

<b>Reference:</b>	20/01276/FUL
<b>Application Type:</b>	Full Application
<b>Ward:</b>	Belfairs
<b>Proposal:</b>	Erect single storey rear extension and form side doorway
<b>Address:</b>	Elmsleigh Hall, Elmsleigh Drive, Leigh-On-Sea
<b>Applicant:</b>	Gill Pedler
<b>Agent:</b>	Gill Pedler of Church Growth Trust
<b>Consultation Expiry:</b>	28th September 2020
<b>Expiry Date:</b>	6 <sup>th</sup> November 2020
<b>Case Officer:</b>	Kara Elliott
<b>Plan Nos:</b>	<b>S168-01, S168-02, S168-03, S168-04, S168-05, S168-06</b>
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION subject to conditions</b>



## **1 Site and Surroundings**

- 1.1 The application site relates to an existing place of worship built in the 1930's located within a residential setting within Elmsleigh Drive.
- 1.2 The site is not the subject of any site-specific policy designations and does not contain a Listed Building.

## **2 The Proposal**

- 2.1 Planning permission was refused in 2017 for similar development (reference 17/01572/FUL). The previous refusal proposed a 5 metre deep extension with a height of some 3.3 metres and would have spanned the width of the existing building. The application was refused for two reasons. The first of these concerned a proposed front addition which does not form part of the current application. The second reason related to the rear addition and stated;

*2. The proposed rear extension, by reason of its height, bulk, size and siting results in an overbearing and dominant relationship with and an increased sense of visual enclosure and loss of light at 41 Elmsleigh Drive, to the detriment of the residential amenities of the occupiers of this property.*

- 2.2 The proposed rear addition would still be 5 metres deep but would be set in 2.25 metres from the northern flank of the existing building. The width of the extension would be 5.3 metres and would be set some 1.4 metres from the southern boundary. There would be a gap of approximately 3.15 metres from the northern flank elevation of the extension and the boundary to the north shared with no.41 Elmsleigh Drive. A window and door is proposed to the northern flank elevation and two windows to the rear.
- 2.3 The extension is proposed to be finished in white render with upvc windows and doors to match existing with a flat felt roof.
- 2.4 A new door is proposed to the southern flank of the existing building towards the rear.

## **3 Relevant Planning History**

- 3.1 17/01572/FUL – Erect single storey front and rear extensions - Refused

## **4 Representation Summary**

### **Environmental Health**

- 4.1 No objection. Suggests standard conditions in relation to construction hours and no burning of waste.

## **Public Consultation**

4.2 Seven neighbouring properties were consulted and a site notice displayed. Four letters of representation were received which make the following objections;

- Loss of neighbour amenity from; loss of light, loss of outlook, noise impacts, loss of privacy, impacts from use of new side doorway.
- Increase in parking demand;
- Flood Risk;
- Fire Risk;
- Fears that the development will change the use of the building;
- Air conditioner installed without permission.

4.3 The points of objection have been taken into consideration in the assessment of the application but are not found to justify reasons for refusal in the circumstances of this case. The application site is not located within a flood risk area. Full assessment of the material considerations is in the main body of this report.

4.4 The application is presented to the Development Control Committee for determination at the request of Cllr C Mulroney.

## **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), CP4 (Environment and Urban Renaissance) and CP6 (Community Infrastructure).

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

5.4 The Design & Townscape Guide (2009).

5.5 CIL Charging Schedule (2015).

## **6 Planning Considerations**

6.1 The key considerations in relation to this application are whether the development overcomes the previous refusal, the principle of the development, design and impact on the character of the area, highway safety and parking impacts, impacts on residential amenity and CIL contributions.

## **7 Appraisal**

### **Principle of Development**

- 7.1 Policy DM1 of the Development Management Document supports good quality, innovative design that contributes positively to the creation of successful places. Similarly, policy DM3 states that development will be required to make a positive contribution to the character of the existing building and the surrounding area.
- 7.2 The National Planning Policy Framework paragraph 92(a) states; *“To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.”*
- 7.3 The proposed development is considered acceptable in principle. The proposal would provide enhanced community facilities in line with the objectives of development plan policy as well as national planning policy guidance. The principle of development was not a reason for refusal of the 2017 application. Other material planning considerations are discussed below.

