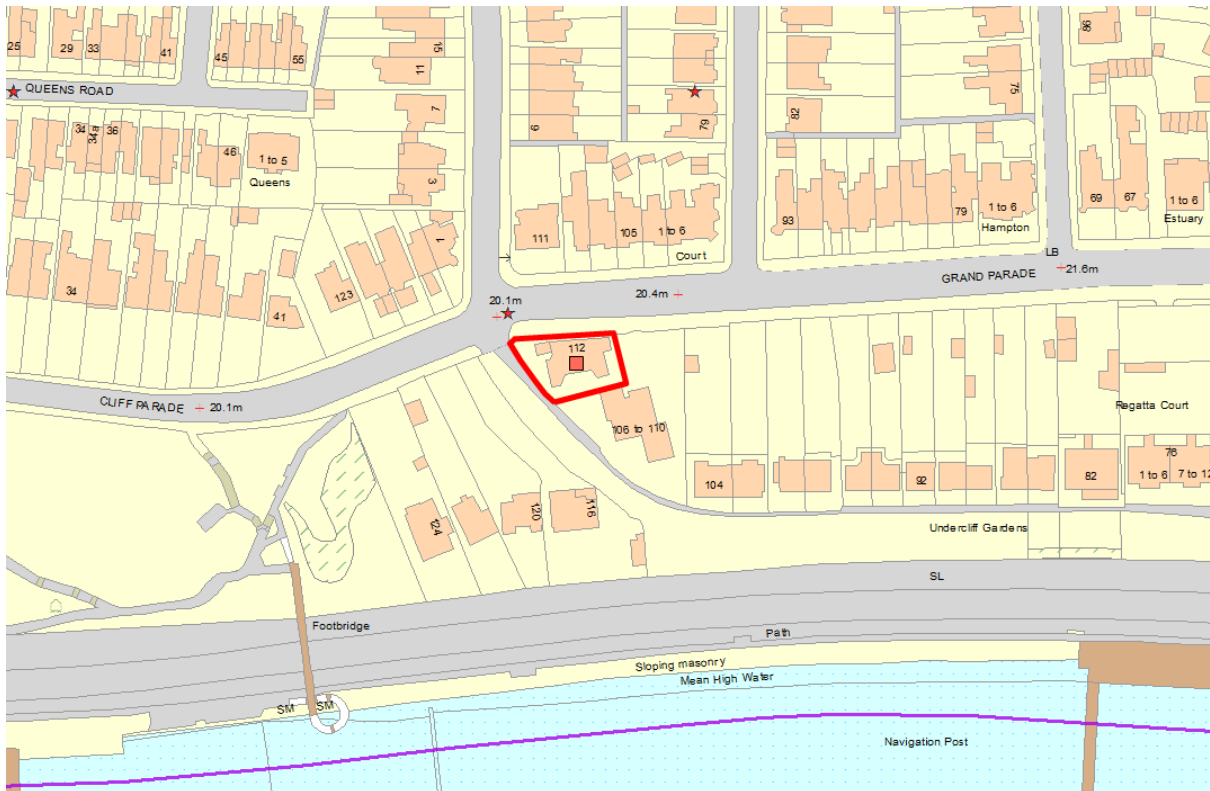


Reference:	19/02178/FULH	
Application Type:	Full Application - Householder	
Ward:	Leigh	
Proposal:	Part demolish existing garage, erect single storey side extension, single storey side and rear extension, first floor extension, install replacement glass balustrade to first floor, layout parking and alter elevations.	
Address:	112 Undercliff Gardens, Leigh-On-Sea, Essex	
Applicant:	Mr And Mrs Clark	
Agent:	Mr Dale Perry of Stone Me Ltd	
Consultation Expiry:	3rd January 2020	
Expiry Date:	7th February 2020	
Case Officer:	Spyros Mouratidis	
Plan Nos:	1840 19, 1840 20A, 1840 21C, 1840 24	
Recommendation:	REFUSE PLANNING PERMISSION	



1 Site and Surroundings

- 1.1 The application site is a corner plot on the junction of Undercliff Gardens with Grand Parade. The site is occupied by a single storey, detached dwelling with a flat roof, which is used as a terrace, on top. The site slopes downwards from Grand Parade towards the Thames Estuary. Vehicular access to the site is from Undercliff Gardens.
- 1.2 The surrounding area is characterised by the undulating topography created by the cliffs near the river. Grand Parade and Undercliff Gardens offer wide views towards the estuary which has resulted in an area with open character. Some limited exceptions are outbuildings and/or garages which have been erected at or slightly lower than the road level and their overall height projects above the level of Grand Parade. The area is residential in nature with two and three storey buildings.
- 1.3 Undercliff Gardens is a private, no-through road characterised by spacious semi-detached dwellings overlooking the river estuary. Properties are built on two or more levels but most do not exceed the height of the ground level at Grand Parade. Grand Parade is one of the main roads of the Borough. The rail line is in close proximity, to the south of the site.
- 1.4 The application site and the area is covered by an Article 4 direction removing permitted development rights in relation to the erection of fences, walls and other means of enclosure. The site also falls within the Seafront Character Zone 3 of policy DM6 of the Development Management Document.

