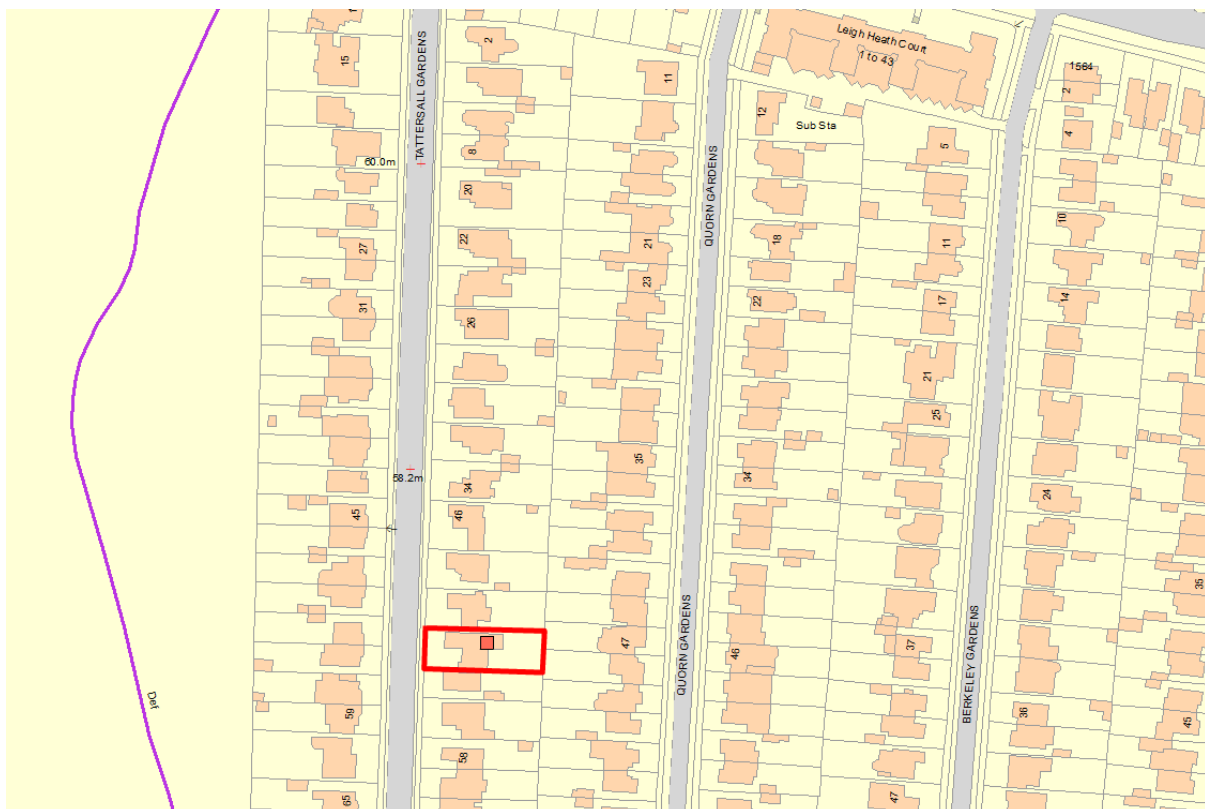


<b>Reference:</b>	19/02074/FULH	
<b>Ward:</b>	West Leigh	
<b>Proposal:</b>	Erect first floor extension to convert bungalow into two storey dwellinghouse, erect porch to front, install raised decking to rear, alter elevations	
<b>Address:</b>	52 Tattersall Gardens Leigh-On-Sea Essex SS9 2QT	
<b>Applicant:</b>	Mr And Mrs Watts	
<b>Agent:</b>	Trudy's Architectural Consultants	
<b>Consultation Expiry:</b>	13/12/2019	
<b>Expiry Date:</b>	16/01/2019	
<b>Case Officer:</b>	Peter Lang	
<b>Plan Nos:</b>	103/19/A Rev 1, 103/19/B Rev 2, 103/19/C, 103/19/D and Location Plan	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION subject to conditions</b>	



## **1 Site and Surroundings**

- 1.1 The site is located on the eastern side of Tattersall Gardens and contains a detached bungalow of L-shaped footprint with a hipped roof and rear projection. To the front of the property are a front porch and the projecting entrance to a garage. The plot slopes downwards both east towards the rear garden and also towards the south.
- 1.2 The surrounding area is primarily characterised by semi-detached and detached two storey dwellings of varying design and forms interspersed with smaller bungalows. To the north is No 48, a bungalow. To the south, No 54 is a detached two storey dwelling. The application site forms the end dwelling of a row of similarly designed bungalows that have undergone differing detailed types of alteration. The majority of the properties within the streetscene are rendered.
- 1.3 The site is not located within a Conservation Area or subject to any site specific planning policies.

