

Reference:	19/01067/FUL
Ward:	St Laurence
Proposal:	Change of use from dwellinghouse (Class C3) to 6 bedroom HMO (Class C4), demolish existing garage to side, erect part single/part two storey side extension, alter elevations, install cycle storage to rear and layout parking to front (Amended Proposal)
Address:	3 Eastwoodbury Lane Southend-On-Sea Essex SS2 6XE
Applicant:	Estuary Serviced Apartments
Agent:	Krystal Architecture Ltd.
Consultation Expiry:	04.07.2019
Expiry Date:	02.08.2019
Case Officer:	Abbie Greenwood
Plan Nos:	549-001, 549-002-Rev 01, 549-003-Rev 01, 549-004-Rev01, 549-005-Rev02, 549-006
Recommendation:	GRANT PLANNING PERMISSION



1 Site and Surroundings

- 1.1 The site is located on the junction of Eastwoodbury Lane and Eastwoodbury Crescent. It contains the western half of a two storey semi-detached house. The plot is triangular shaped with a wide frontage and tapering rear garden.
- 1.2 The attached neighbour to the north, number 35 Eastwoodbury Crescent, has previously been extended with a part two storey part single storey side extension which measures 4.6m wide but which steps in 1m from the front building line and side boundary at first floor and is set down from the main ridge. This has ensured that the extension maintains a subservient relationship and appropriate proportion to the main section of that dwelling. This was approved in 2005 (reference 05/00414/FUL).
- 1.3 The neighbour to the south, number 5 Eastwoodbury Lane, has recently gained approval for a part single part two storey side extension. This proposal is set back 0.5m from the front building line and is 2.7m wide and is set 600mm down from the main ridge also to ensure subservience to the main section of the house (reference 19/00403/FULH).
- 1.4 The site is located in a residential area. The surrounding buildings are 2 storey houses generally arranged as semi-detached pairs or short terraces. There is a mix of designs. Many have parking areas to the front.
- 1.5 The site is in close proximity to the airport. Both Eastwoodbury Lane and Eastwoodbury Crescent are classified roads. There are no site specific policy designations affecting the site.

2 The Proposal

- 2.1 Planning permission is sought to change the use from dwellinghouse to 6 bedroom HMO, demolish the existing garage and erect a part two storey part single storey side extension, alter the elevations and layout parking to the front to provide 4 parking spaces and a turning area.
- 2.2 The proposed side extension is 4.1m wide, reducing to 3m at the rear, and 9m deep at ground floor reducing to 3.7m wide and 8.4m deep at first floor. It has an eaves height of 2.9m and a maximum height of 4m for the single storey element and an eaves height of 5.7m and a maximum height of 8.2m for the two storey element. The proposal is set 300mm lower than the main ridge.
- 2.3 Internally the development comprises 6 bedrooms, shown as doubles, each with an ensuite, ranging from 9.0 sqm to 18.1 sqm, one communal kitchen of 11 sqm one communal dining area of 11 sqm one wc and a rear garden of over 100 sqm.
- 2.4 The proposed materials are render, roof tiles and upvc windows and doors to match the exiting building. The existing hard standing area to the front is proposed to be enlarged to include the whole of the frontage. This area will be block paved. There is a tree on the frontage which is proposed to be maintained. Bin storage is proposed to the side and a bike shed is shown in the rear amenity space. The application is supported by a Design and Access Statement.

- 2.5 The proposal is an amended application following the refusal of a similar application for a 6 bed HMO on this site. The reason for refusal for that application, which only related to design, is set out in section 3.1 below. The current proposal has amended the design of the extension including a reduced width of the side extension at ground and first floor. The original proposal was 5.3m wide at both ground and first floors.

3 Relevant Planning History

- 3.1 19/00451/FUL - Change of use from dwellinghouse (Class C3) to 6 bedroom HMO (Class C4), demolish existing garage, erect two storey side extension, alter elevations and form layout parking to front – This application was refused for the following reason:

01 The proposed extension, by reason of its scale, width, height, lack of subservience to the existing dwelling and detailed design is considered to have a detrimental impact on the character and appearance of the existing property and the wider streetscene. This is unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the Design and Townscape Guide (2009).

