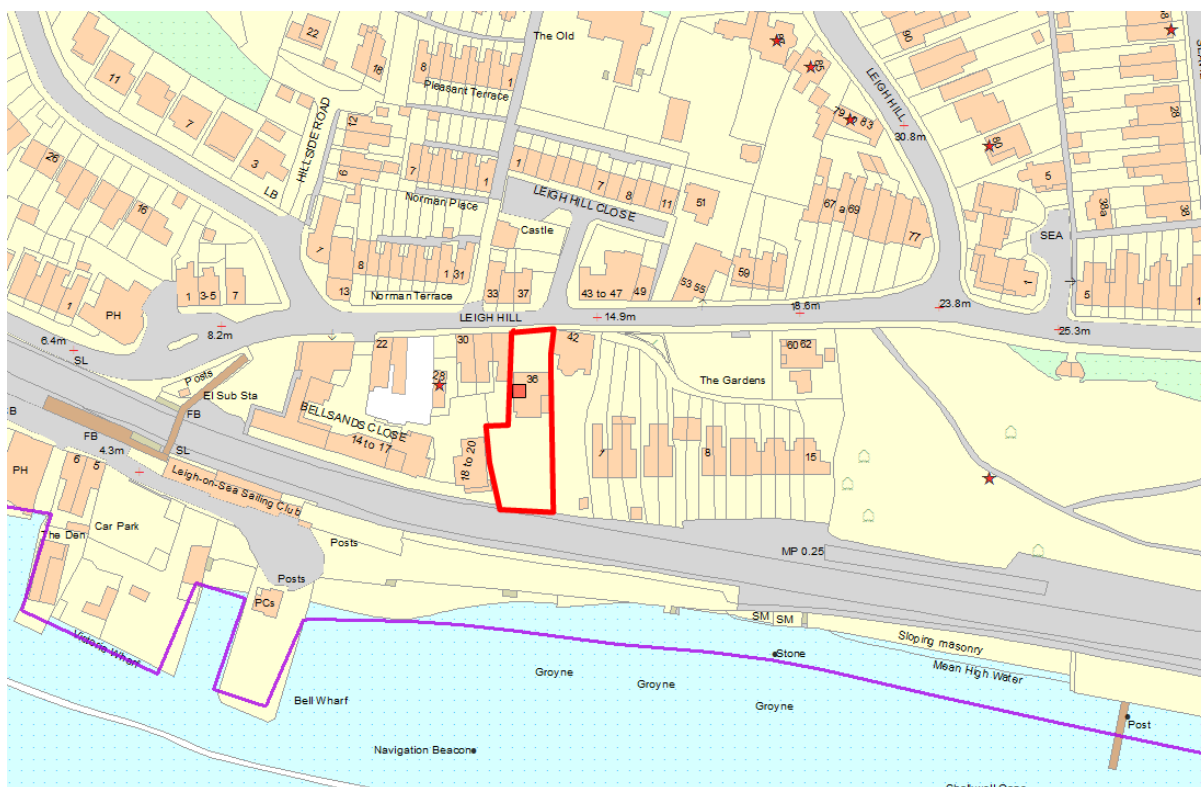


<b>Reference:</b>	19/00215/FULH
<b>Ward:</b>	Leigh
<b>Proposal:</b>	Raise roof height, alter roof to form habitable accommodation in roofspace, erect dormer with recessed balcony to rear and alter elevations (amended proposal)
<b>Address:</b>	36 Leigh Hill, Leigh-On-Sea, Essex
<b>Applicant:</b>	Mr And Mrs Osbourne
<b>Agent:</b>	Mr Ian Boorman of SL Architectural
<b>Consultation Expiry:</b>	9 <sup>th</sup> May 2019
<b>Expiry Date:</b>	2 <sup>nd</sup> August 2019
<b>Case Officer:</b>	Abbie Greenwood
<b>Plan Nos:</b>	SL19.01.235-01, SL19.01.23-02-P5, SL19.01.235-03a, SL19.01.235.10, Heritage Statement by SL Architectural Ltd, Design and Access Statement by SL Architectural Ltd
<b>Recommendation:</b>	<b>REFUSE PLANNING PERMISSION</b>