2 The Proposal

- 2.1 Planning permission is sought for the partial demolition of an existing garage, the erection of a side extension, the erection of an "L"-shaped single storey side and rear extension, the erection of a first floor extension and the installation of replacement glass balustrade around the roof terrace.
- 2.2 The partial demolition of the garage would reduce the depth of the existing garage by some 3.1m. A new garage is proposed to be created in the same part of the building. The single storey side extension would accommodate the enlargement of the main part of the dwelling by 1.2m in width at the alcove of the building. The "L"-shaped, side and rear extension would measure up to 13.7m wide by a maximum of 5.4m deep. An existing outbuilding would be removed to accommodate this aspect of the proposal. The first floor extension would measure 6.9m wide by 4.6m deep by 2.3m high and would accommodate a third bedroom. All proposed extensions would have flat roofs on top.
- 2.3 The proposed development includes the replacement of the existing balustrade around the roof terrace with obscure glazed balustrade. It is proposed to alter the external materials of the property from brick to a combination of brick, render, cedar cladding and stone cladding and from white plastic soffits to powder coated aluminium soffits painted in a dark colour.
- 2.4 The proposal also contains the enlargement of the existing access off Undercliff Gardens and the provision of one additional parking space to the north-western part of the application site involving enlargement and reconfiguration of existing hardsurfacing.

The proposed development would accommodate internal alterations to the property.

3 Relevant Planning History

- 3.1 19/02179/FULH – Part demolish existing garage, erect single storey side extension, single storey side and rear extension, install replacement glass balustrade to first floor, layout parking and alter elevations. – Pending consideration
- 3.2 The above proposal differs from this application in not containing the proposed first floor extension.

4 Representation Summary

- 4.1 The application has been called in for consideration by the Development Control Committee by Councillor Mulroney.

Public Consultation

- 4.2 Thirteen (13) neighbouring properties were consulted and a site notice was displayed. No representations have been received.

Leigh Town Council

- 4.3 No objections.

Society for the Protection of Undercliff Gardens (SPUG)

- 4.4 Object – The height of the proposal exceeds the limits for Undercliff Gardens, the proposal is overdevelopment of the site and the plans are misleading as the submitted roof plan does not clearly show the proposed extensions.
- 4.5 The comments have been taken into consideration and those relevant to planning matters are discussed in the relevant sections of the report. Other than the reasons stated in section 9 of this report the objecting points raised by the consultation response are not found to represent material reasons for recommending refusal of the planning application. The submitted floor plans clearly show the proposed extensions and internal alterations and the submitted plans overall are adequate to allow the consideration of the application.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2019)
- 5.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2019)
- 5.3 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility) and CP4 (Environment and Urban Renaissance).
- 5.4 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), DM6 (The Seafront) and DM15 (Sustainable Transport Management).
- 5.5 Design & Townscape Guide (2009)

5.6 Community Infrastructure Levy (CIL) Charging Schedule (2015)

6 Planning Considerations

6.1 The main considerations in relation to this application are the principle of the development, the design and impact on the character of the area, any traffic and transport issues, the impact on residential amenity and whether the development would be liable for CIL.

7 Appraisal

Principle of Development

7.1 The principle of extending a dwellinghouse to provide facilities in association with residential accommodation is generally acceptable. National and local planning policies promote the effective use of land subject to safeguarding and improving the environment and local amenity. The Council's analysis shows that the Borough needs a higher proportion of family units. The proposed extension to the dwelling would create a larger family dwellinghouse. All these considerations contribute favourably to the principle of the development.

7.2 Policy DM6 requires all development to be in accordance with the Seafront Character Zones. For Zone 3 the policy seeks to protect and enhance the open estuary views from Grand Parade and Undercliff Gardens and 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.*

7.3 Due to its scale, position and impact relative to public views from Grand Parade, the proposed upper floor extension, being a permanent feature that would obstruct views towards the estuary and would fail to enhance the open character of the area. On this basis, the proposed development would fail to meet the requirements of this policy in principle.

7.4 The fact that the proposal would be contrary to policy DM6 in principle is a material consideration which outweighs the considerations in favour of the principle of the development. On this basis, the principle of the development is unacceptable. Other material planning considerations are discussed in the following sections of the report.

Design and Impact on the Character of the Area

7.5 Good design is a fundamental requirement of new development in order to achieve high quality living environments. Its importance is reflected in the NPPF, in Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management Document.