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

- 7.4 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 Policies DM1 and DM3 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.”*
- 7.5 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.”*
- 7.6 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 DM3 (5) also advises that; *‘Alterations and additions to a building will be expected to make a positive contribution to the character of the original building and the surrounding area through;*  
*(i) The use of materials and detailing that draws reference from, and where appropriate enhances, the original building, and ensures successful integration with it; and*

*(ii) Adopting a scale that is respectful and subservient to that of the original building and surrounding area; and*  
*(iii) Where alternative materials and detailing to those of the prevailing character of the area are proposed, the Council will look favourably upon proposals that demonstrate high levels of innovative and sustainable design that positively enhances the character of the original building or surrounding area.'*

- 7.8 Due to its rear siting, absence from views from the streetscene and its modest size, scale, height and bulk, the proposed rear addition has a modest impact on the character and appearance of the building and the wider surrounding area. It is not considered that the flat roof rear addition, projecting 5m would result in a visual material harm. The materials would match the existing building.
- 7.9 No objection is raised on visual grounds in relation to the insertion of the door to the south which would not be visible from the public realm and is minor in nature.
- 7.10 There was no objection raised to the former rear extension on visual, character or appearance grounds. The proposed development is considered to be acceptable and policy compliant 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 “having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.”
- 7.12 In the assessment of the previous application it was found that a 5 metre deep extension spanning the width of the building would have resulted in materially harmful impacts on the amenity of the neighbours at no.41 to the north. The proposed development subject of this application therefore attempts to overcome this harm by setting in the extension further from the boundary with no.41. The land levels of the application site are slightly raised higher than those of No 41. The proposed 5m deep addition would be sited off the boundary to the north shared with no.41 by 3.15 metres, starting from the same position as an existing single storey rear addition which is proposed to be replaced by the proposed development.
- 7.13 It is considered on balance that the proposed addition would be set sufficiently away from no.41 and its boundary so as to not result in materially harmful impacts on the amenity of the occupiers of no.41 Elmsleigh Drive through a loss of light, dominant impacts or an increased sense of enclosure. There is a small window and door proposed to the north flank elevation of the addition but due to its single storey nature, distance from the boundary there is no objection raised in relation to a loss of privacy or overlooking.

- 7.14 No.37 to the south is located some 6.15 metres behind the rear building line of the application building. The rear addition at 5 metres, whilst deep, would be set approximately 1.25 metres from the shared boundary and due to its single storey nature, its distance from the rear of no.37 and as the ground levels rise up towards the south it would not result in overshadowing or a loss of light to the rear windows of no.37, the proposed development would not result in material harm from overlooking, loss of privacy, loss of light, dominant impacts or an increased sense of enclosure.
- 7.15 The proposed side door to the existing building on the southern flank would form a secondary access which would not result in material harm from disturbance or a loss of privacy from the occupiers at no.37.
- 7.16 Due to the distances to the neighbouring occupiers to the west (rear) of approximately 30 metres it is not considered that the proposed development would have a detrimental impact on the amenity of any other neighbouring properties.
- 7.17 In terms of impacts on neighbour amenity in relation to noise and disturbance, it is not considered that the proposed extension to the place of worship would result in any additional levels of noise which would be of significant material harm to justify a reason for refusal on that ground.
- 7.18 It is therefore considered that the proposed development overcomes the previous reason for refusal and would be acceptable and policy compliant in regards to neighbour amenity.

### **Transport and Parking**

- 7.19 The proposed development would result in an increase in floorspace for the existing place of worship amounting to 26.5m<sup>2</sup>. The existing floorspace is approximately 142m<sup>2</sup>. As a result of the proposed development, a total of up to 17 off-street parking spaces are required when assessed against policy DM15 of the Development Management Document (1 space per 10m<sup>2</sup> for D1 use). These standards are expressed as a maximum and the reliance on the private car is discouraged, with sustainable public transport options encouraged. There is currently no off-street parking for the application site.
- 7.20 A supporting statement accompanied the previous application stating that there is a requirement for the rear extension to provide a 'school room' for use for young persons on a Sunday morning to attend youth projects in the community. No such statement has been submitted this time but the application form states that the development is to be in line with the existing use, i.e. a place of worship as previous. Due to its modest increase in size and as it does not propose a change of use, it is considered that the proposed development would not result in increased parking demand resulting in significant harm to the area in terms of highways impacts or parking impacts.

- 7.21 Therefore, no objection is raised in relation to highway or parking and the proposal is acceptable and policy compliant in this regard. This is consistent with the previous application, which proposed a larger addition.

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

- 7.22 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 proposed development is on balance considered to overcome the reason for refusal of the previous application, would have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site and the locality more widely. The proposal would not result in any adverse impact on parking provision or highway safety. 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 this decision.**

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

- 02 The development hereby permitted shall be carried out in accordance with the following approved plans: S168-01, S168-02, S168-03, S168-04, S168-05, S168-06.**

**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) Policy DM1 and advice contained within the Design and Townscape Guide (2009).

- 04** The roof of the single storey rear extension hereby approved shall not be used as a balcony, roof garden or similar amenity area or for any other purpose unless express planning permission has 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), Core Strategy (2007) Policy CP4, Development Management Document (2015) Policy DM1, and the advice contained within 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.

### **Informative**

- 1.** You are advised that as the proposed extension(s) to your property equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil) for further details about CIL.
- 2.** 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.