## **1 Site and Surroundings**

- 1.1 The site is located within the Leigh Conservation Area on the lower section of Leigh Hill. The property is a two storey 1920s style detached house with a hipped roof. It is set back from the existing building line of Leigh Hill and has a parking area to the front. The property has been previously extended to the rear with large flat roofed extensions at ground and basement levels, the roofs of which have glazed balustrades and form extensive terraces at ground and first floor. The house reads as 3 full storeys to the rear where it can clearly be seen from the Cinder Path public footpath and beach. The property is also very visible from Leigh Hill Close to the north where it is possible to get an elevated view of the house and roof. Further up the hillside in Leigh Hill to the east it is possible to view the property from an elevated position as the profile of the house and roof can be seen to the south of the neighbouring property number 42 Leigh Hill which is a grade II listed building.
- 1.2 To the west of the site is a historic terrace of former commercial properties which have recently been converted to houses. To the west at the southern end of the site is the new Bell Sands flatted development. At the southern end to the east are the properties in The Gardens. To the north is the historic streetscene of Leigh Hill, including Church Hill. Almost directly opposite the site rising steeply up the hill is Leigh Hill Close. The buildings in Leigh Hill step down the slope following the line of the cliff and this is an important part of the character of the street.
- 1.3 Most of the surrounding properties are historic and make a positive contribution to the character of the conservation area. The designs are mixed reflecting the gradual spread of development up the hillside but all are of a traditional form with either hipped or gabled roof forms. There are two groups of newer buildings in the vicinity of the site - the 1970s terrace of properties in Leigh Hill Close to the north and the new flatted development at Bell Sands to the south west. Both these developments have drawn reference from the surrounding area in relation to their gabled roof forms. There are no visible front dormers. Some properties have dormers to the rear.
- 1.4 The site falls within Development Management Policy DM6 (The Seafront) Character Zone 3.

## **2 The Proposal**

- 2.1 The proposal seeks to alter the shape of the existing roof from a hipped roof to a steep mansard/crown roof and erect a triangular dormer with integral balcony to the rear roof slope. The alterations to the roof will raise its height from 8.3m to 8.6m, and to steepen the angle of the roof from 38 degrees to 56 degrees in relation to the side roof slopes and from 38 degrees to 46 degrees in relation to the front and rear roof slopes. The resultant flat roof at the top measures 3.4m by 2.9m.
- 2.2 The proposed rear dormer is 3.7m wide, 1.9m tall and has a depth of 1.3m. The proposal will provide an additional bedroom and ensuite for the property.

- 2.3 An application in 2017 for a similar roof extension was refused for the following reason:

*01 The proposal, by reason of the appearance, design, scale, form and bulk of the roof, would result in an incongruous and unsympathetic addition that does not relate satisfactorily to the existing dwelling, the character and appearance of the wider Leigh Conservation Area or the setting of the adjacent statutory listed building. The development is therefore unacceptable and contrary to the National Planning Policy Framework (2012), policies KP2 and CP4 of the Core Strategy (2007), policies DM1, DM3, DM5 and DM6 of the Development Management Document (2015) and advice contained within the adopted Design and Townscape Guide (2009) and the Leigh Conservation Area Appraisal (2010).*

- 2.4 In order to address this the proposal has been reduced in height by 300mm and the pitches of the proposed roof slopes have been reduced by 4 degrees on all sides.

### **3 Relevant Planning History**

- 3.1 19/00216/FULH – erect outbuilding to be used as studio at rear – granted
- 3.2 17/02092/FULH - Raise roof height to form habitable accommodation in roof, install dormer with balcony to rear and alter elevations – refused.
- 3.3 15/01417/FULH - Increase ridge height of hip roof, erect dormer to rear with recessed balcony (Amended Proposal) – granted
- 3.4 15/00412/FULH - Increase ridge height, hipped to gable roof, erect dormer to rear with recessed balcony (Amended Proposal) – refused
- 3.5 14/01437/FULH -Erect front and rear dormers with balcony to rear– planning permission refused and dismissed at appeal.
- 3.6 12/00979/AMDT - Install stainless steel and glass balustrading to rear terrace areas (Minor Material Amendment to planning application 12/00006/FULH) – granted
- 3.7 12/00658/FULH and 12/00659/CAC - Form pitched roof over garage – granted
- 3.8 12/00006/FULH and 12/00007/CAC - Replace existing windows with new to match existing style and colour, and provide new 2 storey rear extension (Basement & Ground Floor) with new Terrace areas – granted

