

Reference:	20/01146/FUL	
Ward:	Shoeburyness	
Proposal:	Erect dwellinghouse adjacent to existing dwellinghouse; install two vehicular accesses onto Aylesbeare, associated layout parking to front and rear (Amended Proposal).	
Address:	15 Aylesbeare, Shoeburyness, Essex SS3 8AE	
Applicant:	Mr Thompson	
Agent:	BGA Architects	
Consultation Expiry:	24.08..2020	
Expiry Date:	09.10.2020	
Case Officer:	Scott Davison	
Plan Nos:	Location Plan 0-001, Site Plan 0-002; Site Plan 0-100; Existing Plans and Elevations 1-001; Proposed Plans and Elevations 1-100; Proposed Plans and Elevations 1-105; 3D Views 2-002; 3D Views A4 Landscape Mono - 2-102 & Design & Access Statement	
Recommendation:	REFUSE PLANNING PERMISSION	

1 Site and Surroundings

- 1.1 The site contains a two storey detached dwellinghouse located on the eastern side of the road. The application site is located at the junction of Aylesbeare and a cul-de-sac limb. The detached dwelling has an integral projecting garage to the front of the dwelling. To the rear of the detached dwelling are a part width single storey conservatory and a rear garden area. The detached dwelling has a pitched roof and with a brick external appearance. A 1.8m close boarded timber fence has been erected to the side of the dwelling.
- 1.2 The surrounding area is residential in character, comprising detached and semi-detached dwellings, of similar age, style, size and design and with a characteristic degree of spacing and separation between properties. A number of properties in the vicinity of the site have front extensions which integrate with original integral projecting garages.
- 1.3 The site is not located within flood zones 2 or 3 and is not subject to any site specific planning policies.

2 The Proposal

- 2.1 The application seeks planning permission for the erection of a two storey dwelling to the side of the donor dwelling. The proposed dwelling would be attached to the donor dwelling.
- 2.2 The dwelling would be a two storey pitched roof house, some 6.6m high to ridge height, 5m to eaves, 5.7m wide and 9.9m deep. The front building line would be set some 1m behind the main front elevation of the donor dwelling and project 4m beyond the rear building line including the 3.2m deep single storey rear projection.
- 2.3 The proposed dwelling would have an internal floor area of some 81.3 square metres (sqm) with a lounge, kitchen/dining room and WC at ground floor and two first floor bedrooms measuring some 13 sqm and 8.1sqm. Two off street parking spaces are proposed, one to the front of the dwelling and one to the rear with access from Aylesbeare. Each would be accessed by a new vehicle crossover. The new accesses would require re-siting of a lamp column. A refuse store is proposed to the rear of the dwelling and cycle store to the side. The dwelling would have a rectangular shaped rear garden area of some 45 sqm.
- 2.4 The external finishing materials proposed include facing brickwork, roof tiles and UPVC windows and doors. The plans show solar panels on the rear roofslope.
- 2.5 This application follows the refusal of application 20/00332/FUL; Erect dwelling on land adjacent to 15 Aylesbeare and extend existing Vehicular Access on to Aylesbeare. The application was refused for the following reasons:

01 The proposed development by reason of its size, design and siting would conflict with the grain of the local area, and would be out of keeping with and detract from the character and appearance of the site and wider locale. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework; 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).

02 The proposed development would, by reason of the excessive width of the proposed vehicular crossover, be detrimental to highway and pedestrian safety. The proposed development is therefore unacceptable and contrary to policy CP3 of the Core Strategy (2007), policies DM3 and DM15 of the Development Management Document (2015) and the Vehicle Crossing Policy and Application Guidance (2014).

2.6 The main differences between the proposal and the refused scheme are

- The proposed dwelling would have a single storey rear projection and would be deeper than the refused scheme
- The proposed dwelling would have a greater floorspace (some 10 sqm)
- The position of the both vehicular crossovers has been moved from the main road to the limb of the cul de sac
- Relocation of bin store to the rear of the dwelling

3 Relevant Planning History

3.1 20/00332/FUL. Erect dwelling on land adjacent to 15 Aylesbeare and extend existing Vehicular Access on to Aylesbeare. Refused

4 Representation Summary

Public Consultation

4.1 Councillor Cox has called the application in for consideration by the Development Control Committee.

4.2 A site notice was displayed and 14 neighbours were notified of the application. Ten letters of objection have been received and they are summarised as follows:

- The proposed 2 bedroom dwelling would be out of character
- Proposed dwelling would block vision of drivers within cul-de-sac
- Proposal would result in loss of space to side of dwelling which is characteristic of area and provides amenity space to the donor dwelling
- Proposal is overdevelopment of the site
- The proposed dwelling would impact on neighbouring amenity through loss of light, outlook and privacy
- The proposal would not appear in keeping with surrounding area
- The proposal would result in a loss of on street parking exacerbating existing on street parking problems and would be located close to a road junction in an area where there is already parking problems.
- Building works would block access to properties in Aylesbeare
- No need for the development

4.4 [Officer Comment: Issues relating to design, character and appearance and amenity issues have been addressed within the report. The above issues have been taken into account in the assessment of the proposal.]

Environmental Health

- 4.5 No objections subject to a construction hours condition.

Highways

- 4.6 Objection. It is not considered appropriate to relocate the existing lamp column. The height of the boundary treatment could lead to visibility issues when the vehicle crossovers are in use.

Parks

- 4.7 No objection subject to conditions requiring details of trees to be retained and removed and landscaping

Essex Fire

- 4.8 No objections

5 Planning Policy Summary

- 5.1 National Planning Policy Framework (NPPF), (2019).
- 5.2 Core Strategy (2007) KP1 (Spatial Strategy) and KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment & Urban Renaissance) CP8 (Dwelling Provision).
- 5.3 Development Management Document (2015) Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM7 (Dwelling Mix, Size and Type), DM8 (Residential Standards) and DM15 (Sustainable Transport Management).
- 5.4 Design & Townscape Guide (2009).
- 5.5 Community Infrastructure Levy Charging Schedule
- 5.6 Nationally Described Space Standards (2015)
- 5.7 National Design Guide (2019)
- 5.8 Vehicle Crossing Policy and Application Guidance (2014)

6 Planning Considerations

- 6.1 The main considerations in the determination of this application are the principle of the development, design and impact on the character of the area, impact on residential amenity of neighbouring residents, the standard of accommodation for future occupiers, traffic and highways issues, Community Infrastructure Levy implications and whether the proposal overcomes the previous reasons for refusal

7 Appraisal

Principle of Development

- 7.1 This proposal is considered in the context of the Borough Council policies relating to design. Also of relevance are NPPF sections 124, 127 & 130 and Core Strategy

Policies KP2, CP4 and CP8.

- 7.2 Policy KP2 of the Core Strategy requires that new development contributes to economic, social, physical and environmental regeneration in a sustainable way through securing improvements to the urban environment through quality design, and respecting the character and scale of the existing neighbourhood. Policy CP4 requires that new development be of appropriate design and have a satisfactory relationship with surrounding development. Policy CP8 requires that development proposals contribute to local housing needs.
- 7.3 Policy CP8 of the Core Strategy identifies that the intensification of the use of land should play a significant role in meeting the housing needs of the Southend Borough, providing approximately 40% of the additional housing that is required to meet the needs of the Borough. Policy CP8 also expects 80% of residential development to be provided on previously developed land.
- 7.4 Policy DM3 of the Development Management Document promotes *“the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity.”*
- 7.5 Policy DM7 states that the Council will look favourably upon the provision of family size housing on smaller sites. Policy DM8 says that the Council seeks appropriate flexibility and dimensions within the internal accommodation to meet the changing needs of residents. Policy DM15 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. The Design and Townscape Guide seeks to promote a high quality of design in new developments.
- 7.6 The existing site is occupied by a detached dwelling located on the eastern side of the road. The surrounding area is characterised by residential development where the fronts of dwellings line the street with private gardens located at the rear of the dwellings and a residential use could be considered acceptable in this location. It is not considered that a two storey building would appear at odds with the established character of the area in principle and the broad principle of residential development on the site is considered to be acceptable. However, the suitability of the site to accommodate the dwelling as proposed should be assessed; in this regard, other material planning considerations, including character, living conditions, residential amenity, design and parking availability.

Design and Impact on the Character of the Area

- 7.7 Good design is a fundamental requirement of new development 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.”
- 7.8 Paragraph 124 of the NPPF stipulates one of the twelve core planning principles is that planning should “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". Paragraph 127 of the NPPF advises that planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change, and create places with a high standard of amenity for existing and future users. Paragraph 130 states; "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents."