Representation Summary

4 Public Consultation

- 4.1 9 neighbouring properties were consulted and a site notice displayed. One representation has been received from a neighbouring property raising the following issues:
- Lack of parking
 - Lack of consultation
- 4.2 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 the circumstances of this case.
- 4.3 The proposal has been called to committee by Cllr Flewitt.

Highways

- 4.4 No objections.

Environmental Health

- 4.6 No objections subject to conditions.

Police

- 4.7 There is no reference to physical security as supported in Southend Core Strategy paras 2.10 and 8.8. . We would like to invite the developers to contact us with a view to discussing crime prevention through environmental design.

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), CP2 (Town Centre and Retail Development), CP3 (Transport and Accessibility), CP4 (Environment & Urban Renaissance), and CP8 (Dwelling Provision).
- 5.3 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), DM8 (Residential Standards), and DM15 (Sustainable Transport Management).
- 5.4 Design & Townscape Guide (2009)
- 5.5 CIL Charging Schedule (2015)
- 5.6 National Housing Standards 2015
- 5.7 The Essex HMO Amenity Standards (2018)

6 Planning Considerations

- 6.1 The main planning considerations in this case are: the principle of development, design quality and impact on surrounding area, living conditions for future occupiers, car parking arrangements, highway and transport considerations, amenities of neighbouring occupiers, CIL (Community Infrastructure Levy) and whether the proposal has overcome the previous reason for refusal.

Appraisal

7 Principle of Development

- 7.1 Amongst other policies to support sustainable development, the NPPF seeks to boost the supply of housing by delivering a wide choice of high quality homes.
- 7.2 Southend Borough Council's development plan does not currently contain policies that specifically relate to Houses in Multiple Occupation. The National Planning Policy Framework states that where the development plan is silent the general presumption in favour of sustainable development meaning that planning permission should be granted unless, *"any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*
- 7.3 Core Strategy policies KP2 and CP4 seek to promote sustainable development, and Policy KP2 seeks to direct the siting of development through a sequential approach, minimising the use of 'greenfield' land. Policy CP4 seeks the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend.
- 7.4 Policy DM3 of the Development Management Document seeks the efficient and effective use of land, provided it responds positively to local context and does not lead to over-intensification.

- 7.5 The NPPF encourages the effective use of land and seeks to create sustainable, inclusive and mixed communities. Consistent with the decision on the previous application, in which there was no objection to the principle of the use, there is no objection to the principle of an HMO in this location, subject to other material considerations including design, impact on neighbours and living conditions as discussed below.

Design and Impact on the Character of the Area

- 7.6 Paragraph 124 of the NPPF states *‘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. Being clear about design expectations and how these will be tested, is essential for achieving this.’*
- 7.7 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.”*
- 7.8 Policy DM1 of the Development Management Document 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.
- 7.9 In relation to the design and scale of extensions paragraph 343 of the Design and Townscape Guide states:
- *‘All extensions should be well designed, well detailed and respond to the unique constraints and opportunities of the site.*
 - *The scale of the extension must be respectful of the scale of the present building - additions that are too large will be over dominant.*
 - *Extensions that appear subservient to the parent building tend to fit more comfortably and integrate better with the existing building. Matching roof styles and pitches can help integrate old and new.*
 - *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.’*
- 7.10 The previous application was refused on design grounds because it was considered that the proposed side extension was over scaled and out of proportion with the existing building. It was considered to be a dominant addition to the building and the wider streetscene.
- 7.11 This amended proposal has reduced the scale of the extension so that it is more subservient to the existing building. The design has also sought to replicate the form of the existing extension which has been built on the attached neighbour number 35. This

steps in at first floor and is set down from the main ridge with a matching hipped roof. There are slight changes to the design detail between the proposal and the neighbouring extension including the absence of an integral garage and a minimal increase in the width of the ground floor only, but at the upper levels the designs are an exact match. These differences are considered to be minor and as such will not be very apparent in the streetscene. This is a satisfactory solution. The proportions are more respectful to the existing building and the proposal will reintroduce an element of symmetry to this pair. The amended design has therefore overcome the previous concerns in relation to the design. The proposal is therefore acceptable and policy compliant in this regard.

