

Southend-on-Sea Borough Council

Agenda
Item

Report of the Corporate Director of Place
To
Development Control Committee
On
02nd March 2016

Report(s) Enforcement of Planning Control

A Part 1 Public Agenda Item – Town and Country Planning Act 1990 Section 172

Reports prepared by: Enforcement Officers

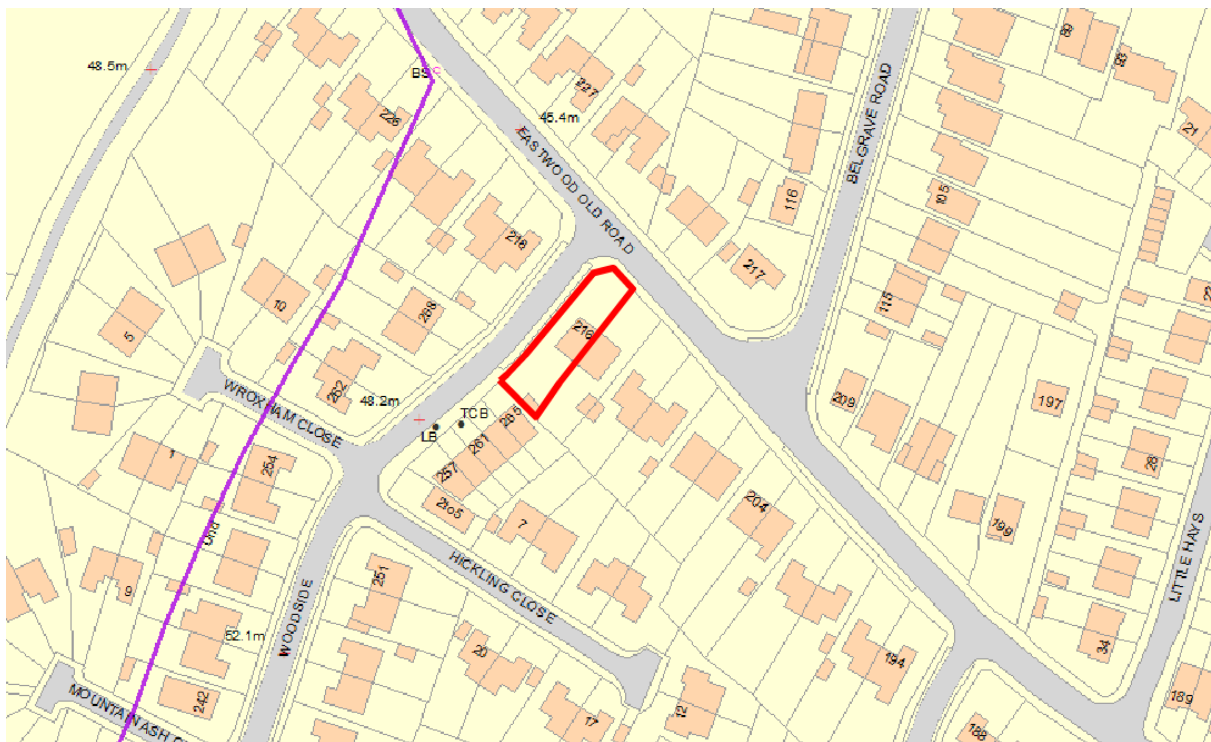
1 Introduction

1.1. This report relates to alleged breaches of planning control. Recommendations are made at the conclusion of each item.

| WARD | APP/REF NO. | ADDRESS | PAGE |
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| Enforcement Report | | | |
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| Belfairs | 15/00211/UNAU_A | 216 Eastwood Old Road | 2 |

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|---------------------------|--|
| Reference: | 15/00211/UNAU_A |
| Ward: | Belfairs |
| Breach of Control: | Without planning permission erection of single storey side/rear extension. |
| Address: | 216 Eastwood Old Road, Leigh-on-Sea, Essex, SS9 4SQ |
| Case Opened | 08/09/15 |
| Case Officer: | Ian Harrison |
| Recommendation: | AUTHORISE ENFORCEMENT ACTION |



1 Site and Surroundings

- 1.1 The site is located to the South of Eastwood Old Road and to the East of Woodside. The site measures a maximum of 38 metres deep and 12.7 metres wide. The site contains a single storey detached dwelling that is described above.
- 1.2 The site is not the subject of any site specific planning policies.
- 1.3 The surrounding area is characterised by featuring a mixture of single storey dwellings of similar scale to the dwelling at the application site, some of which have been adapted to form chalet style dwellings. A terrace of small commercial properties is located to the South of the application site.

2 The Breach Of Control

- 2.1 A single storey extension has been erected to the side and rear of the existing dwelling.
- 2.2 The original dwelling measured 9 metres deep and 6.8 metres wide with a hipped, pitched roof built to an eaves height of 2.8 metres and a ridge height of 6.7 metres.
- 2.3 The extension that has been erected wraps around the South West corner of the existing dwelling, projecting from the side of the dwelling by 3.2 metres and from the rear of the dwelling by 3.3 metres. The side elevation of the extension measures 9.4 metres long and is built up to the boundary of the site, with the former fence being removed to allow the extension to be built. The rear elevation measures 6.9 metres wide. The extension features a flat roof built to a height of 2.9 metres above the ground level at the rear of the site. Parapet walls exist at both sides and the front of the extension and a lead canopy and entrance doors have been provided to the front elevation. The parapet at the front elevation measures a maximum of 3.9 metres tall.
- 2.4 A retrospective planning application (15/01733/FULH) for the extensions was refused on 19/01/16 for the following reason:

The development, by virtue of its scale, design and prominent positioning at the boundary of the site fails to reflect the character or appearance of the existing dwelling and causes material harm to the character and appearance of the existing dwelling and the surrounding area, contrary to the National Planning Policy Framework, policies KP2 and CP4 of DPD1 (Core Strategy) policy DM1 of DPD2 (Development Management) and the Design and Townscape Guidance (SPD1)
- 2.5 The abovementioned dimensions are taken from the plans submitted under the terms of application 15/01733/FULH.