- 7.9 The importance of good design is reflected in Policies KP2 and CP4 of the Core Strategy and also in Policies DM1 and DM3 of the Development Management Document. These policies seek to maintain and enhance the amenities, appeal and character of residential areas.
- 7.10 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*".
- 7.11 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*".
- 7.12 The Design and Townscape Guide confirms the commitment of the Council to good design and that it "will seek to create attractive, high-quality living environments" and that "proposed development [should] make a positive contribution to the local area". At para.64 the above guide states that development should reflect the positive characteristics of its surroundings. Para.79 confirms the expectation that appropriate architectural language should be used reflecting the use of the building. Para.85 of the Guide establishes that appropriate scale, height and massing are essential to the successful integration of new development. Para.115 of the Guide seeks cohesive design which responds positively to local context.
- 7.13 Paragraph 199 of the Design and Townscape Guidance: Development of Existing Rear and Side Gardens says: *Gardens are by their nature open spaces that have not previously been developed. Preserving gardens is as important as preserving open space between and around dwellings, as they provide amenity space for the dwelling, rainwater soak up areas and areas for wildlife*. Paragraph 200 states: *There is a general presumption against the redevelopment of existing private gardens especially where they are a significant part of local character. Piecemeal development of gardens in areas of strong uniform character would disrupt the grain of development and will be considered unacceptable*.
- 7.14 The application site is located within a residential estate and this section of Aylesbeare is wholly residential in character. The position and character of

dwelling within the area is reasonably uniform and made up mainly of detached and semi-detached houses of various designs. The eastern side of Aylesbeare is defined by detached dwellings with a regular and spacious pattern of development. They are of a similar scale with pitched roofs and a degree of cohesion is provided by the scale of frontages, the materials including brick render and tiled roofs. To the side of the dwelling, the open space is a characteristic feature of the Aylesbeare street scene.

- 7.15 The proposed development would be a corner property set slightly behind the front building line of the dwellings. In terms of its appearance in the street scene, the proposed dwelling would have a pitched roof and its height, (ridge and eaves), together with the use of traditional materials and entrance to the street (providing an active frontage) would not be out of character in this respect however the width of the proposed dwelling at 5.7m, although slightly wider than the refused scheme (5.3m) would be at odds with detached dwellings in Aylesbeare that are typically some 8.5m wide. The dwelling would have a prominent appearance in the street scene at this road junction as it would significantly reduce the open and spacious character of this junction with the flank elevation being some 1.1m from the back edge of the highway pavement. The layout and arrangement of dwellings does vary, however, in layout terms, given the strong character of this section of Aylesbeare and that the dwelling would remove the characteristic space to the side of the host dwelling, the provision of a two storey dwelling, as proposed, in this location would be out of keeping with the character and at odds with the urban grain and overall cohesion of the area. The proposal would fail to overcome the previous reason for refusal in this regard.
- 7.16 The matter of materials could be dealt with as a condition of any planning permission.
- 7.17 The application site is already partially hard surfaced to the front. Given that a number of properties in the street scene are also hard surfaced to their front this would not be out of character.
- 7.18 Taking into account the above, the proposal is unacceptable and contrary to policy in those regards.

Impact on Residential Amenity.

- 7.19 Policy DM1 of the Development Management Document states that development should *“Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight.”*
- 7.20 The proposed dwellinghouse would be attached to the flank elevation with No.15 Aylesbeare and would sit some 1m back from the front elevation of No.15 and project a maximum of 4m beyond its main rear elevation, including the 3.2m deep single storey rear projection, which would contain no windows in its flank elevation. It is considered that this element of the proposal would not give rise to a loss of outlook, light, privacy or would adversely impact upon the amenities of the host property in terms of undue sense of enclosure and an overbearing impact.
- 7.21 To the rear (east) of the site are dwelling houses in Aylesbeare. No.17 is the nearest

dwelling to the site at range of some 15m but it sits behind No.11 Aylesbeare and is not set directly behind the proposed development. Given this distance, the dwelling and its rear facing windows and doors are not considered to give rise to any materially different impacts than those which presently exist nor result in any detrimental overbearing, perceived or actual dominant impacts upon this neighbouring property.

