

<b>Reference:</b>	20/01368/FUL
<b>Application Type:</b>	Full Application
<b>Ward:</b>	Milton
<b>Proposal:</b>	Replace windows, french doors and timber balcony to rear second and third floors (retrospective)
<b>Address:</b>	Second And Third Floors, 23 High Street, Southend-on-Sea
<b>Applicant:</b>	Mr M Guler
<b>Agent:</b>	Mr T Ay of Delta Tech Ltd
<b>Consultation Expiry:</b>	24th September 2020
<b>Expiry Date:</b>	5th November 2020
<b>Case Officer:</b>	Abbie Greenwood
<b>Plan Nos:</b>	<b>23b/P/01, 23b/3/02, 23b/P/03</b>
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b>



## **1 Site and Surroundings**

- 1.1 This application relates to the 2<sup>nd</sup> and 3<sup>rd</sup> floors of 23 High Street in Southend. The lower floors including ground and 1<sup>st</sup> are not part of the application site. 23 High Street forms part of a terrace late Victorian buildings on the west side of the High Street facing The Royals. It is also part of a wider enclosed street block which includes properties on Alexandra Street and Market Place.
- 1.2 23 High Street contains a retail unit at ground floor (hairdressers). The agent has confirmed that the upper floors of the building are currently in residential use. This is the same general arrangement as the neighbouring buildings at 21 and 19 High Street to the south. The adjoining neighbour to the north 25 High Street is a fish and chip shop with upstairs seating. To the north east the properties at 3-7 Alexandra Street are also retail premises with what appears to be ancillary storage on the upper floors.
- 1.3 The site falls within the SCAAP Policy Area and is located within the Town Centre Primary Shopping Zone The front of the building is designated as a secondary shopping frontage. The site falls within the High Street Policy Area.

## **2 The Proposal**

- 2.1 The proposal seeks consent to retain the new windows, French doors and balcony which have been installed on the rear elevation at 2<sup>nd</sup> and 3<sup>rd</sup> floor only. The proposal is not seeking any consent for any changes to the lower floors or in relation to the use of the building.
- 2.2 The submitted existing plan suggests that the new fenestration and balcony are like for like replacements for the same arrangement of openings and balcony which previously existed in this location, however, photographic evidence shows that the French doors and balcony are new additions to this elevation. Only the dormer in the third floor and northernmost second storey window previously existed. A corrected pre-existing elevation has been requested but this information has not been provided. It is considered that the absence of an accurate drawing of the previous arrangement has not prejudiced the appraisal of this application.
- 2.3 The agent has confirmed that the upper floors of the building are currently in residential use. It is noted that there is no planning permission, prior approval or certificate of lawfulness for the change of use of the upper floors of the building from ancillary retail to residential use, however, as the application which has been submitted is solely for the changes to the fenestration and balcony, the use of the building falls outside the scope of the application and therefore will not be assessed as part of this application. The applicant will be advised by way of an informative that a Certificate of Lawful Development (existing) or full planning application should be submitted in relation to this issue.

## **3 Relevant Planning History**

- 3.1 14/02089/FUL - Erect first and second floor rear extensions, alter shop front to form new residential entrance, change use of first floor from Storage (Class B8) to Beauty Salon (Sui Generis) and alter elevations – application returned as the application was invalid.

3.2 87/0253 - use ground floor and basement of shop as restaurant – granted

## **4 Representation Summary**

### **Public Consultation**

4.1 17 neighbouring properties were consulted. No letters of representation have been received.

4.2 The application was called to committee by Councillor Evans.

## **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 (The Environment and Urban Renaissance)

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

5.4 Southend Central Area Action Plan (SCAAP) (2018) Policies DS1 (A Prosperous Retail Centre) and PA1 (High Street Policy Area Development Principles)

5.5 Design & Townscape Guide (2009)

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

## **6 Planning Considerations**

6.1 As noted above this proposal relates to the installation of new fenestration and a balcony only. The main considerations in relation to this application are therefore the principle of the development, the design and impact on the character and appearance of the building and wider area and the impact on the amenities of neighbouring properties. It is not considered that the scope of the application would have any bearing on the standard of accommodation for occupiers, traffic and transportation or sustainability. The principle of the residential use also falls outside the scope of this application.

## **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 new and enlarged windows and a balcony in this location is therefore acceptable subject to the above considerations.