### **4 Representation Summary**

#### **Public Consultation**

- 4.1 9 neighbouring properties were consulted and a press and site notice published. 1 letter of representation has been received raising the following objections:
- The Design Statement does not mention that the adjacent building is listed therefore it appears that this has not been given sufficient weight
  - The proposed increase in height would have a negative impact on the relationship with the adjacent listed building.
  - The set back of the application building will mean that the proposed increase in

- height will have a greater impact on the amenities of the neighbours
- Concern regarding additional over shadowing on neighbouring properties
- The application property is already very large and over extended and this is detrimental to the conservation area
- The additional balcony will further impact on the privacy of neighbours
- The proposal fails to preserve or enhance the conservation area and is out of character with the historic development in this location.

4.2 The application has been called to committee by Cllr Wexham.

### **Leigh Town Council**

4.3 Leigh Town Council object to the application as in our view significant changes have not been made to that presented before. The proposed development is in the Conservation Area and by reason of its design, height and bulk will appear as an overly dominant and incongruous addition that is out of keeping and detrimental to the character and appearance of the host property, the adjacent statutory listed building, the street scene and the area more widely.

## **5 Planning Policy Summary**

- 5.1 The National Planning Policy Framework (NPPF) (2019)
- 5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP4 (Environment and Urban Renaissance)
- 5.3 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), DM5 (Southend-on-Sea's Historic Environment), DM6 (The Seafront)
- 5.4 Design & Townscape Guide (2009)
- 5.5 Leigh Conservation Area Appraisal (2010)
- 5.5 CIL Charging Schedule (2015)

## **6 Planning Considerations**

6.1 The main considerations in relation to this application are the design and impact on the existing property, the setting of the adjacent listed building and the wider conservation area, the impact on neighbours, the impact on traffic and highways and CIL.

## **7 Appraisal**

### **Principle of Development**

7.1 This proposal is considered in the context of the above policies relating to design, heritage and protection of amenity. 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 wider conservation area and the amenities of neighbours. The principle of extensions to the dwelling is therefore acceptable subject to the detailed considerations below.

## **Design and Impact on the Character of the Conservation Area and setting of the adjacent listed building**

- 7.2 In determining these applications, the Council has a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to ensure the preservation and enhancement of its conservation areas. The Council also has a statutory duty under section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
- 7.3 The NPPF requires new development to assess and respect the special historic character and significance of heritage assets including conservation areas and the setting of listed buildings.
- 7.4 Policy KP2 of the Core Strategy advocates the need for all new development to respect the character of the existing neighbourhood where appropriate and secure urban improvements through quality design.
- 7.5 Policy CP4 of the Core Strategy states that 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 and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development.
- 7.6 Policy DM1 of the Development Management Document advocates the need for the Council to support proposals that add to the overall quality of an area, respect the character of the site, its local context and surroundings giving appropriate weight to the protection of heritage assets.
- 7.7 In relation to listed buildings and buildings in conservation areas Policy DM5 of the Development Management Document states that:
- 2. Development proposals that result in the total loss of or substantial harm to the significance of a designated heritage asset, including listed buildings and buildings within conservation areas, will be resisted, unless there is clear and convincing justification that outweighs the harm or loss. Development proposals that are demonstrated to result in less than substantial harm to a designated heritage asset will be weighed against the impact on the significance of the asset and the public benefits of the proposal, and will be resisted where there is no clear and convincing justification for this.'*
- 7.8 The proposal also falls within Zone 3 of the Seafront Character Zones as defined by Development Management Policy DM6. In relation development in this location DM6 Policy Table 1 states:
- (i) To continue to protect and enhance the open character and undeveloped, green space, frontage and estuary views from Grand Parade, Cliff Parade, The Gardens, Undercliff Gardens, Leigh Hill and The Ridgeway.*

*(ii) Development will be considered acceptable where it adds to the overall quality of Undercliff Gardens, Grand Parade, Cliff Parade, The Gardens, Leigh Hill and The Ridgeway, and where it retains the characteristics and form of the area. Development that materially changes the existing character, appearance and form of the area will be resisted.*

