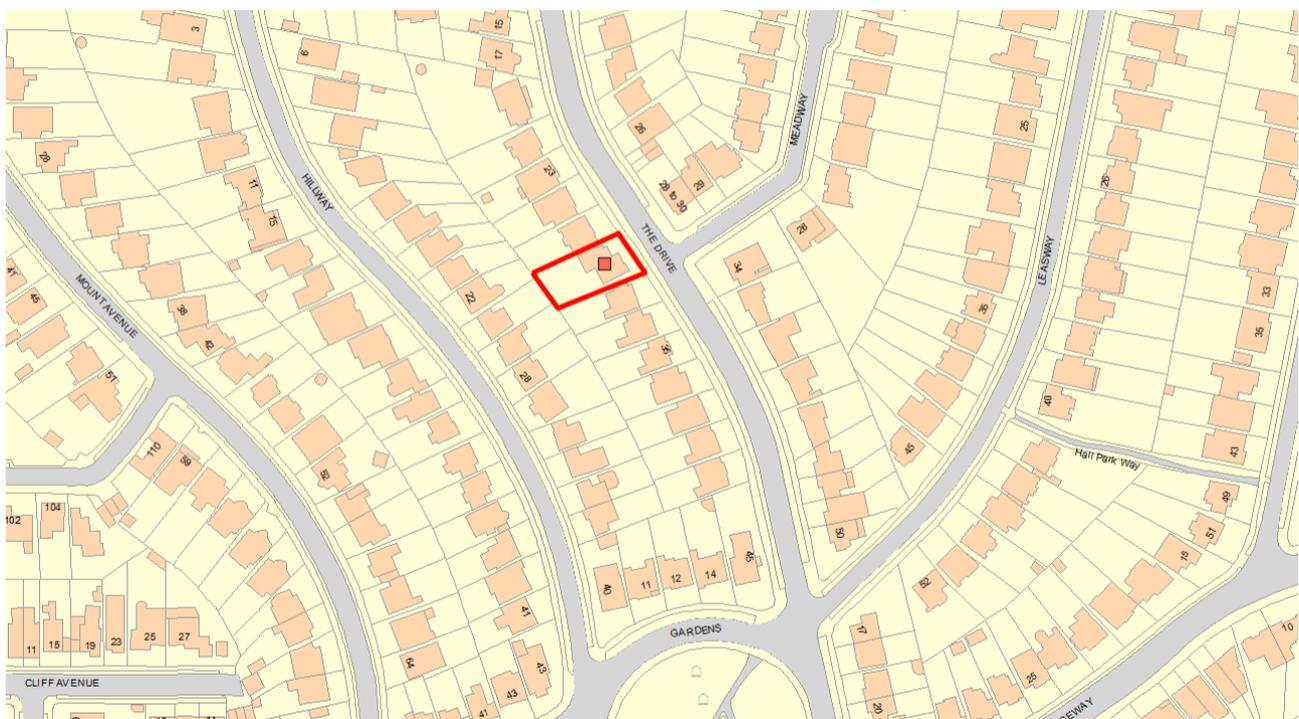


Reference:	20/00875/FULH	
Ward:	Chalkwell	
Proposal:	Hip to gable roof extension with dormer to rear and alter elevations (Part Retrospective) (Amended Proposal)	
Address:	29 The Drive Westcliff-on-Sea Essex	
Applicant:	Mr & Mrs Diver	
Agent:	Mrs Lindsey Wislocki	
Consultation Expiry:	07.07.2020	
Expiry Date:	07.08.2020	
Case Officer:	Oliver Hart	
Plan Nos:	P1000; P1001; P1002; P1003; P1004; P1005; P1006; P1007; P1008; P1009; P1010; P1011; P1012; P1013; P1014; P1015; P1016	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 Site and Surroundings

- 1.1 The application site is occupied by a large detached two storey dwellinghouse on the west side of The Drive. The application dwelling has been extended in the past, including two storey front and rear extensions, including a flat roofed two storey rear addition, and a two storey side extension completed in the 1980's.
- 1.2 The application site is situated within a residential setting, consisting mainly of large two storey dwellings of traditional appearance with hipped roofs the principal roof form along The Drive however, various forms of roof alterations and additions are evidenced in the streetscene.
- 1.3 The Drive is a long sweeping road which slopes downwards from north-south, with gabled roof dwellings found to the north of the application site and side dormers sporadically located along The Drive.
- 1.4 No.29 occupies a prominent position, sited forward of neighbouring dwellings to the north with its northern flank elevation visible in the streetscene when travelling north-south down The Drive.
- 1.5 The site does not contain a listed building and is not located within a conservation area or a flood zone.

