

Reference:	19/00373/AMDT	
Ward:	Leigh	
Proposal:	Application to vary condition 02 (Approved Plans) replace plan number 15-184-2-110B with plan number 15-184C-2-110A (Minor Material amendment to planning permission 18/00763/AMDT dated 18.07.2018 which amended planning permission 16/01601/FUL dated 10.11.2016 - Demolish existing bungalow and erect a pair of semi-detached dwellinghouses and lay out hardstanding (Amended Proposal) (Retrospective)	
Address:	129 Leigh Hall Road, Leigh-On-Sea	
Applicant:	Mr Ben Surgett	
Agent:	N/A	
Consultation Expiry:	28.03.2019	
Expiry Date:	09.06.2019	
Case Officer:	Kara Elliott	
Plan No:	0-100/B, 2-113/A, 2-110/A	
Recommendation:	GRANT PLANNING PERMISSION	



1 Site and Surroundings

- 1.1 The site is located on the western side of Leigh Hall Road, south of London Road and was previously occupied by a detached bungalow.
- 1.2 The proposed development for two dwellings is now completed on site and therefore this application is retrospective in nature.
- 1.3 The area is residential in character, comprising predominantly two-storey semi-detached and terraced houses of similar mass, form and design, double storey front projecting features, recessed entrances, finished in red bricks and white render. Amongst these two storey properties there are also examples of detached bungalows and chalet style dwellings.
- 1.3 There is a noticeable slope to the street from north to south.

2 The Proposal

- 2.1 The application is seeking to revise condition 02 of planning permission 18/00763/AMDT dated 18.07.2018 which itself amended planning permission 16/01601/FUL which was for the construction of a pair of semi-detached dwellinghouses on the site of 129 Leigh Hall Road. The condition relates to the approved plan numbers.
- 2.2 The dwellings have been completed on site with the following alterations from the 2018 amended permission;
 - Ground level 0.5 metres above neighbouring house (no.127);
 - Widths of each of the dwelling increased from 6.3m to 6.45m;
 - Overall width of dwelling increased from 12.6m to 12.9m;
 - Lantern roofs added to the roof of each of the single storey rear projections;
 - Two rooflights to the rear roofslope of each dwelling;
 - One rooflight to the front roofslope of each dwelling;
 - Larger projecting first floor front bay window in each dwelling;
 - Single storey rear additions project 3m instead of 2.7m approved;
 - Internal arrangements to rooms differ including roof accommodation gaining one additional bedroom per dwelling (from 2 bed/4person to 3 bed/6 person dwellings);
 - Ground floor side windows changed to doors to utility room;
 - First floor rear window heights changed from 1.6m as approved to 1.3m.

3 Relevant Planning History

- 3.1 18/00763/AMDT - Application to vary condition 02 (Approved Plans) replace plan number 15-184-2-101A with 15-184-2-113 and plan number 15-184-1-100A with 15-184-2-110B (Minor Material amendment of planning permission 16/01601/FUL - erect a pair of semidetached dwellinghouses) dated 9.10.2016 – Granted;

- 3.2 17/01356/AD - Application for approval of details pursuant to condition 03 (details of materials) of planning permission 16/01601/FUL dated 09.11.2016 Granted;
- 3.3 16/01601/FUL - Demolish existing bungalow and erect a pair of semi-detached dwellinghouses and lay out hardstanding (Amended Proposal) – Granted;
- 3.4 15/01848/FUL - Demolish existing bungalow and erect a pair of semi-detached dwellinghouses and lay out hardstanding – Refused;

4 Representation Summary

- 4.1 Cllr Bernard Arscott called the application in for consideration by the Development Control Committee.

Highways

- 4.2 No objection.

Public Consultation

- 4.3 11 neighbours were notified and a site notice was displayed. The consultation description did not contain specific reference to the 2018 amendment application but it is sufficiently clear from the representations below that neighbours are concerned with the differences between the scheme approved and that built. Two letters of representation have been received;
- 4.4 Letters of objection (2);
- Removal of permitted development rights ignored;
 - Harm to neighbour amenity from intrusive form of development, overbearing, overlooking, loss of privacy, loss of outlook.
 - Non-deciduous trees should be planted to assist with privacy and encourage wildlife;
 - Harmful to character and appearance of the site and the wider area;
 - Appears out of scale with neighbouring development;
 - Loss of garden;
 - Built at wrong datum level;
 - Why should the applicant be allowed to apply retrospectively?;
 - Ridge heights excessive and out of keeping;
 - Request lower ridge height;
 - Length of time this has been ongoing is unacceptable;
 - Harmful visual impact;
 - Successive nature of breaches and applications;
 - Doubled in occupancy;
 - Breaches could set a precedent for others to do the same;
 - Loss of sunlight;
 - Over-developed site;
 - Lack of obscure glazing to bathrooms.