7.9 Paragraph 366 of the Design and Townscape Guide states:

*“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 in the roof slope (i.e. set in from both side walls, set well below the ridgeline and well above the eaves). The position of the new opening should correspond with the rhythm and align with existing fenestration on lower floors. (Note: one central dormer may also be an appropriate alternative.) The size of any new dormer windows, particularly on the front and side elevations, should be smaller to those on lower floors and the materials should be sympathetic to the existing property. The space around the window must be kept to a minimum. Large box style dormers should be avoided, especially where they have public impact, as they appear bulky and unsightly. Smaller individual dormers are preferred”.*

7.10 The site has extensive history in relation to proposals to create roof accommodation. A number of proposals which have significantly increased the height or scale of the roof or resulted in over bulky roof forms or excessive dormers have been refused. This includes the most recent application noted above, reference 17/02092/FULH, which sought to change the profile of the roof from a hip to a mansard style crown roof with a flat top and rear dormer similar to that currently proposed. That application was refused because it was considered to result in a bulky and incongruous addition to the property causing significant harm to its character and that of the wider conservation area including having a detrimental impact on the setting of the adjacent listed building. An application in 2015 (reference 15/01417/FULH) which maintained the hipped roof form but at a slightly higher ridge which included a modest rear dormer with integral balcony to the rear roof slope was approved. That proposal, which maintained a traditional form to the roof, was considered to be a much better fit for the existing property and the wider conservation area.

7.11 The current application is a limited revision to the most recent 2017 refusal. The design maintains the same bulky form as the 2017 scheme. The 2017 proposal sought to increase the height of the building by 600mm. This has been reduced to 300mm. It sought to steepen the angle of the roof from 38 degrees to 60 degrees in relation to the side roof slopes and from 38 degrees to 50 degrees in relation to the front and rear roof slopes. These increases in pitch have now been reduced by only 4 degrees.

7.12 There is no objection in principle to a slight raising of the roof as the existing property has a lower roof height than its neighbours. However, as with the previous application, it is considered that the significant steepening in the roof slopes on all sides and the introduction of a large flat top to the roof will result in the bulky roof form and incongruous addition to the property and wider streetscene. The reduction in pitch of 4 degrees has little bearing on the design and in this regard, as the proposed roof pitches still remain significantly steeper than the existing slopes and the mansard shape has not significantly changed.

- 7.13 As noted above this is a very sensitive location. Not only is the property within a conservation area but it is directly adjacent to the listed building and in a very exposed location with extensive public views of all sides of the roof including the top and the eastern flank adjacent to the listed building and many angles from the Cinder Path. The bulky shape and flat top will therefore be very apparent in the streetscene. During the course of the application the Council offered to work with the applicant to try and find a more acceptable amended solution which better related to the traditional hipped and gabled roof forms in the conservation area but this offer was declined.
- 7.14 In relation to the impact on the heritage assets, whilst this harm to the heritage assets may not be substantial it is significant in degree and has not been demonstrated to be outweighed by any public benefits. Therefore, as with the previous refusal, it is considered that the significant change pitch of all the roof slopes and the resultant increase in mass will have a fundamental and detrimental impact on the shape of the roof altering it from the existing traditional and well resolved hipped profile to a bulkier mansard form which would have a poor relationship with the existing building.
- 7.15 It is considered that the harmful impact of the proposed development would fail to preserve or enhance the conservation area which is characterised by well-proportioned traditionally shaped hipped or gabled roofs and would be detrimental to the setting of the adjacent listed building. The shape of the roof (sharp pitch and flat top) and resultant bulk is considered to be unacceptable and contrary to the policies noted above
- 7.16 Notwithstanding the concern with the roof shape and overall form and bulk of the development there is no objection in principle to a smaller triangular dormer with inset balcony to the rear provided it is set within a traditional well scaled roof.
- 7.17 The planning history demonstrates that the Council is not opposed to further extension of this property in principle; a previous roof alteration was agreed in 2015 and a sizeable outbuilding of 32sqm was approved in July 2019. However, the dwelling has already been significantly extended and there is a limit to how much this property can be extended without causing significant harm to its character, that of the conservation area and the setting of the adjacent listed building. The current proposal has not overcome the previous reason for refusal in this regard and is judged to have breached this limit and is therefore considered to be unacceptable and contrary to policy in these regards.