- 7.22 Directly to the rear of the dwelling, there would be a separation distance of some 30m between the proposed dwelling and dwellings to the east of the site, No's 33 & 35 Aylesbeare. First floor rear windows are proposed for the new dwelling that would face towards No's 33 & 35. It is not considered that this relationship would give rise to any detrimental overlooking or loss of privacy which would be materially worse than the present relationship between host property and No's 33 & 35 nor would it have any overbearing, perceived or actual dominant impacts upon these dwellings or result in any of loss of light.
- 7.23 In regard to the properties to the south of the site there would be a separation distance of some 16m between the flank elevation of the proposed dwelling and the front of properties in 53 & 55 Aylesbeare. The flank elevation would be blank and it is not considered that this relationship would not give rise to any detrimental overlooking or loss of privacy nor would it have any overbearing, perceived or actual dominant impacts upon the dwellings to the south of the site or result in any of loss of light.
- 7.24 To the west of application site, the nearest dwelling is No.22 Aylesbeare with a separation distance of some 25m between the front of the proposed dwelling and the front of No.22. Windows are proposed at first floor of the dwelling that would face west however it is not considered that this relationship would give rise to any detrimental overlooking or loss of privacy materially different than that the present relationship with host property nor would it have any overbearing, perceived or actual dominant impacts upon the dwellings to the south of the site or result in any of loss of light. No other properties would be materially affected by the proposed development to an extent that would justify the refusal of the application on those grounds.
- 7.25 The proposal would be acceptable and policy compliant in the above regards.

Standard of Accommodation:

- 7.26 Paragraph 127 of the NPPF states that "*Planning policies and decisions should ensure that developments: create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users*". It is considered that most weight should be given to the Technical Housing Standards that have been published by the government including those set out below :
- Minimum property size for a 2 storey 2 bedroom (3 person bed space) dwelling shall be 70 square metres.
 - Bedroom Sizes: The minimum floor area for bedrooms to be no less than 7.5m² for a single bedroom with a minimum width of 2.15m; and 11.5m² for a double/twin bedroom with a minimum width of 2.75m or 2.55m in the case of

a second double/twin bedroom.

- Floorspace with a head height of less than 1.5 metres should not be counted in the above calculations unless it is solely used for storage in which case 50% of that floorspace shall be counted.

Weight should also be given to the content of policy DM8 which sets out standards in addition to the national standards including.

- Provision of internal storage
- Amenity: Suitable space should be provided for a washing machine and for drying clothes, as well as private outdoor amenity, where feasible and appropriate to the scheme.
- Suitable, safe cycle storage with convenient access to the street frontage.
- Refuse Facilities: Refuse stores should be located to limit the nuisance caused by noise and smells and should be provided with a means for cleaning, such as a water supply.

- 7.27 The gross internal floorspace for the dwelling and bedroom sizes would exceed the minimum size required by the technical housing standards. All habitable rooms will be provided with sufficient windows and openings to provide adequate light, ventilation and outlook.
- 7.28 Policy DM8 states that new dwellings should make provision for usable private outdoor amenity space for the enjoyment of intended occupiers. A 45 sq.m amenity area for the proposed dwelling is located to the rear of the new building. The proposed amenity space would be acceptable and policy compliant.
- 7.29 Facilities for refuse storage are shown to the rear of the dwelling which would be acceptable and refuse waste could be transported to the Highway on the day of collection. Details the refuse storage could be secured via condition.
- 7.30 Policy DM8 of the Development Management Document states that all new dwellings should meet the Lifetime Homes Standards, which from the 1st October 2015 have been substituted by Building Regulation M4(2). The Design and Access statement states that the proposal would comply with M4 (2) and would have step free access to and from the parking space at the front of the house, to the entrance of the house and that the W/C and private outdoor space will also be step free. Subject to a condition requiring the development to be built in accordance with Building Regulations M4 (2) standard no objection is therefore raised on this basis.
- 7.31 Subject to conditions, the proposal is therefore acceptable and policy compliant in the above regards.

Highways and Transport Issues:

- 7.32 Policy DM15 states that a 2+ Bedroom Dwelling (house) should provide a minimum of two spaces per dwelling. Policy DM15 states that "Residential vehicle parking standards may be applied flexibly where it can be demonstrated that the development is proposed in a sustainable location with frequent and extensive links to public transport and/ or where the rigid application of these standards would have a clear detrimental impact on local character and context."