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

- 7.2 Paragraph 124 of the NPPF states *'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. Being clear about design expectations and how these will be tested, is essential for achieving this.'*
- 7.3 *Policy KP2 of the Core Strategy advocates the need for all new development to "respect the character and scale of the existing neighbourhood where appropriate and secure improvements to the urban environment through quality design". Policy CP4 of the Core Strategy states "development proposals will be expected to contribute to the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend by maintaining and enhancing 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 advocate the need for good quality design that contributes positively to the creation of successful places. All developments should respect the character of the site, its local context and surroundings in terms of its architectural approach, height, scale, form and proportions.
- 7.5 The proposal is seeking to retain the new French doors and balcony which have been recently installed to the rear of the building at 2<sup>nd</sup> floor level and to retain the replacement windows at 2<sup>nd</sup> and 3<sup>rd</sup> floor at the rear.
- 7.6 The property is part of a terrace of mixed use buildings on the west side of Southend High Street. To the rear the terrace faces into the centre of the perimeter block which is enclosed by properties in the High Street, Alexandra Street and Market Place. The arrangement of buildings is such that only the dormer can be seen from the surrounding streets. The alterations which have been undertaken at second floor are entirely hidden by the surrounding buildings.
- 7.7 The properties in the High Street adjacent to the site include residential uses at the upper floors a number of which have terraces and balconies facing into the enclosed area to the rear. The proposal seeks to retain the balcony which has been installed on the rear elevation at 2<sup>nd</sup> floor level. Given the surrounding context, it is considered that a balcony would be compatible with local character in this location.
- 7.8 The arrangement of fenestration and the scale of the balcony sit comfortably with the overall composition of the rear elevation. The replacement windows are upvc and have been changed to casements, however, there are a wide variety of window styles in this area and this proposal does not relate to a heritage asset. The windows and balcony which have been installed sit comfortably in this context.
- 7.9 The design, scale and form of the proposal is therefore acceptable and the proposal is policy compliant in respect of design and character matters.

## Impact on Residential Amenity

- 7.10 Paragraph 343 of the Design and Townscape Guide 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.*”
- 7.11 As noted above the proposal is seeking to retain the French doors and balcony which have been installed at the rear at second floor level and the replacement windows at 2<sup>nd</sup> and 3<sup>rd</sup> floor levels. It is therefore necessary to consider the impact of the proposal on the amenities of adjacent occupiers. The Council is aware that there is no formal consent for the residential use of the application site, however, it is considered that this does not prejudice the assessment of the impact on neighbouring properties as the outlook from the balcony and French doors is not dependant on the use.
- 7.12 There are a number of existing residential uses close to the site. Number 21, adjacent to the south has been converted to flats above ground level. This conversion includes a terrace at second floor level adjacent to the application balcony and a small amenity area one level lower at first floor. Further south is 19 High Street which also comprises of flats at the upper levels. This building has a small amenity deck to the rear lower down at 1<sup>st</sup> floor which is set out from the rear of the building. It is noted that none of these amenity areas on the adjacent properties have any privacy screens and as a result there is a degree of mutual overlooking from the existing terraces in this location, however, the approval at number 21 (reference 13/00914/FUL) required a privacy screen to be installed on the south side of the 2<sup>nd</sup> floor terrace to prevent overlooking of 19. This has not been installed.
- 7.13 The new balcony extends to the southern boundary of the site and is a similar size and alignment as the terrace at second floor at number 21. There is a distance of approximately 1.8m between the two amenity areas. The new balcony is set around 9m from the amenity deck at 19 High Street. This area is located at an angle of about 45 degrees out from the site and is partially screened by the commercial building to the north.
- 7.14 Overall it is considered that the new balcony does result in material overlooking of these amenity areas and this is currently unacceptable, however, if a privacy screen were to be installed on the southern side of the balcony, this impact would be adequately mitigated. It is therefore considered that subject to a condition requiring that a privacy screen be installed, the impact of the balcony on the amenities of the adjacent residential properties is, on balance, considered to be acceptable in this context. Given the relatively limited depth of the balcony, it is considered that such a privacy screen would not result in any material harm to the residential amenity of adjoining residents in terms of dominance, an overbearing impact, loss of light and outlook or overshadowing.
- 7.15 To the north and west of the site are commercial buildings. The building to the north, 3-7 Alexandra Street, has 3 small dormers facing into the rear area at second floor level one of which is relatively close to the application balcony.

The building to the west is 2 storey only and therefore lower than the balcony and has no openings to the rear. Overall it is considered that the proposal will have an acceptable impact on the amenities of these commercial occupiers.

- 7.16 The other replacement windows subject of this application are within existing openings so any overlooking from these is unchanged and remains acceptable.
- 7.17 Overall therefore, subject to the condition noted above requiring a privacy screen to be installed to the south side of the balcony, the impact on the amenities of neighbouring occupiers is, on balance, considered to be acceptable and the proposal is policy compliant in this regard.

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

- 7.18 This proposal relates to replacement windows and the installation of a balcony only so there is no new floorspace or additional dwelling units consented as part of this proposal. 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 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. The proposal would have an acceptable impact on the character and appearance of the application site, street scene and the locality more widely, and, subject to conditions and on balance, an acceptable impact on the amenities of neighbouring occupiers. There would be no materially adverse traffic, parking or highways impacts caused by the proposed development. This application is therefore recommended for approval subject to conditions.

## **9 Recommendation**

- 9.1 **Members are recommended to GRANT PLANNING PERMISSION subject to the following conditions:**

**01 The development hereby permitted shall be carried out in accordance with the following approved plans: 23b/P/02, 23b/P/03.**

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

**02 Within 4 months of the date of this permission a privacy screen of not less than 1.7m high above the balcony floor level shall be installed on the south side of the second floor balcony hereby approved, in accordance with details which have been submitted and previously agreed in writing with the local planning authority. The screen shall be retained for the lifetime of the development in accordance with the approved details.**

**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 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.**

**Informatives:**

- 01 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.**
- 02 The applicant is informed that that the residential use of the upper floors of the building does not benefit from planning consent and therefore it is advised that a planning application or certificate of lawful use (existing) is submitted to the Council for consideration. For the avoidance of any doubt this permission relates solely to the works set out in the description of development. It does not grant permission for any change of use at the site.**