2 Proposal and background

- 2.1 Without planning permission, a hip to gable roof extension has been erected together with the installation of a 'box' style rear dormer some 10.4m wide, 2.45m high and 2.7m deep to provide habitable accommodation in the roof.



Figure 1: Dormer in situ constructed without permission

- 2.2 It has been found through determination of a previous planning application (19/00551/FULH) and dismissal of a subsequent appeal (APP/D1590/D/19/3233213 29) that the rear roof extension, by reason of its size, scale, design and siting represents a discordant, incongruous and overly dominant feature which is detrimental to the character and appearance of the host dwelling, the rear garden scene and the area more widely.

A copy of the appeal decision is attached as Appendix 1. In itself, the hip to gable element of that roof extension has been found to be acceptable.

- 2.3 In accordance with this Committee's resolution at its meeting on 11 December 2019, a planning enforcement notice has been served requiring removal of the unauthorised roof extension. A copy of the Committee report is attached as Appendix 2. The applicant has exercised their right to appeal against that notice and that is pending.
- 2.4 Following engagement with the pre-application service, the owner sought to overcome the existing planning breach through submission of an amended proposal which sought to retain the gabling of the main roof but materially reduce the width, depth and height of the rear dormer, from 10.4m wide to 9m (-1.4m), 2.45m high to 2.1m (-350mm) and 2.7m deep to 2.3m (-400mm), altering its design and fenestration (from 6no. full length windows to 3no. smaller windows and a Juliette balcony), altering its external materials (from white render to hanging roof tile) and proposing to erect a gabled roof over the existing two storey flat roofed rear projection.
- 2.5 At its meeting on 18 May 2020 this Committee resolved to refuse planning permission on the following grounds :

'The proposed roof extensions would, by reason of their overall size, scale, design and siting, represent a discordant, incongruous and overly dominant feature which would be detrimental to the character and appearance of the host dwelling, the rear garden scene and the area more widely. This is contrary to the National Planning Policy Framework (2019); Core Strategy (2007) Policies KP2 and CP4; Development Management Document Policies DM1 and DM3; Design & Townscape Guide (2009).'



Figure 2: Amended proposal refused by Development Control Committee 18 May 2020

- 2.6 This part retrospective application proposes to overcome the identified harm by retaining the gabling of the main roof, retaining the dormer (9m wide x 2.3m deep 2.1m in maximum height (dropping down to 1.8m) albeit with a different fenestration arrangement) and omitting the previously proposed gabled roof extension over the existing two storey flat roofed rear projection.



Figure 3: Current proposal for consideration

- 2.7 The roof enlargement would facilitate 2 bedrooms, 1 with an en-suite. Finishing materials are shown as hanging tile to the dormer cheeks and fenestration to match the existing.
- 2.8 The application has been called into the Development Control Committee by Councillor Folkard.
- ### 3 Relevant Planning History
- 3.1 18/00386/UNAU_B - Enlargement of roof without planning permission- DCC resolved to Authorise Enforcement Action December 2019
- 3.2 20/00525/FULH- Hip to gable roof extensions, extend existing dormer to rear and alter elevations (Partially Retrospective) (Amended Proposal)- Application refused 18th May 2020
- 3.3 19/00551/FULH - Hip to gable roof extensions, extend existing dormer to rear and alter elevations – Application refused and appeal dismissed 30th October 2019
- 3.4 19/00047/CLP - Hip to gable roof extensions, extend existing dormer to rear, rooflights to front – Application refused.
- 3.5 87/0789: Extend roof with windows at rear. Application Approved.
- 3.6 84/1304: First floor and two storey extension at rear and two storey front extension. Approved.