3 Appraisal

Principle of Development

National Planning Policy Framework 2012, Core Strategy Policies KP2 and CP4, Development Management DPD Policy DM1 and SPD1

- 3.1 This development should be considered in the context of the National Planning Policy Framework 2012 and Core Strategy Policies KP2 and CP4. Also of relevance is Development Management DPD Policy DM1 which relates to design quality. These policies and guidance support extensions to properties in most cases but require that such alterations and extensions respect the existing character and appearance of the building. Subject to detailed considerations, the proposed extension to the dwelling is considered to be acceptable in principle.

Design and Impact on the Character of the Area:

National Planning Policy Framework 2012, Core Strategy Policies KP2 and CP4, Development Management DPD Policy DM1 and SPD1

- 3.2 In the Council's Development Management DPD, policy DM1 states that 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."
- 3.3 Paragraph 351 of SPD1 states that "*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. Set backs can also alleviate the difficulty of keying new materials (particularly brickwork) into old and disguises slight variations.*"
- 3.4 The side extension is subservient to the host dwelling in terms of height as it features a flat roof that is lower in height than the main roof of the dwelling. It is therefore considered that the extension is in accordance with the abovementioned design guidance in that respect. Although the extension is not subordinate to the depth of the dwelling, by being deeper than the existing dwelling, as it is set back from the frontage is considered that in some respects the extension is subordinate to the host dwelling.

- 3.5 Paragraph 63 of SPD1 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 a 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’.”*
- 3.6 In this instance it is considered that the proximity of the extension to the boundary of the site means that the blank side elevation dominates the streetscene of Woodside and provides a bland frontage that does not benefit the street-scene. The manner in which the extension has been provided means that it appears to have been shoe-horned into the site and therefore appears cramped at the site, to the detriment of the character and appearance of the site and the surrounding area.
- 3.7 Moreover, it is considered that the detailing of the extension and its scale means that the roof poorly integrates with the existing dwelling and the elaborate front elevation which provides a new entrance to the dwelling is unduly ostentatious in appearance and therefore is at odds with the character and appearance of the existing dwelling.
- 3.8 Due to the prominent location of the extension it is considered that the visual harm of the side extension is magnified and exaggerated and therefore, by virtue of the scale and design of the extension, it is considered that the development has caused significant harm to the character and appearance of the site and the surrounding area, contrary to the abovementioned policies of the development plan.

Impact on Residential Amenity:

NPPF; DPD 1 (Core Strategy) Policies KP2 and CP4; Development Management DPD Policy DM1 and SPD 1 (Design & Townscape Guide (2009))

- 3.9 Paragraph 343 of 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. 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.”

- 3.10 The proposed extension is 'L' shaped wrapping around the South-West corner of the existing dwelling. The extension projects 3.5 metres from the original rear wall and is set 3 metres away from the boundary that is shared with 214 Eastwood Old Road. Given the low scale nature of the extension and its separation from the neighbouring property, it does not materially impact upon the light, privacy or outlook of the neighbouring residential property. No other neighbours are materially affected by the development.

Other Matters

- 3.11 Taking enforcement action in this case may amount to an interference with the owner/occupiers 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 windows.

4 Conclusion

- 4.1 The principle of extending the original dwelling can be supported and it is considered that the means of extending the dwelling does not cause harm to the amenities of neighbouring residents. However, it is considered that the scale and design of the extension is not acceptable as the extension has an unduly dominating impact on the character and appearance of the site and the surrounding area, appears cramped at the application site and is of an overly ostentatious design that is not reflective of the character of the original dwelling or the surrounding area. The development has therefore caused material harm to the character and appearance of the site, the street-scene and the surrounding area, and is therefore contrary to the content of the development plan.

5 Planning Policy Summary

- 5.1 National Planning Policy Framework

Core Strategy DPD (adopted December 2007) Policies KP2 (Spatial Strategy) and CP4 (Development Principles)

Development Management DPD Policy DM1 (Design Quality)

Design and Townscape Guide SPD (adopted December 2009)

Community Infrastructure Levy Charging Schedule

6 Relevant Planning History

- 6.1 A retrospective planning application (15/01733/FULH) for the extensions was refused on 19/01/16 for the following reason:

The development, by virtue of its scale, design and prominent positioning at the boundary of the site fails to reflect the character or appearance of the existing dwelling and causes material harm to the character and appearance of the existing dwelling and the surrounding area, contrary to the National Planning Policy Framework, policies KP2 and CP4 of DPD1 (Core Strategy) policy DM1 of DPD2 (Development Management) and the Design and Townscape Guidance (SPD1)

7 Recommendation

- 7.1 Members are recommended to authorise enforcement action for the removal of the unauthorised extensions. This is because the development, by virtue of its scale, design and prominent positioning at the boundary of the site fails to reflect the character or appearance of the existing dwelling and causes material harm to the character and appearance of the existing dwelling and the surrounding area, contrary to the National Planning Policy Framework, policies KP2 and CP4 of DPD1 (Core Strategy) policy DM1 of DPD2 (Development Management) and the Design and Townscape Guidance (SPD1)
- 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.

When serving an Enforcement Notice the local planning authority must ensure a reasonable time for compliance. It is considered that a three months compliance period is reasonable in these circumstances.