- 7.33 The existing dwelling has an integral garage and hard surfaced area to the front of the house accessed from an existing vehicle crossover. The arrangement to the existing dwelling would remain unchanged. The refused scheme would have extended the existing crossover and the width of the new crossover was contrary to policy and unacceptable in highway safety terms. The current plans show that the new dwelling would have a hard surfaced area to the front of the property that would be capable of accommodating at one vehicle and second parking space would be provided to the rear of the application plot. The proposed crossover to the front of the dwelling would be some 4.6m wide and the crossover to the rear would be 3.9m which would be policy compliant. The provision of the new crossover would require relocation of an existing lamp column to the side of the dwelling and there is a highway objection to this proposal as it is not considered appropriate to relocate the existing lamp column. The Vehicle Crossing Policy and Application Guidance states a proposed vehicle crossing must not result in the need to remove or relocate that is considered unsafe or substandard. The movement of the column may have a detrimental impact on the surrounding area in the hours of darkness. Furthermore the 1.8m height of the proposed boundary treatment would result in visibility issues for drivers using the vehicle crossovers and for pedestrians. The proposal would therefore be detrimental to highway and pedestrian safety and is unacceptable and contrary to policy in the above regards.
- 7.34 The location of the proposed vehicle crossovers would remove two on street parking spaces within this limb of Aylesbeare. Representations received indicate that this would exacerbate on street parking problems within Aylesbeare and that there is a high demand for parking spaces. Dwellings on the southern side of this limb of Aylesbeare appear to have each have two off street parking spaces in the form of integral garage and single or double spaces to the front of the properties. Two other dwellings within this section of Aylesbeare have a garage and a parking space in front of the garage and it is understood that the two remaining dwellings with no off street parking to the front have access to a parking space in a separate parking court off Aylesbeare. On balance, given that most of the dwellings in Aylesbeare have off street parking within the curtilage of individual properties, it is considered that the loss of off street parking would not give rise to an unacceptable increased demand for spaces.
- 7.35 The submitted plans show a cycle storage facility to the side of the proposed dwelling however limited details have been provided. The site has sufficient space to accommodate a secure cycle parking store and the location of this could be achieved via a condition should the proposal otherwise be deemed acceptable.
- 7.36 The highways and parking implications are considered unacceptable and would fail to comply with policy in the above regards.

Sustainability

- 7.37 Core Strategy Policy KP2 and the Design and Townscape Guide require that 10% of the energy needs of a new development should come from on-site renewable resources, and also promote the minimisation of consumption of resources. No details have been submitted to demonstrate this proposal would provide 10% of the energy needs however there is space to provide this, e.g. PV cells on the roof slopes which are shown on the submitted plans and it is considered this could be required by condition should the proposal otherwise be deemed acceptable.

- 7.38 Policy DM2(iv) of the Development Management Document requires all new development to provide “water efficient design measures that limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption). Such measures will include the use of water efficient fittings, appliance and water recycling systems such as grey water and rainwater harvesting.’ No detailed information has been submitted but this could be achieved by condition if the application were otherwise deemed acceptable.

Community Infrastructure Levy

- 7.39 This application is CIL liable. If the application had been recommended for approval, a CIL charge would have been payable. If an appeal is lodged and allowed the development will be CIL liable. Any revised application would also be CIL liable.

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 development plan policies and guidance. The proposal would conflict with the grain of the local area and would be out of keeping with and detract from the character and appearance of the site and wider locale. The location of the proposed vehicle crossovers and relationship to the boundary treatment would result in limited visibility for vehicles exiting the site and this would be detrimental to highway and pedestrian safety. The removal of a lamp column has not been justified and its relocation is not considered to be acceptable. The identified harm is not outweighed by public benefits including the proposal’s limited provision of additional housing. For the above reasons, the proposed development is unacceptable and fails to comply with planning policy. The application is therefore recommended for refusal.

9 Recommendation

REFUSE PLANNING PERMISSION for the following reasons

- 01 **The proposed development by reason of its size, design and siting would conflict with the grain of the local area and would be out of keeping with and detract from the character and appearance of the site and wider locale. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework; 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).**
- 02 **The proposed development would, by reason of the height of the proposed boundary treatments and relationship to the proposed vehicular crossovers create conditions detrimental to highway and pedestrian safety. The proposal would also require the relocation of a light column which has not been justified. The proposed development is therefore unacceptable and contrary to policy CP3 of the Core Strategy (2007), policies DM3 and DM15 of the Development Management Document (2015) and the advice contained in the Vehicle Crossing Policy and Application Guidance (2014).**

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. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development, should the applicant wish to exercise this option in accordance with the Council's pre-application advice service.

Informatives

- 01 Please note that this application would be liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended) if planning permission had been granted. Therefore if an appeal is lodged and subsequently allowed, the CIL liability will be applied. Any revised application might also be CIL liable.**