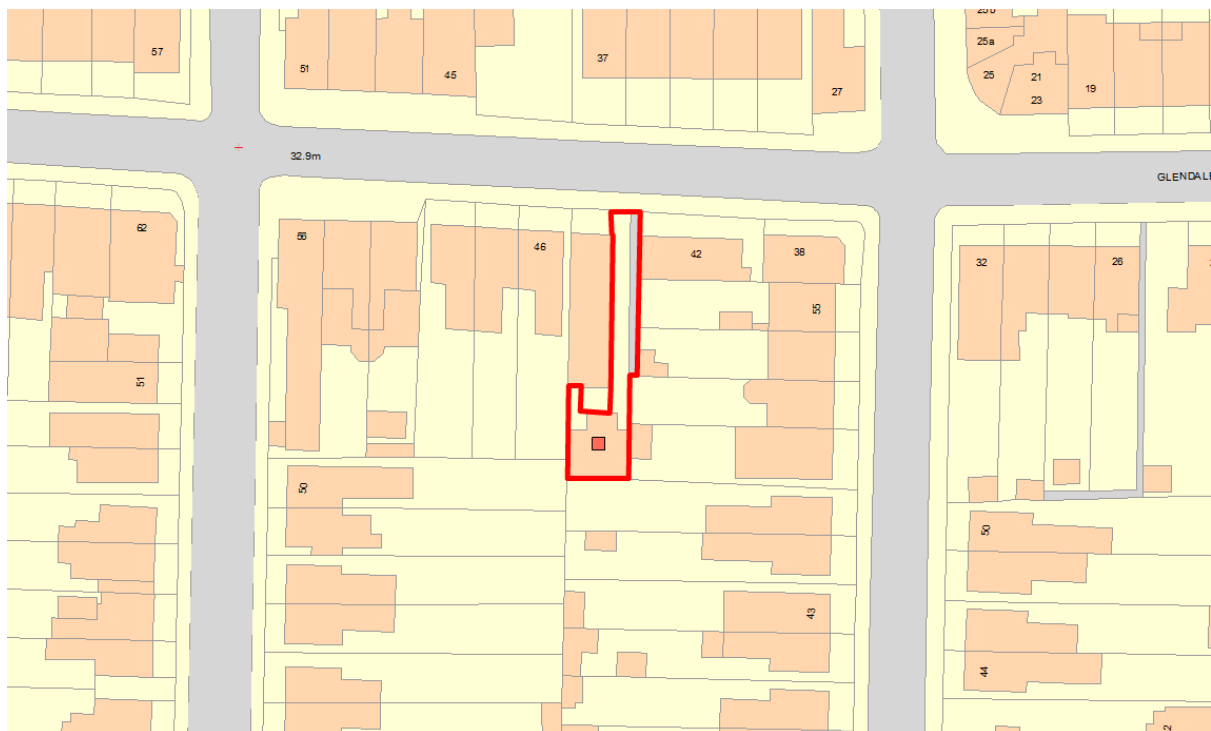


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|----------------------|---|--|
| Reference: | 19/00376/FULH | |
| Ward: | Leigh | |
| Proposal: | Erect first floor front and side extension, erect dormer to front and alter elevations (Amended Proposal) | |
| Address: | 44B Glendale Gardens Leigh-On-Sea Essex SS9 2AS | |
| Applicant: | Mr M Neale | |
| Agent: | BDA | |
| Consultation Expiry: | 22nd March 2019 | |
| Expiry Date: | 6 th June 2019 | |
| Case Officer: | Julie Ramsey | |
| Plan Nos: | 18.144/SK01, 18.144/SK02 Rev B, 18.144/SK03 Rev B, 18.144/SK04 Rev B, 18.144/SK05 Rev A | |
| Recommendation: | GRANT PLANNING PERMISSION | |



1 Site and Surroundings

- 1.1 The site relates to a small part single/part two storey backland residential development to the rear of Nos. 44 and 44A Glendale Gardens which was granted permission in 2005. Previously, the site contained a workshop and storage area, which extended up to the boundary and enclosed the small rear garden of No. 44 (ground floor flat).
- 1.2 The surrounding area is residential in character comprising predominantly of two storey terraced and semi-detached properties of a variety of designs and styles. There are some commercial uses present opposite the application site, on the northern side of Glendale Gardens, along with a relatively new build group of five properties. Some properties have been converted into flats. Planning permission was granted in 2015 for the demolition of an existing storage building at 42 Glendale Gardens and the construction of a new dwellinghouse. This is currently under construction. Historically the area has seen a number of commercial buildings converted into residential use.
- 1.3 The site has no specific allocation within the Development Management Document Proposals' Map.
- 1.4 This application is an amended proposal following a recent refusal 18/02026/FULH to '*Erect first floor extension to front, erect dormer to front and alter elevations (Amended Proposal)*.'