### **Impact on Residential Amenity**

- 7.18 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.”*
- 7.19 The dwelling is set back from the highway and is sited to the rear of the neighbours immediately to the east and west, resulting in the majority of the dwelling being located beyond the rear elevation of both those neighbouring properties. The land also falls away steeply from Leigh Hill towards the estuary. As a result the existing dwelling is particularly prominent when viewed from the rear of the adjacent dwellings and within their respective gardens.

- 7.20 With regard to overlooking it is considered that the outlook from the proposed dormer and inset balcony would not be materially different in terms of overlooking than the outlook from the existing first floor rear windows and balcony. The proposal will therefore not result in a material change in overlooking of the neighbouring properties.
- 7.21 In relation to the neighbours to the south east in The Gardens and the south west at Bell Sands it is considered that the separation distances to these properties is sufficient to ensure that there would not be a material loss of privacy.
- 7.22 With respect to the increase in scale of the roof, it is noted that the hip to gable conversion (reference 15/00412/FULH), which had included raising the ridge by 1.1m, was considered to result in an overbearing impact and unneighbourly relationship with the properties to the east and west. In this case it was the combination of the location of the building to the south of the neighbouring properties and the larger roof scale which was considered to have a detrimental impact. It is also noted that in the 2017 application an increase of 0.6m in height above the existing hipped roof proposed in the most recent application (reference 15/01417/FULH) was considered to have an acceptable impact on the neighbours.
- 7.23 The current scheme proposes to raise the ridge by 0.3m and includes a significant increase in the roof angle which would make the roof a more bulky form. However, the impact on the neighbours is less and on balance, given that the form of the roof is not so wide, it is considered that the proposal would not have a materially worse impact on the neighbours in terms of outlook than the previously approved scheme.
- 7.24 Whilst the increase in bulk of the roof will have some impact on light to each of the neighbouring properties, this is considered minimal given the scale and siting of the existing building. It must also be noted that the orientation of the rear of these properties is to the south which provides the maximum exposure to daylight and direct sunlight. Therefore, on balance, it is not considered the proposal will detrimentally alter the availability of daylight and sunlight to these properties.
- 7.25 Overall therefore it is considered that the proposal would, on balance, have an acceptable impact on the amenities of the adjoining properties and is policy compliant in this regard.

### **Traffic and Transportation Issues**

- 7.26 The proposal is for a roof extension only. This will not result in a need for additional parking at the property or have any impact on traffic or highways safety. The proposal is therefore acceptable and policy compliant in this regard.

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

- 7.27 The proposal for the existing property equates to less than 100sqm of new floor space, the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.



## **8 Conclusion**

- 8.1 The proposed development, by reason of the poor design and form of the roof, would result in a dominant and visually obtrusive addition to the property which would cause less than substantial but nevertheless significant harm to the character and appearance of Leigh and Leigh Old Town Conservation Area and the setting of the adjacent listed building. That harm is not outweighed by any public benefits. The proposal has therefore failed to address the previous reasons for refusal in respect of the design and bulk of the roof extension.
- 8.2 It is noted that the NPPF has been revised since the refusal in 2017 however, the policy considerations relevant to the current proposal have not changed in any significant regards.
- 8.3 The proposal is therefore unacceptable, contrary to policy and recommended for refusal. .

## **9 Recommendation**

### **9.1 REFUSE PLANNING PERMISSION for the following reasons:**

**The proposal, by reason of the appearance, design, scale, form and bulk of the enlarged and altered roof, would result in an incongruous and unsympathetic addition that does not relate satisfactorily to the existing dwelling, the character and appearance of the wider Leigh and Leigh Old Town Conservation Areas or the setting of the adjacent statutory listed building. The harm caused would be less than substantial but nevertheless significant and is not outweighed by any public benefits. The development is therefore unacceptable and contrary to the National Planning Policy Framework (2019), policies KP2 and CP4 of the Core Strategy (2007), policies DM1, DM3, DM5 and DM6 of the Development Management Document (2015) and advice contained within the adopted Design and Townscape Guide (2009) and the Leigh Conservation Area Appraisal (2010).**

#### **Informatives:**

**01 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 [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil) for further details about CIL.**

**The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application and therefore, the proposal is not considered to be sustainable development. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.**