorporate a small high level obscure glazed window at ground floor and the removal of the window at first floor together with the installation of French doors and a small balcony of approximately 1m in depth. The French doors and small balcony would not be untypical of the local townscape and are considered to be acceptable. The proposed high-level window is at odds with the front elevation to a degree, but recessed. It would be a negative feature of the design but not materially harmful to the host building and street scene.
- 4.12 Based on the available information it is considered that the proposal is unacceptable in terms of the impact on design and the character of the existing dwelling and the surrounding area and is contrary to planning policies NPPF; Core Strategy (2007) Policies KP2 and CP4; Development Management Document Policies DM1 and DM3; Design & Townscape Guide (2009).

### **Impact on Residential Amenity**

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

- 4.13 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."*
- 4.14 The previously approved application considered that the extensions and alterations to the dwelling would not result in demonstrable harm to the amenities of surrounding properties.
- 4.15 In regards to the proposed formation of a balcony to the rear, over the single storey projection and approved extension, it is considered that this would impact on the neighbouring occupiers at the adjoining No.33 in terms of overlooking and loss of privacy, given the formation of the balcony on the shared boundary and proximity to a large window at first floor on the adjoining property.
- 4.16 Concerns relating to overlooking as a result could potentially be overcome by the provision of a privacy screen on this shared boundary, to be secured through use of a planning condition. As noted, the balcony would be in close proximity to a large window at first floor on the adjoining property. Given the depth of the balcony and this proximity, it is considered that this could lead to an unacceptable visual impact and would not resolve the matter satisfactorily.
- 4.17 Based on the available information it is considered that the proposal is unacceptable and contrary to the objectives of the above-noted policies in this regard.

## **Community Infrastructure Levy**

### **CIL charging schedule 2015**

- 4.18 The proposed extensions to the existing property equate 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.

## **5 Conclusion**

- 5.1 Due to inconsistencies and inaccuracies in the information presented within this application it has not been possible to thoroughly assess the proposal's impact. However based on the information presented and taking available material planning considerations into account, it is found that the principle of an extension is acceptable. However it is considered that the design of the extension as shown would be harmful to the character and appearance of the building and the visual amenities of the wider surroundings. The proposed roof terrace at the rear would be harmful to neighbour amenities and this matter cannot be satisfactorily addressed through the use of planning conditions.

## **6 Planning Policy Summary**

- 6.1 The National Planning Policy Framework (2018)
- 6.2 Core Strategy (2007): Policies KP1 (Spatial Strategy) KP2 (Development Principles) and CP4 (Environment & Urban Renaissance).
- 6.3 Development Plan 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 14 neighbours were notified and no letters of representation have been received.

## **8 Relevant Planning History**

- 8.1 17/00729/FULH - Erect two storey side extension (Amended Proposal) – Approved
- 8.2 16/02031/FULH - Erect two storey side extension (Amended Proposal) – refused 2016
- 8.3 16/00891/FULH – Erect single storey side extension – Permission Granted.

- 8.4 91/0887 – Demolish existing two garages and erect new garage – Application Permitted.
- 8.5 91/0295 – Form accommodation in roofspace with dormers to front, side and rear – Application Refused.
- 8.6 90/1091 – Extend roof to form accommodation in roofspace with windows to side and rear – Application Refused.

## **9 Recommendation**

**REFUSE PERMISSION for the following reasons:**

- 9.1 **There are marked inconsistencies and inaccuracies between the approved and proposed plans and elevations, such that it is not possible to undertake a full and considered assessment of the proposal's impacts. However based on the information submitted it is concluded that the proposal would by reason of its design and relationship with neighbouring occupiers result in material harm to the character and appearance of the host dwelling, the wider street scene and townscape, and to the amenities of neighbouring occupiers. This is unacceptable and contrary to the National Planning Policy Framework (2018), 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 Southend-on-Sea 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 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.**

### **Informative**

- 10 **You are advised that as the proposed extension(s) to your property equates to less than 100sqm of new floorspace the development would benefit from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge would be payable. See [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil) for further details about CIL.**

### Appendix 3 – Site photographs taken 12th March 2019