Reason for refusal:

The sum of the proposed first floor extensions coupled with their position in relation to the site's boundary, would together, appear as an excessively dominant and obtrusive feature in the rear garden scene, to the detriment of residential amenity of neighbouring dwellings 47-51 Lymington Avenue. This is contrary to the National Planning Policy Framework, Policies KP2 and CP4 of the Core Strategy, Development Management DPD Policy DM1 and advice contained within the Design and Townscape Guide.

- 1.5 The applicant has sought to overcome the previous reason for refusal by reducing the size, scale and bulk of the previously refused front dormer, reducing the width of the first floor side extension and installing high level windows to the front of the proposed dormer.

2 The Proposal

- 2.1 Planning permission is sought to construct a first floor front and side extension and to rebuild and extend the existing front dormer. The proposal also includes the installation of three rooflights to the rear elevation. The proposed materials include grey roof tiles, grey slim profile uPVC units black painted brickwork to the ground floor to match the existing cladding and black render to match the existing dwelling.
- 2.2 The proposed first floor front and side extension would extend the roof out towards the eastern elevation by approximately 2.8m in line with the existing ridge. The height and depth remains the same.

- 2.3 The proposed front dormer would have a flat roof and measure approximately 1.55m in height, 5.4m in width and 1.75m deep. The proposed extensions to the roof would see the living and kitchen area moved to the first floor and two bedrooms, a shower room and storage space provided at ground floor.

3 Relevant Planning History

- 3.1 18/02026/FULH - Erect first floor extension to front, erect dormer to front and alter elevations (Amended Proposal) – Planning permission refused
- 3.2 18/01325/FULH - Erect first floor extension to front and side and alter elevations – Planning permission refused
- 3.3 05/01460/FUL- Erect detached dwelling and lay out parking (Amended Proposal)- Planning permission granted
- 3.4 04/01304/FUL- Erect detached dwelling and lay out parking- Planning permission refused

4 Representations

Councillor Mulroney has called the application in for consideration by the Development Control Committee.

Consultee Responses

Leigh Town Council

- 4.1 Objection - This proposal is considered backland/infill development, as well as being a complete overdevelopment of the plot. In view of where the property is situated it would harm the character and appearance of the wider area, which is therefore contrary to Policy DM3. It would also result in an unacceptable harm to the residential amenity of the future occupiers.

Environmental Health

- 4.2 No objection

Public Consultation

- 4.3 14 neighbouring properties were consulted and 5 letters of representation have been received from 4 addresses.

Matters raised:

- Concern regarding statements made as part of the application that the extension *'will cause no detrimental impact on any of the neighbouring properties.....and....will prevent any over-looking and loss of privacy.'* do not reflect the reality of the scheme.
- Amended proposal does not significantly alter the development and overcrowding effect of the previous refused application
- It is not significantly different to the refused application and will be detrimental to

the openness, light, privacy and cause a sense of overbearing to the neighbouring properties.

- It is disproportionate, appearing contrary to the Council's original permission granted on appeal in 2005 for a restricted one bedroom dwelling after years of various business occupying the site and causing a nuisance. (**Officer Note:** only restricted by the removal of permitted development rights).
- This is a highly developed part of Leigh-on-Sea and the approval of a two storey dwelling at No. 42 has increased and further restricted the openness at first floor level.
- The extended dwelling would have a strong visual impact, cause overlooking and lead to a loss of privacy due to the addition of another window and the living accommodation moved to the first floor, which is occupied day and night.
- Existing structure is already extremely close to the main building of 44/44A and any further development, particularly the first floor increase in size and purpose, would be detrimental to the openness, privacy and sense of overbearing to the neighbouring properties and overdevelop the area.
- Will adversely affect light and increase shading
- Extension overlooks neighbouring gardens and will result in an increase in noise
- Extension would form an eyesore
- Only way to prevent overlooking is to have no windows, however this would not address the light and shading aspects.
- Previous officer report appears to accord with the view that any such extension would not be in keeping with the discrete development permitted.
- Proposal would impact Nos 44 and 44A as the extension would have a significant visual impact and lead to perceived overlooking and a sense of being hemmed in
- Do not agree that the alterations and amendments overcome the previous reason for refusal by reducing the overbearing and dominant nature of the extension or changing the open environment to the side and over the single storey roof satisfactorily
- Extensions are not as obtrusive as previously proposed, but still concern that it will impact on neighbouring dwelling
- Site is too small for a family dwelling
- No.44B Glendale Gardens is located approximately 2.7m to the south of the rear wall and main windows of No.44 (ground floor flat) and is wider than the flatted building.
- The submitted plans state: *'Proposal will have no impact on neighbouring properties' and 'Rebuild existing dormer to ensure no increase in massing directly to rear of 44 Glendale Gardens'*
- The increase in the width of the dormer is an appreciable increase in massing located around 10.1m directly to the south No. 44 and only 8m south of the small garden.
- The increase in mass will exacerbate the dominant and obtrusive appearance of No.44B from the habitable rooms of the ground floor flat.
- Loss of sunlight and perceived light into No.44 and particularly to the small private garden.
- The proposal has relocated all the living space to the first floor, which regardless of the high level window cills, the residents' heads, if not eyes, will sometimes be visible at the window resulting in perceived, if not real, overlooking of No.44 for the whole day, contrary to policy.