## **2 The Proposal**

- 2.1 The proposal seeks planning permission to construct a first floor extension to the existing three bedroom bungalow to form a two storey dwelling. The proposed development would provide four first floor bedrooms.
- 2.2 The maximum footprint of the existing dwelling is some 18.25m deep and 11.0m wide. The existing height of the eaves to the front elevation and the maximum roof height of the dwelling are some 2.7m and 6.75m respectively. The proposal increases the front eaves and maximum roof height to some 5.45m and 9.5m. This first floor extension would be erected above all parts of the footprint of the existing ground floor apart from the rear projection, front porch and the garage entrance. Alterations to the fenestration on all elevations are also proposed.
- 2.3 The footprint of the existing rear projection would be retained but the hipped roof would be replaced with a flat roof with a height matching the existing eaves height. An area of stepped decking some 4.6m deep with a maximum height of 0.8m above ground level is proposed to the southern flank of this projection.
- 2.4 To the front elevation, an enlarged front porch is proposed some 2.3m deep and 1.75m wide. This would have a crown roof form with a maximum height of some 3.85m. To this elevation. The front section of the existing garage would be removed.
- 2.5 The enlarged dwelling would be externally finished in roof tiles, render and white uPVC windows.

## **3 Relevant Planning History**

- 3.1 No relevant planning history.

## **4 Representation Summary**

### **4.1 Public Consultation**

8 neighbouring properties were consulted and one response has been received:

- Residential amenity concerns.
- Proposal is out of keeping with the surrounding bungalows and would set a harmful precedent.
- The extension could lead to a subsequent loft conversion.
- Varying ground levels mean that the proposal would overlook the rear of neighbouring dwellings in Quorn Gardens resulting in the loss of privacy and outlook.
- Loss of housing suitable for the older demographic affecting local service demand.

All relevant planning considerations have been assessed within the appraisal section of the report (Section 7). 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.

This application was called into Development Control Committee by Councillor Mulronev.

### **4.2 Leigh Town Council**

No objection.

### **4.3 Environmental Health**

No objection subject to conditions.

### **4.4 Highways**

No objection.

## **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), CP3 (Transport and Accessibility) and CP4 (Environment & Urban Renaissance).

5.3 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land) and DM15 (Sustainable Transport Management).

5.4 Design & Townscape Guide (2009).

5.5 CIL Charging Schedule (2015).

## **6 Planning Considerations**

- 6.1 The main considerations in relation to this application are the principle of the development, design and impact on the character of the area, impact on residential amenity, traffic and transportation and CIL (Community Infrastructure Levy) contributions.

## **7 Appraisal**

### **Principle of Development**

- 7.1 Policy DM3 of the Development Management Document states that *“the conversion or redevelopment of single storey dwellings (bungalows) will generally be resisted. Exceptions will be considered where the proposal:*

- I. Does not create an unacceptable juxtaposition within the streetscene that would harm the character and appearance of the area; and*
- II. Will not result in a net loss of housing accommodation suitable for the needs of Southend’s older residents having regard to the Lifetime Homes Standard”*

- 7.2 The surroundings consist of a mix of bungalows but predominantly two storey dwellings. Given this mixed character, it is considered that the erection of first floor accommodation as proposed would not be materially out of character in the streetscene or wider area in principle. This satisfies Policy DM3 (Part 4) (i) above and is discussed in greater detail below.

- 7.3 The applicant has confirmed that the proposed development would meet the criteria of building regulation M4 (2) regarding accessibility and adaptability. The proposal is therefore acceptable in principle and compliant with Policy DM3 (part 4) (ii) above.

- 7.4 This proposal is considered in the context of the National Planning Policy Framework and Core Strategy Policies KP2 and CP4. Also of relevance are Policies DM1 and DM3 which address design quality matters. These policies and guidance support extensions to properties in most cases but require that such alterations and extensions respect the existing character and appearance of the building. The dwelling is situated within a residential area and the principle of an extension or an alteration to the property, is considered acceptable, subject to the detailed considerations discussed below.

### **Design and Impact on the Character of the Area**

- 7.5 Paragraph 124 of the National Planning Policy Framework states.