3.7 1016/82: Two storey side and single storey rear extension. Approved.

4 Representation Summary

4.1 9no. neighbouring properties were notified and no letters of representation have been received.

5 Planning Policy Summary

5.1 The National Planning Policy Framework (2019)

5.2 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles and CP4 (Environment and Urban Renaissance),

5.3 Development Management Document (2015): Policies DM1 (Design Quality) and DM3 (Efficient and Effective Use of Land)

5.4 The Design and Townscape Guide (2009)

5.5 CIL Charging Schedule (2015)

6 Planning Considerations

6.1 The proposal would not increase the need for parking nor reduce the current off-site parking at the front. The key considerations in relation to this application are therefore the principle of the development, design and impact on the character of the area, the impact on residential amenity, CIL (Community Infrastructure Levy) and whether the proposal has overcome the reason for refusal of 20/00525/FULH which in summary related to the impact of the combined impact of the rear roof extensions on the character and appearance of the host dwelling and the visual amenity of the wider rear garden scene. The site circumstances and policy context have not changed materially in the interim. The initial planning decision and appeal form material considerations of significant weight in the assessment of the proposal.

7 Appraisal

Principle of Development

7.1 This proposal is considered in the context of the above policies. These policies and guidance support alterations and extensions to properties where they respect the character of the locality and the amenities of neighbours. The principle of roof extensions in this location, which did not form a reason for refusal of the previous application or dismissal of the appeal, is therefore acceptable.

Design and Impact on the Character of the Area

7.2 The key element within all relevant policies is that good design should be 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 (2009) also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”*

- 7.3 According to Policy KP2 of the Core Strategy (2007), 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”*.
- 7.4 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”*.
- 7.5 Southend’s Design and Townscape Guide states that *“in some cases, it may be possible to increase the roofspace and remove the need for a side dormer by changing a hipped roof to a gable end. This type of development can be more acceptable than a side dormer provided it is not out of character with the streetscene or leads to an unbalanced street block or pair of semis i.e. It is more appropriate for a detached or end of terrace property than only one of a matching pair of semis which would be considered unacceptable”*.
- 7.6 Gabling of the application dwelling’s main roof did not form a reason for refusal of the previous application and such a view was also upheld in the earlier 2019 decision and subsequent appeal decision. Given the absence of any material change in policy in the interim, this element of the proposal remains acceptable.
- 7.7 Paragraph 366 of the Design and Townscape Guide (2009) states that *“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.”*
- 7.8 It is highlighted that the existing unauthorised dormer on site is not the subject of consideration in this instance as the decision for planning application (App Ref. 19/00551/FULH) and dismissal of a subsequent appeal (APP/D1590/D/19/3233213 29) found that the dormer as built, by reason of its size, scale, design and siting, represents a discordant, incongruous and overly dominant feature. As such and noting that the structure as existing is ultimately unacceptable and that an enforcement seeking its removal is currently at appeal, the focus of this report is on whether this latest proposal has overcome the previous reason for refusal (App. Ref.20/00525/FULH) which related to the installation of a materially reduced rear dormer (than that built) as well as the then proposed formation of a gabled roof extension over the existing two storey flat roofed rear projection.

The external materials to the dormer as then proposed were hanging tile. That application was refused because the combined impact of the proposed rear roof extensions was found to be detrimental to the character and appearance of the host dwelling and the visual amenity of the wider rear garden scene.