Living Conditions for Future Occupiers

- 7.12 A core principle of the National Planning Policy Framework is that planning should *“always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.”* Moreover Policy DM1 states that development should *“Provide an internal and external layout that takes account of all potential users.”*
- 7.13 The Council has adopted the Essex Approved Code of Practice with respect to Houses in Multiple Occupation and this document represents a material planning consideration, although it is noted that this is not a planning policy document. This document sets out the following standards for HMOs

Room use	Number of occupants	HMO with shared facilities (kitchen/ dining/living)	HMO with shared kitchen facilities (no shared living room)	HMO without shared facilities (i.e. bedsits or studios)
Bedroom or Letting	1	6.51sqm	8.5sqm	11sqm
	2	10.22sqm	12sqm	15sqm
Shared Kitchen	Up to 5	7sqm	7sqm	
	6	8.5sqm	8.5sqm	
	7	10sqm	10sqm	
	8 -10	14sqm (or 2 rooms each 7sqm)	14sqm (or 2 rooms each 7sqm)	
Shared Living/Dining Room	up to 5	11sqm	*5sqm	
	6	12sqm	*6.5sqm	
	7	13sqm	*8sqm	
	8	14sqm	*10sqm (or 2 rooms each 5sqm)	
	9	15sqm	*10sqm (or 2 rooms each 5sqm)	
	10	16.5sqm	*10sqm (or 2 rooms each 5sqm)	

- 7.14 The bedroom sizes are as follows. All the bedrooms have ensuite facilities.

- Bed 1 – 12.7 sqm
- Bed 2 – 10.0 sqm
- Bed 3 – 9.0 sqm
- Bed 4 – 15.4 sqm
- Bed 5 – 18.1 sqm
- Bed 6 – 11.3 sqm

- 7.15 In a recent planning decision at 117-119 Hamstel Road (reference APP/D1590/W/18/3214190) the inspector commented that:

‘5. There is dispute concerning the number of residents that the bedrooms and overall development could accommodate. Some of the bedrooms are notably large, and at least 8 could readily house 2 people. A planning condition restricting the level of occupancy would be difficult to enforce, an assertion which is readily acknowledged by both the main parties. Thus, even though this may not be the appellant’s intention, up to 18 people could potentially occupy the property, if not regularly then on occasions.

The appellant contends that the number of occupants could be limited under an HMO Licence condition. However, planning and HMO Licensing regimes operate independently and therefore this accrues only limited weight in my findings. ‘

7.16 According to the submitted plans 4 of the 6 rooms would be over 10.22 sqm and would be capable of accommodating 2 people. The maximum potential bedroom occupancy of this property is therefore 10 people.

7.17 In terms of shared kitchen facilities the following standards apply:

Occupants	Kitchen area (sqm)	Work surface (m) (600mm standard depth)	Power sockets above worktop	Hob rings	Ovens	Grills	Sinks/ drainers with hot and cold water	Dry food storage cupboard	Fresh and Frozen food storage	Fire Blanket
All Shared Kitchens										
Up to and including 5	7	2	3 double	4	1	1	1	1 x 500mm base unit or 1 x 1000 wall unit per occupant	1 good sized refrigerator shelf per occupant 1 good sized freezer shelf per occupant	One suitably located fire blanket in accordance with the current BS EN or equivalent standard at the time of application or renewal
6	8.5	2.4	4 double	4	2 ⁺	2 ⁺	2 ⁺			
7	10	2.8	4 double	6	2 ⁺	2 ⁺	2 ⁺			
8	14 (7 x 2)	4	5 double	8	2	2	2			
9	14 (7 x 2)	4	5 double	8	2	2	2			
10	14 (7 x 2)	4	5 double	8	2	2	2			

7.18 The proposal has a communal kitchen of 11 sqm which is open plan leading into a dining area of 11 sqm giving a combined area of 22 sqm. Some information is shown on the plans regarding the kitchen layout including 8 hobs and 2 sinks and 18 cupboard units. This is judged to be capable of meeting the maximum requirements of 10 people as noted in the table above.