*“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”*

- 7.6 Policies KP2 and CP4 of the Core Strategy and Policies DM1 and DM3 of the Development Management Document advocate the need for development to secure good relationships with existing development and to respect the existing scale. The Design and Townscape Guide states that alterations to existing buildings with particular reference to extensions should appear subservient and must be respectful of the scale of the present building.
- 7.7 Paragraph 375 of the Design and Townscape Guide states that *"In a few cases it may be possible to extend a property upward by adding an additional storey however this will only be appropriate where it does not conflict with the character of the street."* Paragraph 374 states that *"Extensions that raise the ridge height of an existing building are only considered acceptable in principle where they complement the design of the original building and where they do not break the continuity of the streetscene or appear overbearing."* Paragraph 361 states that *"Most property entrances are located on the front elevation and therefore it is particularly important that the design of the porch is of an appropriate scale, well integrated with the parent building and does not obscure or conflict with existing features such as bay windows."*
- 7.8 Tattersall Gardens has a mixed character consisting pre dominantly of two storey semi-detached and detached houses of varying designs and styles. There are some common features, including forward projections with hipped roofs and evenly sized windows. The proposal would sit between the row of 5 bungalows to the north and the detached two storey house to the south.
- 7.9 The existing dwelling is a hipped roof detached bungalow and the proposal would enlarge this upwards to form a two storey dwelling with a similar hipped roof form. In terms of its form and scale, the proposal would not result in the extended dwelling being materially out of keeping or harmful to the character of the surrounding area, noting that it is the southernmost of the existing row of 6 bungalows and adjoins a two storey house to the south.
- 7.10 In relation to the design characteristics of the surrounding area, the area is of a mixed character of dwellings with the similarly designed bungalows to the north having undergone differing external alterations. The proposed form and design of the proposal would integrate satisfactorily with its surroundings in this respect.
- 7.11 The proposed first floor extension would align with the existing ground floor which is set in some 1.0m from the site's northern flank boundary and some 0.4m from the southern boundary. While the two storey dwelling would sit satisfactorily in its own plot, it would contrast to a degree with the wider spacing of dwellings that characterises the streetscene. On balance, given the mixed designs of dwellings in the surrounding area and the L-shaped footprint of the dwelling which would reduce the massing closest to the street this element of the proposal is considered to have an acceptable impact in regards to character and the wider streetscene.
- 7.12 The first floor fenestration to the front elevation would align satisfactorily with the altered ground floor openings which is positive. Alterations to the fenestration on other elevations are minor and would not be materially visible from the wider streetscene. The roof design would not result in a dominant or incongruous structure in the streetscene.

The proposed finishing materials would satisfactorily relate to the existing dwelling and to the wider surrounding area.

- 7.13 The proposed alterations to the rear elevation including the removal of the rear projection's roof and decking would not be visible from the wider streetscene. These alterations are considered to be subservient to the existing dwelling and would not result in harm to the character and appearance of the host dwelling or the wider rear garden scene.
- 7.14 The proposed porch would be visible on the front elevation. Due to the subservient scaling of this porch, its design, degree of set back and use of similar materials it would not result in harm to the character and the appearance of the dwelling or the surrounding area.
- 7.15 The proposal is therefore on balance, acceptable and policy compliant in the above regards.

### **Impact on Residential Amenity**

- 7.16 Policy DM1 of the Development Management Document states that any new 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. Paragraph 343 of the Design and Townscape Guide (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.
- 7.17 The proposal would increase the height and scale of the dwelling and therefore has the potential to impact the amenity of occupiers of neighbouring residential properties.
- 7.18 No 54 Tattersall Gardens to the south is a two storey detached dwelling set slightly downhill to No 52. This dwelling has a flank separation to No 52 of some 1.5m with a rear building line set some 1.5m behind the application dwelling. In the northern flank of this dwelling is a sole window serving a non-habitable room.
- 7.19 The proposed alterations at No 52 would not increase the footprint of the building being restricted to a new first floor above the existing dwelling. Given the absence of proposed first floor windows facing No 54, it is not considered that the proposed alterations would have a materially harmful impact on the amenity of the occupiers of No 54 in terms of dominance, an overbearing impact, loss of light and outlook, overshadowing, a material sense of enclosure, overlooking or loss of privacy.
- 7.20 The proposal includes new windows in the flank wall of the single storey rear extension and a raised decking area in close proximity to the shared boundary. To protect the privacy of the amenity space of No 54, which is set downhill to No 52, a condition can be imposed requiring the privacy screen shown in plan No 103/19/A Rev 1 to be installed and retained in perpetuity.
- 7.21 The proposed porch would be separated from No 54 with windows offering similar outlook as that existing. This element of the proposal is not considered to harm the amenity of No 54's occupiers in any regards.