- 7.9 This latest application seeks to overcome the previous reason for refusal by removing the previously proposed gabled roof extension over the existing two storey flat roofed rear projection. The design and dimensions of the rear dormer would remain unchanged i.e. sloped roof flat roof finished externally in tile hanging, 9m wide x 2.3m deep 2.1m in maximum height however, the fenestration has been altered from 4no. to 5no. windows including a Juliette balcony and would match the existing.
- 7.10 In comparing the proposals, the removal of the gabled roof extension over the existing two storey flat roofed rear projection would see the scale and bulk of built form in the rear garden scene materially reduced. As such, this is on balance considered a positive alteration of the scheme. The application dwelling and available rear roof slope is of a significant width and as such, is reasonably able to accommodate a significantly scaled rear dormer. The dormer as proposed is set down suitably from the ridge (400mm), up from the eaves (600mm) and in from either flank elevation (approx. 1m from each flank roof slope) such that the resultant built form of the dormer would, on balance, be within acceptable limits and, on its individual merits, is considered to appear suitably well contained and subservient within the rear roof slope.
- 7.11 The incorporation of tile hanging to the external elevations and the further re-arrangement in proposed rear window openings (such that they align with those at first and ground floors) are such that the proposal is also considered to appear suitably integrated with the host dwelling.
- 7.12 On this basis, the proposal is considered on balance to be acceptable and policy compliant in the above regards and has therefore overcome the previous reason for refusal and the sole aspect of harm identified within the previous decisions.

Impact on Residential Amenity

- 7.13 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.*" 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.*"
- 7.14 The impact of the existing (as built) development on neighbour amenity was not a reason for refusal of the previous applications or in dismissal of the appeal. Neither is it a basis for service of the enforcement notice served against the structure presently on site. The hip to gable roof extension remains unchanged from the previous application and the proposed rear dormer is materially unchanged in form or scale.

As such, the hip to gable roof extension and rear dormer are considered to remain acceptable with respect to amenity impacts on the neighbouring property to the north (No. 27) and to the south (No.31).

- 7.15 With respect to the potential for overlooking resulting from window openings to the rear elevation of the proposed rear dormer the presence of large first floor rear windows is such that there is a degree of intra-looking of neighbouring rear gardens that exists at present and this is considered to inform the existing characteristics of rear garden amenity. Together with the separations involved to the rear boundary with neighbouring dwellings along Hillway (some 18m), it is not considered that the proposed rear dormer would result in harm to the amenities of these neighbouring dwellings materially above and beyond the existing (authorised) situation. On this basis, and consistent with the basis of the previous decisions, the proposal is considered to be acceptable and policy compliant in the above regards.
- 7.16 On this basis the proposal is considered to be acceptable and policy compliant in the above regards.

Community Infrastructure Levy

- 7.17 The proposed development equates to less than 100sqm of new floorspace. As such, the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and no charge is payable.

8 Conclusion

- 8.1 Having regard to all material considerations assessed above, it is considered that subject to compliance with the attached conditions, the proposed development would, on balance, be acceptable and compliant with the objectives of the relevant local development plan policies and guidance as well as those contained within the National Planning Policy Framework. The proposal would have an acceptable impact on the amenities of neighbouring occupiers and, assessed on its individual merits and attaching significant weight to the basis of the previous decisions, would on balance, be acceptable in relation to the character and appearance of the application dwelling and the locality more widely. The application has therefore overcome the previous reason for refusal. This application is therefore recommended for approval subject to conditions.
- 8.2 The enforcement notice with respect to the existing structure remains in train and the appeal against it will be determined by the Planning Inspectorate. Irrespective of whether the current application is approved the enforcement notice process will remain in place thereby encouraging the owner to continue to seek to regularise the planning breach.

9 Recommendation

GRANT PLANNING PERMISSION

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

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: P1010; P1011; P1012; P1013; P1014; P1015; P1016**

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

- 3 Finishing materials shall be tile hanging to the dormer's exterior walls with black Upvc windows and fascia to match existing original work, as demonstrated in approved plan: P1012.**

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 (NPPF), Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) policy DM1, and advice contained in the Design and Townscape Guide (2009).

10 Informative

- 1 The existing roof extensions are unauthorised and failure to promptly remedy their identified harm through implementation of this planning permission leaves the owner open to the implications of the planning enforcement notice which has been served by the Council.**
- 2 You are advised that as the proposed extension(s) to your property equates to less than 100sqm of new floorspace the development would benefit from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge would be payable. See www.southend.gov.uk/cil for further details about CIL.**
- 3 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.**