- 4.7 Officer comment: These concerns are noted and they have been taken into account in the assessment of the application. However, they are not found to represent a reasonable basis to refuse planning permission in this instance.

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) CP4 (The Environment and Urban Renaissance), CP8 (Dwelling Provision).
- 5.3 Development Management Document (2015) Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources) DM3 (Efficient and Effective Use of Land), DM8 (Residential Standards) and DM15 (Sustainable Transport).
- 5.4 The Design & Townscape Guide (2009)
- 5.5 The Nationally Described Space Standards (2015)
- 5.6 CIL Charging Schedule (2015)

6 Planning Considerations

- 6.1 The principle of development for two dwellings has previously been accepted and the dwellings are built on site. The main issues for consideration are design and impact on the streetscene, any impact on neighbours, standard of accommodation for future occupiers, highways and parking implications, CIL contributions, and whether any new material considerations would lead to a different conclusion. Since determination of the 2016 original permission and the 2018 amendment permission, The National Planning Policy Framework has been revised but the local and national planning policy framework remains materially unchanged as regards to those considerations material to assessment of the current proposal.

7 Appraisal

Principle of Development

National Planning Policy Framework (2019), Core Strategy (2007) Policies KP1, KP2, CP1, CP4 and CP8; Development Management Document (2015) Policies DM1, DM3, DM8 and advice contained within The Design & Townscape Guide (2009)

- 7.1 The principle of two dwellinghouses in this location was accepted under the original approval ref 16/01601/FUL. The dwellings are constructed on site and therefore the proposal is acceptable in principle, subject to the detailed considerations below. The changes proposed in the application are considered to fall within the ambit of a minor material amendment.

Design and Impact on the Streetscene

National Planning Policy Framework (NPPF) (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management (2015) policies DM1, DM3 and advice in the Design and Townscape Guide (2009).

- 7.2 Good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management Document. The Design and Townscape Guide (2009) also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”*
- 7.3 Paragraph 124 of the NPPF (2019) states that; *“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. 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.”*
- 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 The dwellings have been built slightly larger than shown in the plans approved under the amendment permission 18/00763/AMDT, with a raised ground level 0.5 metres above the neighbouring house (no.127), widths of each of the dwellings increasing from 6.3m to 6.45m, overall width of dwellings increasing from 12.6m to 12.9m and the single storey rear additions projecting 3m instead of 2.7m. Careful consideration has been given to the impacts caused by these amendments to the approved dwellings. The street has a noticeable gradient and is characterised by the houses stepping down from their neighbours to the north. The amendment permission raised the ridge height by 0.5 metres to 10 metres. At the time it was considered that the increase in the ridge of the new houses slightly above that of the neighbours to the south would not appear out of character with the streetscene generally in this regard. This view is maintained and similarly, the additional width of the dwellings and the slight increase in the single storey rear projections is not considered overall to result in material harm to the character and appearance of the site or the wider area.
- 7.6 The differences to fenestration summarised in paragraph 2.2 of this report and the addition of front and rear rooflights are minor alterations which do not detract from the overall character and appearance of the dwellings and do not result in material harm in this respect. The roof lanterns which have been added to the single storey rear projections are glazed and lightweight in appearance and do not cause material harm.

- 7.7 It is considered that overall, the altered development does not result in material harm to the character and appearance of the site, the streetscene or the wider area and is acceptable and policy compliant in these regards.

Impact on Neighbouring Occupiers

National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Development Management (2015) Policies DM1 and DM3 and advice in the Design and Townscape Guide (2009).

- 7.8 Policies DM1 and DM3 of the Development Management Document and CP4 of the Core Strategy refer to the impact of development on surrounding occupiers. High quality development, by definition, should provide a positive living environment for its occupiers whilst not having an adverse impact on the amenity of neighbours. Protection and enhancement of amenity is essential to maintaining people's quality of life and ensuring the successful integration of proposed development into existing neighbourhoods.
- 7.9 The impact on the amenity of neighbouring properties was assessed in detail for application ref 16/01601/FUL and that proposal was found to have an acceptable impact on the amenities of neighbours including the properties in Dawlish Drive to the rear. The amendment application following this (ref 18/00763/AMDT) found that, given that the roof is sloping away from these properties and from the amenity areas of the neighbours to the north and south, an increase in ridge height of 0.6m would not result in a material change in the impact over that previously considered acceptable.
- 7.10 The increased size of the dwellings for which permission is now sought is considered to be marginal and would not be considered to result in an unacceptable degree of dominance or sense of overbearing to the amenities of any neighbouring occupiers. The changes to the development and its openings, including the rooflights to the front and rear, do not result in overlooking or loss of privacy concerns to any neighbouring occupiers including by reason of the internal cill heights of the two sets of rooflights in the rear forming roofslope of each dwelling. However, it is considered necessary to retain the original condition to any positive decision in order to ensure the side first floor windows are obscure glazed in order to prevent overlooking or loss of privacy.
- 7.11 The roof lanterns within the single storey rear addition roofs are lightweight features which do not project any closer to the neighbouring dwellings in any direction. They result in a modest increase in the built form and do not result in material harm to the amenities of any neighbouring occupiers.
- 7.12 Activity associated with the additional floorspace in the roof to provide an additional bedroom is not considered to be materially greater than that of the approved development so would not result in harmful degrees of additional noise or disturbance or an overdevelopment of the site.
- 7.13 This proposal is therefore also considered to be acceptable and policy compliant in the above regards, subject to conditions.