- 7.22 To the north of the application site is No 50 Tattersall Gardens, a detached bungalow situated on slightly higher ground than No 52. There is an existing flank separation between No 52 and the primary flank of No 50 of some 3.7m. The rear projection of No 52 extends some 3.4m deeper than the southern rear building line of No 50. There are no primary windows in the flank elevation of No 50.
- 7.23 Removal of the existing hipped roof to the single storey rear extension at No 52 would reduce the dominance of this existing rear projection on the sense of enclosure for No 50 which is considered to be a positive. The proposal includes addition of first floor windows serving secondary rooms and a secondary flank window for the rear projection at ground floor. These windows can be conditioned to be obscure glazed with limited openings in perpetuity to protect the privacy of No 50's rear garden. Subject to the above conditions, it is considered that the proposal would not materially harm the amenity of the occupiers of No 50 in terms of dominance, an overbearing impact, loss of light and outlook, overshadowing, a material sense of enclosure or overlooking and loss of privacy.
- 7.24 Dwellings in Quorn Gardens to the rear are set at their closest some 30m away. Given this separation and that similar elevated and first floor views are already available from nearby dwellings at Tattersall Gardens the proposal is not considered to result to material harm to the amenity of these dwellings in any regard.
- 7.25 All other dwellings are sufficiently removed from the proposal to prevent any material harm to amenity in any regards.
- 7.26 The proposal's impact on residential amenity is therefore acceptable and policy compliant.

### **Traffic and Transportation Issues**

- 7.27 Policy DM15 of the Development Management Document requires dwellings with 2+ bedrooms to provide a minimum of two parking spaces. The proposal does not affect the availability of car parking spaces and does not increase the parking requirements over and above the existing requirements. The proposal would remove an existing garage space that is not policy compliant and retains an existing driveway space. The impact on traffic, transport and parking is therefore acceptable and policy compliant.

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

- 7.28 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. The proposed development includes a gross internal area of 106.41 sqm, which may equate to a CIL charge of approximately £ 7808.37 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the 'in-use building' test, as set out in the CIL Regulations 2010 (as amended), may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

## **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 on balance.
- 8.2 The proposal would, have an acceptable impact on the amenities of neighbouring occupiers and the character and, on balance, the appearance of the application site, the character of the streetscene and the locality more widely. There are no adverse highway implications. This application is therefore recommended for approval subject to conditions.

## **9 Recommendation**

**GRANT PLANNING PERMISSION subject to the following conditions:**

- 01 The development hereby permitted shall begin no later than three years from the date of the decision.**

**Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.**

- 02 The development shall be undertaken solely in accordance with the approved plans 103/19/A Rev 1, 103/19/B Rev 2, 103/19/C, 103/19/D and Location Plan.**

**Reason: To ensure that the development is carried out in accordance with the provisions of the Development Plan.**

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

**Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the advice contained within the Design and Townscape Guide (2009).**

- 04 The roof of the single storey rear projection shall not be used as a balcony, roof garden or similar amenity area or for any other purpose unless express planning permission has been previously been obtained. The roof 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), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).**



- 05** Notwithstanding the details shown in the plans submitted and otherwise hereby approved the raised decking hereby approved shall not be brought into use unless and until plans and other appropriate details are submitted to the Local Planning Authority and approved in writing which specify the size, design, materials and location of privacy screens to be fixed on its southern side. Before the decking is first brought into use the development shall be implemented in full accordance with the details and specifications approved under this condition and shall be permanently retained as such thereafter.

**Reason:** To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).

- 06** Notwithstanding the details shown on the approved plans and prior to the first use of the extensions hereby approved, all first floor windows in the north elevation and the ground floor window in the northern elevation of the single storey rear projection shall only be 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 fan light which shall be a minimum of 1.7 metres above internal floor level and shall be retained as such in perpetuity.

**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).

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

#### **Informatives**

- 01** Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable.

If you have not received a CIL Liability Notice by the time you intend to commence development it is imperative that you contact [S106andCILAdministration@southend.gov.uk](mailto:S106andCILAdministration@southend.gov.uk) to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended). If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the Planning Portal ([www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy)) or the Council's website ([www.southend.gov.uk/cil](http://www.southend.gov.uk/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.