4.4 These concerns are noted and they have been taken into account in the assessment of

the application (Section 7) where they are material planning considerations. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case

5 Planning Policy Summary

- 5.1 National Planning Policy Framework (NPPF) (2019)
- 5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles) CP3 (Transport and Accessibility) and CP4 (The Environment and Urban Renaissance)
- 5.3 Development Management Document (2015) Policies DM1 (Design Quality), DM3 (The Efficient and Effective Use of Land) and DM15 (Sustainable Transport Management)
- 5.4 Design and Townscape Guide (2009)
- 5.5 Community Infrastructure Levy (CIL) Charging Schedule (2015)

6 Planning Considerations

- 6.1 The main considerations in relation to this application are the principle of development, design and impact on the character of the area, impact on residential amenity, traffic and transport implications, CIL contributions and whether the previous reason for refusal has been overcome.

7 Appraisal

Principle of Development

- 7.1 The proposal is considered in the context of the National Planning Policy Framework (NPPF), Core Strategy Policies KP1, KP2 and CP4 and Policy DM1 of the Development Management Document. 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 located within a residential area where extensions and alterations to this property are considered acceptable in principle. Therefore, the principle of extending the dwelling, which in itself was not a reason for refusal of 18/01325/FULH or 18/02026/FULH, is acceptable subject to the detailed design considerations below.

Design and Impact on the Character of the Area

- 7.2 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 also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”*

- 7.3 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”*.
- 7.4 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”*.
- 7.5 Paragraph 366 of the Design and Townscape Guide states that *“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 to the roof slope”*
- 7.6 The proposed gabled first floor extension would extend the existing roof from the ridge out over the single storey element terminating some 1m from the site’s eastern boundary. The extension would therefore integrate well with the existing roof form. The use of external materials to match those of the existing dwelling further ensures the development will appear cohesive and visually acceptable in its appearance. It is therefore considered on balance, that the first floor front extension would respect the character of the existing dwelling and the rear garden scene.
- 7.7 Compared with the 2018 refused scheme, the size, scale and bulk of the proposed front dormer has been reduced in size and now sits well within the extended roof slope, being set in from the eaves, ridge and flank so it would appear incidental and subservient within the roof plane. Given its limited visibility in the streetscene the dormer is not considered to be overly dominant. The use of materials to compliment the black finish of the existing front elevation and smaller high level windows also ensures the development would be uniform in its appearance, without the high level windows creating a poor window to solid wall ratio.
- 7.8 On balance, the proposal, on this basis, is considered to have overcome the previous reason for refusal and is now found to be acceptable and policy compliant in this regard.

Impact on Residential Amenity

- 7.9 The Design and Townscape Guide states that *“extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties.”* (Paragraph 343 - Alterations and Additions to Existing Residential Buildings). Policy DM1 of the Development Management DPD requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities *“having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.”*

7.10 The application site is located within a backland area which was formerly used as a commercial workshop. The workshop was demolished and the residential development built in 2005, in a similar style but within a reduced footprint and located further away from the rear of Nos.44 (ground floor flat) and 44A (first floor flat) Glendale Gardens. No. 44 is the ground floor flat which has a small courtyard, a ground floor window and door, which are considered to serve the main bedroom, to its rear elevation facing the application site. The proposed extension at first floor would result in built form extending further out to the application site's eastern elevation, with the front dormer also extended in width. However the additions are within the footprint of the existing property and are of an acceptable size, scale and proportion to the existing modest dwelling. The built form would not extend further forward, however it is accepted that the proposal will have some impact on the rear outlook and sense of enclosure at these neighbouring dwellings.