The Design and Townscape Guide also states that: “the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”

- 7.6 Paragraph 124 of the NPPF states that: “The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.” Policy DM1 of the Development Management Document states that all development should: “add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features.”
- 7.7 Policy KP2 of the Core Strategy states that new development should: “respect the character and scale of the existing neighbourhood where appropriate”. Policy CP4 of the Core Strategy requires that development proposals should: “maintain and enhance 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 The layout of the development within the site would expand the footprint of main building closer to the boundaries of the site. Despite the proposed side extension, an alcove to the side of the main building would be retained which is a positive. In terms of scale, the ground floor extensions would respect the scale of the existing building and other development in the vicinity of the site. The structure on top of the dwelling is of comparable size and form to garages and outbuildings seen from Grand Parade but would be an incongruous addition in the application site and would not be sympathetic to the original architectural intent and approach of the building on site. In relation to form, the proposed extensions would not be incongruous within the area. The proposed choice of materials for the proposal is considered acceptable and would result in an acceptable appearance. The proposed replacement balustrade on the roof terrace would be of acceptable design and appearance. The extended vehicular entrance and the hardsurfacing associated with the provision of the additional parking space would be considered acceptable subject to a condition requiring details of materials and additional soft landscaping if the development were otherwise found to be acceptable.
- 7.9 The principle of the additional structure on top of the existing building has already been discussed and is found to be unacceptable and contrary to policy by reason of its harmful impact on the open character of the area and the loss of public views towards the estuary. During the pre-application stage it was put forward by the Applicant that there is an existing and established hedge which is likely to be retained for the foreseeable future as it operates as a screen for the amenity space on the roof terrace. The hedge would obscure public views of the proposed first floor extension from Grand Parade. However, the hedge is a living organism which may die and the visibility through the hedge changes with the seasons. There is no control from the planning system on what happens with the hedge. Its existence and screening effect, therefore, carries only limited weight in any planning assessment.

- 7.10 A planning condition to require the retention of the hedge at a certain height could not reasonably address the issue as it would fail to pass the six tests, particularly the test of enforceability in the case where the hedge might die from natural causes. Ultimately, development that should not be allowed cannot be allowed just because it can be hidden behind landscaping. Allowing this development because it can be hidden behind the existing hedge, could prompt proposals for other properties to do something similar. On the basis of the previous analysis, the proposed development is considered to be unacceptable and contrary to policy in the above regards.

Impact on Residential Amenity

- 7.11 Policy DM1 of the Development Management Document requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities and also: “having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.”
- 7.12 Paragraph 343 of the Design and Townscape Guide under the heading of ‘Alterations and Additions to Existing Residential Buildings’ 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.”
- 7.13 The nearest neighbouring residential properties to the application site are the properties at No.106 to 110 Undercliff Gardens. The building abuts the southern boundary of the application site. Due to the orientation and layout of the existing buildings, the proposed extensions would not cause any material overshadowing or loss of light to those neighbouring properties. Despite the close proximity of the neighbouring development to the application site, the proposal would not create any materially harmful overbearing relationship or undue sense of enclosure. The nearest part of the neighbouring building which would be impacted by the development is not used as habitable space. Other properties would not be impacted in these regards due to the separation distance between them and the application site.
- 7.14 The existing flat roof of the dwelling is already used as a roof garden and there are existing windows to the south elevation of the dwellinghouse on site. These arrangements have already resulted in views from the application site towards the neighbouring properties located lower on the cliff and, as such, they inform the characteristics of local residential amenity. The proposal would not materially worsen the existing overlooking relationship and would not cause any additional material loss of privacy to any neighbouring residential property. Overall, the development is acceptable and in line with policy in the above regards.

Traffic and Transportation Issues

- 7.15 Policy DM15 of the Development Management Document states: “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”. The policy also requires that adequate parking should be provided for all development in accordance with the adopted vehicle parking standards.

- 7.16 Outside of the central area, for a dwelling of more than two bedrooms, a minimum of two off-street parking spaces should be available. The proposed arrangements would offer parking provision for at least two cars. The proposed alterations to the access arrangements are considered acceptable as the highway safety and free flow of traffic would not be materially impacted. The proposal is acceptable and policy compliant in these regards.

Community Infrastructure Levy (CIL)

- 7.17 As the proposed extension to the property equates to less than 100m² of new floorspace, and does not involve the creation of a new dwelling (Class C3), 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 the proposed development would be unacceptable and contrary to the objectives of the relevant policies and guidance. The impact on the residential amenity and highway safety is acceptable but its impact on the character and appearance of the dwelling and the wider area is unacceptable due to the scale, form and siting of the proposed upper floor extension which would result in the erosion of the open character of the area and the obstruction of public views towards the estuary.

9 Recommendation

9.1 REFUSE PLANNING PERMISSION for the following reasons:

- 01 **The proposed upper floor extension, by reason of its scale, form and siting, would harm the open character of the area, would obstruct public views towards the estuary and would be an awkward and incongruous addition to the host building to the detriment of the character and appearance of the site, streetscene and wider area. This is an unacceptable form of development which is contrary to the National Planning Policy Framework (2019); Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007); Policies DM1, DM3 and DM6 of the Southend-on-Sea Development Management Document (2015); and the advice contained within the National Design Guide (2019) and the Southend-on-Sea Design and Townscape guide (2009).**

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. The Local Planning Authority is willing to discuss the best course of action in respect of any future application for a revised development.

Informatives:

- 1** You are advised that as the proposed extension(s) or change of use to your property equates to less than 100sqm of new floorspace, and does not involve the creation of a new dwelling (Class C3), 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 the Planning Portal (www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) or the Council's website (www.southend.gov.uk/cil) for further details about CIL.