7.19 Each of the bedrooms contains an ensuite and there is an additional wc at ground floor. This satisfies the guidelines in regard to bathroom facilities. All habitable rooms have good light and outlook.

7.20 In terms of amenity space the proposal has a good sized garden to the rear. The plans show this area to include space for 6 domestic bins and a good sized cycle shed which are also considered to be acceptable for this scale of development.

7.21 Overall, and using the Code of Practice as a guide, it is considered that the living standards of the proposed HMO are reasonable for up to 10 people and the proposal is acceptable and policy compliant in this regard.

Traffic and Transportation

7.22 Policy DM15 of the Development Management Document states that development will be allowed where there is, or it can be demonstrated that there will be physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner. All development should meet the parking standards (including cycle parking). Eastwoodbury Lane is a classified road and as such all new parking areas are required to provide space for turning so that vehicles can enter and exit in a forward gear.

- 7.23 The Council does not have any adopted Vehicle Parking Standards in respect of HMOs (sui-generis use). The proposal is for 6 rooms with capacity for up to 10 occupiers and 4 parking spaces are proposed with space for turning. This equates to 0.66 parking spaces per room and 0.4 parking spaces per potential occupant based on a maximum of 10.
- 7.24 The Council's Highways Officer considers this to be a sustainable location close to bus routes and the Airport Station. He has no objection to the proposal for 4 parking spaces plus cycle storage for this proposal. The turning space on the drive meets the Council's requirements. The highways impacts of the proposal are considered to be acceptable and policy compliant in this regard. This conclusion is unchanged from that of the previous application which was for a maximum of 11 people and in which highway safety and parking implications were not a reason for refusal.

Impact on Residential Amenity

- 7.25 Policy DM1 of the Development Management Document 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.*"
- 7.26 Paragraph 343 of 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.*"
- 7.27 Development proposals must protect the amenity of neighbours having regard to matters such as privacy, overlooking, outlook, noise and disturbance, visual enclosure, and daylight and sunlight.

Privacy and Overlooking

- 7.28 In terms of overlooking and loss of privacy, the front windows of the proposed extension would overlook Eastwoodbury Lane and would be sufficiently removed from the dwellings opposite to ensure the development would not result in any material overlooking or loss of privacy to these adjoining residents. 1 window is proposed to the side and 1 to the rear however these are shown as obscure glazed on the plan and this can be secured by condition. As such the development would not result in any material overlooking or loss of privacy to the side or rear. The proposal is therefore policy complaint in this regard.

Visual Enclosure, Outlook and Light

- 7.29 In terms of dominance, an overbearing impact and loss of light and outlook, the proposed extension is set between 4.1m and 1m off the boundary with number 5 and does not extend past the front or rear building line. This is considered to be an acceptable relationship and is considered not to appear overbearing on this neighbour. The proposal is therefore policy complaint in this regard.

Noise and Disturbance

- 7.30 In terms of noise and disturbance the proposal has the potential capacity to be occupied by up to 10 people resulting in an increase in intensification on the site. It is a semi-detached property on a spacious site with a large rear garden and 4 parking spaces. The site is located on a busy junction close to the airport.
- 7.31 The attached neighbour, number 35 Eastwoodbury Crescent is a single family dwellinghouse. This proposed development has one bedroom and two ensuites abutting the adjoining party wall. The proposed extension is also set well off the boundary with number 5. On balance, it is considered that the noise and disturbance arising from the proposed change of use will not be materially harmful to neighbouring occupiers. The proposal is therefore acceptable and policy compliant in this regard.
- 7.32 Overall it is considered that the impact of the proposed development on the amenities of neighbouring properties is, on balance, acceptable and policy compliant in this regard.