Standard of Accommodation for Future Occupiers

National Planning Policy Framework (2019), Policy KP2 and CP4 of the Core Strategy (2007), Development Management Document (2015) Policies DM1, DM3 and DM8 and the Design and Townscape Guide (2009), National Technical Housing Standards (2015).

- 7.14 Paragraph 127 of the NPPF states that; *“Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users”*.
- 7.15 Policy DM8 of the Development Management Document states that it is the Council’s aim to deliver good quality housing, ensuring that new development contributes to a suitable and sustainable living environment now and for future generations. To achieve this, it is necessary to ensure that new housing provides the highest quality internal environment that will contribute to a good quality of life and meet the requirements of all the Borough’s residents.
- 7.16 It is considered that most weight should be given to the Government’s Technical Housing Standards which were introduced on 1st October 2015.
- 7.17 Living conditions for future occupiers including space standards, outlook, light and M4(2) were assessed in detail in relation to application ref 16/01601/FUL and found to be policy compliant. The additional second storey accommodation resulting in an additional bedroom creates a further 45m² (approximately) floorspace per dwelling. The proposed dwellinghouses would as a result each have a floorspace of approximately 155m². The National Technical Standards prescribing the minimum sizes for dwellings state that a 3 bedroom, 6 person dwelling over 3 floors must have a minimum floorspace of 108m². The proposed development would therefore meet the minimum acceptable sizes. In addition, all bedrooms are in excess of the minimum floorspace standards which state a single bedroom must be over 7.5m² and a double bedroom over 11.5m².
- 7.18 The second storey bedroom in each property is served by rooflights. This is not good design but, on balance, this is not considered to result in a poor standard of accommodation justifying refusal of permission as there are three rooflights in total across the front and rear roof slopes which afford a sufficient level of natural light, outlook and ventilation.
- 7.19 The rear garden of each dwelling has reduced marginally in depth as a result of the deeper (by 0.3m) rear projections compared with the originally approved scheme but remains of an acceptable size to meet the needs of occupiers.
- 7.20 It is considered that the standard of environment would be acceptable for future occupiers and would satisfy the policies and standards detailed above.

Traffic and Transportation

National Planning Policy Framework (2019); Core Strategy (2007) Policies KP2, CP4, CP3; policy DM15 of the Development Management Document (2015) and the Design and Townscape Guide (2009)

- 7.21 Policy DM15 of the Development Management Document states: *“5. All development should meet the parking standards (including cycle parking) set out in Appendix 6. Residential vehicle parking standards may be applied flexibly where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport and/or where the rigid application of these standards would have a clear detrimental impact on local character and context. Reliance upon on-street parking will only be considered appropriate where it can be demonstrated by the applicant that there is on-street parking capacity”.*
- 7.21 Traffic and parking was assessed in application ref 16/01601/FUL and found to be policy compliant. The additional residential accommodation and alterations to the dwellings do not cause any material changes in the parking or highway implications for the development. The development is therefore acceptable and policy compliant in this regard.

Sustainable Development

National Planning Policy Framework (2019), Core Strategy Policy KP2, Development Management Document Policy DM2 and the Design and Townscape Guide (2009)

- 7.22 Policy KP2 of the Core Strategy states;
- “All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources. This applies during both construction and the subsequent operation of the development. At least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources), such as those set out in the Design and Townscape Guide”.*
- 7.23 Sustainable development was also considered in application ref 16/01601/FUL and a condition was imposed requiring that 10% of energy be provided by on site renewables to meet the policy requirement. This condition can be applied to the current application.

Other Matters

- 7.24 As with the previously approved proposal it is considered that given the limited depth of the plot and its position on the site, alterations / extensions to the dwelling may result in unacceptable living conditions for future occupiers for example should the rear amenity space be significantly reduced by a rear extension or if a rear dormer is built which may have a harmful impact on neighbouring properties.

For these reasons it is considered reasonable that permitted development rights for the proposed dwellinghouse should be removed for classes A, B, C, D, E and F of the General Permitted Development Order 2015 (as amended).