7.11 The proposed extension is located away from the rear of these two flats, extending towards the eastern boundary with the additional roof form reflecting the design and pitch of the main roof. A separation distance in excess of 5m from the forward most point of the enlarged front dormer and the ground floor rear windows of No.44 would be maintained. Having regard to these existing circumstances within the site, it is not considered that, on balance, the proposed development would give rise to a material increase in overshadowing, loss of light or outlook or an increased sense of enclosure over and above the existing situation to a degree that would warrant refusal of the application on this basis.

7.12 The proposed front dormer could potentially give rise to an increase in overlooking to Nos 44 and 44A but new smaller high level windows, some 1.5m above floor level are proposed in the front of the new dormer. The presence of a large existing first floor window would imply a degree of overlooking exists at present. Therefore, an additional high level window to the enlarged front dormer is not considered, on balance, to give rise to a material increase in overlooking or loss of privacy to these adjoining neighbouring properties regardless of the change of use of the first floor rooms from a bedroom to kitchen and living area.

7.13 The existing side elevation of the application dwelling is visible from the rear gardens of Nos 47-51 Lymington Avenue (to the east of the site), which are between 17 and 20m in depth. The existing first floor element of the property is set some 3.8m from the shared boundary with the dwellings along Lymington Avenue. The proposed development would see the built form extending some 2.8m closer to this shared boundary, leaving a 1m gap between the extended roof and the boundary. The dormer has been reduced in size and scale and from the side profile the development is not considered to be so materially visually different from that viewed on site presently, especially in longer views from those parts of the neighbouring gardens closest to those houses. Therefore the totality of the first floor extensions when read together are not considered to appear as an overly dominant and obtrusive addition in the rear garden scene of these properties to the east fronting Lymington Avenue, to the detriment of neighbour amenity to a degree that would warrant refusal of the application on this basis.

7.14 Concerns have been raised in regards to potential overlooking and loss of privacy to dwellings along Lymington Avenue. Given the absence of fenestration on the side elevations of the proposed extensions however, it is not considered the proposed development would result in additional overlooking or loss of privacy to these neighbouring properties.

7.15 On balance, the proposal is considered to be acceptable and policy compliant and to have

overcome the previous reason for refusal in these regards.

Traffic and Transportation Issues

- 7.16 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.
- 7.17 The proposal will maintain the existing parking situation where there is space for 2 off-street car parking spaces within the curtilage of the site and therefore no objections are raised in respect of parking standards. Parking was not a reason for refusal of the previous proposals 18/01325/FULH and 18/02026/FULH and the current proposal remains acceptable and policy compliant in the above regards.

Community Infrastructure Levy (CIL)

CIL Charging Schedule (2015)

- 7.18 The proposed extension to 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.

8 Conclusion

- 8.1 Having regard to all material considerations assessed above, it is considered that subject to compliance with the attached conditions, the proposed development would, on balance, be acceptable and compliant with the objectives of the relevant local development plan policies and guidance as well as those contained within the National Planning Policy Framework. The proposed development would have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site and the locality more widely, when looked at on balance. This amended application has overcome the reasons for refusal of the previous applications and is recommended for approval, subject to conditions.

9 Recommendation

- 9.1 **Members are recommended to GRANT PLANNING PERMISSION subject to the following conditions:**

- 01 **The development hereby permitted shall begin no 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.

- 02 **The development hereby permitted shall be carried out in accordance with the following approved plans: 18.144/SK02 Rev B, 18.144/SK03 Rev B, 18.144/SK04 Rev B, 18.144/SK05 Rev A**

Reason: To ensure that the development is carried out in accordance with the

provisions of the Development Plan.

- 03 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings hereby approved or are required by conditions to this permission.**

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (NPPF), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and the Design and Townscape Guide (2009).

- 04 Notwithstanding the details shown on the plans submitted for consideration with this application and otherwise hereby approved, the rooflights to the rear roof slope (south facing) of the development must have an internal sill height above first floor finished floor level of no less than 1.7m.**

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (NPPF), Core Strategy (2007) Policy CP4, Development Management Document (2015) Policy DM1, and advice contained within the Design and Townscape Guide (2009).

- 05 Notwithstanding the details shown on the plans submitted for consideration with this application, the windows to the front elevation (north facing) of the dormer hereby approved must have a sill height above first floor finished floor level of not less than 1.5m.**

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (NPPF), Core Strategy (2007) Policy CP4, Development Management Document (2015) Policy DM1, and advice contained within the Design and Townscape Guide (2009).

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.

Informatives

- 1 You are advised that as the proposed extension(s) or change of use to your property equates to less than 100sqm of new floorspace, and does not involve the creation of a new dwelling (Class C3), 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 You should be aware that in cases where damage occurs during construction**

works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the borough.