Community Infrastructure Levy (CIL)

Charging Schedule (2015).

- 7.33 A HMO is residential in character and therefore the change of use from a dwellinghouse to a HMO would not represent a CIL liable change of use. The proposed extension is less than 100 sqm and 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 taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would, on balance, 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, on balance, 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 acceptable. The proposal has overcome the previous reason for refusal relating to design and scale of the proposed extension. This application is therefore recommended for approval subject to conditions.

9 Recommendation

The proposal is recommended for APPROVAL subject to the following conditions:

01 The development hereby permitted shall begin not later than three years of 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 549-001, 549-002-Rev 01, 549-003-Rev 01, 549-004-Rev01, 549-005-Rev02, 549-006

Reason: To ensure that the development is carried out in accordance with 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: To safeguard the visual amenities of the area, in accordance with policies This is as set out in Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) Policy DM1 and advice contained within the Southend Design and Townscape Guide (2009).

04 The development shall not be occupied until 4 car parking spaces and a space for turning of vehicles have been provided at the site and made available for use in accordance with drawing 549-002 Rev 01, together with properly constructed vehicular access to the adjoining highway, all in accordance with the approved plans. The parking spaces shall be permanently retained thereafter only for the parking of occupiers of and visitors to the development.

Reason: To ensure that adequate car parking is provided and retained to serve the development in accordance with Core Strategy (2007) policy CP3 and Development Management Document (2015) policy DM15.

05 The new first floor windows on the proposed south (side) and west (rear) elevation shall only be permanently glazed 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 light which shall be a minimum of 1.7 metres above internal floor level, before the occupation of the dwelling hereby approved and shall be retained as such in perpetuity. 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 advice contained within the Design and Townscape Guide (2009).

06 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works above a ground floor slab level shall take place until and unless full details of both hard and soft landscape works and proposed boundary treatment have been submitted to and approved in writing by the local planning authority. These details shall include:

- i. details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification**
- ii. details of any changes to means of enclosure**
- iii. details of hard surfacing materials including sustainable drainage of this area**
- iv. details of cycle storage**

Details for the soft landscape works shall include the number, size and location of the trees, shrubs and plants to be planted together with a planting specification and the initial tree planting and tree staking details. The hard landscaping shall be implemented in full accordance with the approved details before the development is occupied or brought into use. The soft landscaping shall be completed before the end of the first planting season following first occupation of the development hereby approved.

Reason: In the interests of visual amenity and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy CP4 of the Core Strategy (2007) and policies DM1, DM3 and DM5 of the Development Management Document (2015) and advice contained within the Southend Design and Townscape Guide (2009).

07 The development shall not be occupied or brought into use until the refuse and recycling storage facilities are provided and made available for use in full and unless in accordance with drawing No. 549-003 Rev 01 . The refuse and recycling facilities shall be permanently retained as such thereafter.

Reason: To ensure that the development is satisfactorily serviced and that satisfactory waste management is undertaken in the interests of highway safety and visual amenity and to protect the character of the surrounding area, in accordance with Policies KP2 and CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

08 Prior to occupation of the HMO hereby approved, appropriate water efficient design measures as set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), to include measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be implemented for the whole development 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 Design and Townscape Guide (2009).

09 Demolition or construction works associated with this permission shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time Sundays or Bank Holidays.

Reason: In order to protect the amenities of occupiers of the development surrounding occupiers and to protect the character the area in accordance with policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

10 The building shall only be used as an HMO and for no other purpose.

Reason: In the interests of the amenities of neighbouring occupiers and parking provision in accordance with Policies KP2 and CP5 of the Core Strategy (2007) and Policies DM1, DM3 and DM15 of the Development Management Document (2015).

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 for further details about CIL.

02 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.

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, 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.