Community Infrastructure Levy (CIL)

CIL Charging Schedule 2015

- 7.25 This application, made pursuant to Section 73 of the Town and Country Planning Act 1990, is CIL liable. As there is an increase in floorspace since the original permission, and therefore a change in the amount of CIL payable, CIL Regulation 9(7) applies. The chargeable development is the most recently commenced chargeable development; hence a new CIL Liability Notice has been issued that supersedes CIL Liability Notice ref. 16/01601/FUL/0001.

8 Conclusion

- 8.1 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 proposal would provide adequate amenities for future occupiers, have an acceptable impact on the amenities of neighbouring occupiers, highways and parking, the character and appearance of the application site, the streetscene and the locality more widely. The application is therefore 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 shall be carried out in accordance with the approved plans: 0-100/B, 2-113/A, 2-110/A**

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

- 02 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any order revoking and re-enacting that Order with or without modification, no development shall be carried out within Schedule 2, Part 1, Class A, B, C, D, E and F to those Orders without express planning permission having first been obtained from the Local Planning Authority.**

Reason: To enable the Local Planning Authority to regulate and control development in the interest of the amenity of neighbouring properties and to safeguard the character of the area in accordance the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and the Design and Townscape Guide (2009).

- 03 Permeable paving shall be used for the hardstanding area unless otherwise agreed by the local planning authority. The proposed parking spaces to the front curtilages of the proposed dwellings shall be provided and made available for use in accordance with the plans no. 2-110/B prior to occupation of the dwellings hereby approved and shall thereafter be permanently retained solely for the benefit of the occupiers of the dwellings and their visitors and for no other purposes.**

Reason: To ensure satisfactory parking is provided and retained to meet needs of occupants that the development is completed and used as agreed, and to ensure that it meets Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM15 and the Design and Townscape Guide (2009).

- 04 The first floor bathroom windows in the north and south elevations of the dwellings hereby approved shall only be glazed permanently in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and permanently fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal floor level unless otherwise agreed in writing by the local planning authority. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4.**

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1, and the Design and Townscape Guide (2009).

- 05 The flat roofs of the dwellings hereby approved shall not be used as a balcony, roof garden or similar amenity area or for any other purpose unless express planning permission has first been obtained from by the local planning authority. The roofs can however be used for the purposes of maintenance or to escape in an emergency.**

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1, and the Design and Townscape Guide (2009).

Water efficient design measures as set out in Policy DM2 (iv) of the

- 06** Development Management Document to limit internal water consumption to 105 litres per person per day (lppd) (110 lppd when including external water consumption), including measures of water efficient fittings, appliances and water recycling systems shall be installed prior to the first occupation of the development hereby approved and retained in perpetuity.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework, Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM2 and the guidance within the Design and Townscape Guide (2009).

- 07** The dwellings hereby approved shall not be occupied until details of soft and hard landscape works have been submitted to and approved by the local planning authority. The approved landscaping scheme shall be implemented within the first planting season following first occupation of the dwellings hereby approved.

Reason: To ensure that the development is satisfactory in terms of its appearance and that it makes a positive contribution to the amenity of future occupants in accordance with Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) policy DM1 and the Design and Townscape Guide (2009).

- 08** A scheme detailing how at least 10% of the total energy needs of the development hereby approved will be supplied using on site renewable sources shall be submitted to and agreed in writing by the Local Planning Authority and implemented in full prior to the first occupation of the dwelling houses. This provision shall be made for the lifetime of the development.

Reason: To enable the Local Planning Authority to regulate and control development in the interest of the amenity of neighbouring properties and to safeguard the character of the area in accordance the National Planning Policy Framework (2019), Southend Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and Design and Townscape Guide (2009).

- 09** The materials used and the finished appearance shall be as approved under application reference 17/01356/AD or in accordance with other details separately submitted to and approved in writing by the Local Planning Authority before the dwellings hereby permitted are occupied.

Reason: The safeguard the visual amenities of the area in accordance with Core Strategy (2007) policies KP2, CP4, Development Management Document (2015) Policy DM1 and Design and Townscape Guide (2009).

Informative

- 1. Community Infrastructure Levy (CIL):** This application, made pursuant to Section 73 of the Town and Country Planning Act 1990, is CIL liable. As there is an increase in floorspace since the original permission, and therefore a change in the amount of CIL payable, CIL Regulation 9(7) applies. The chargeable development is the most recently commenced chargeable development; hence a new CIL Liability Notice that supersedes CIL Liability Notice ref. 16/01601/FUL/0001 will be issued as soon as practicable following this decision notice.
- 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.**
- 3. The applicant is advised that the development has commenced without discharging a number of pre commencement conditions of the previously approved applications reference 16/01601/FUL and 18/00763/AMDT. Where relevant, these conditions have been carried over and updated into this consent. At present the works may be the subject of enforcement action by the Local Planning Authority.**

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.