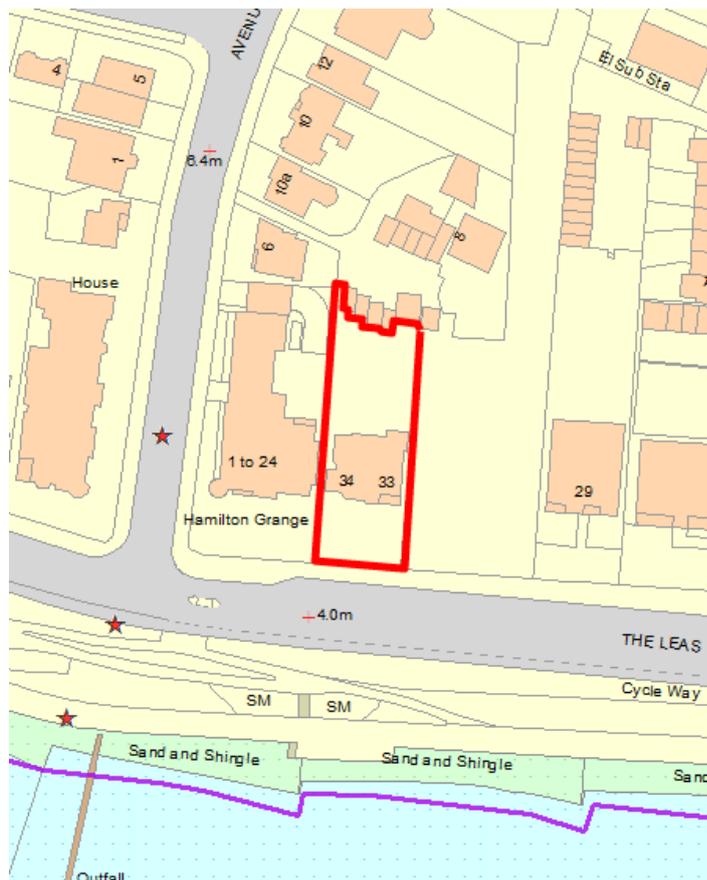


<b>Reference:</b>	20/01654/FUL	
<b>Application Type:</b>	Full Application	
<b>Ward:</b>	Chalkwell	
<b>Proposal:</b>	Install glazed lift shaft to side of existing building for access to Dwelling (Amended Proposal)	
<b>Address:</b>	Penthouse, 33 - 34 The Leas, Westcliff-On-Sea	
<b>Applicant:</b>	Mr M Bilkus	
<b>Agent:</b>	Mr Paul Seager of APS Design Associates Ltd	
<b>Consultation Expiry:</b>	4th November 2020	
<b>Expiry Date:</b>	11th December 2020	
<b>Case Officer:</b>	Spyros Mouratidis	
<b>Plan Nos:</b>	<b>3067 01, 3067 02, 3067 03, 3067 04 REV A, 3067 05 REV A, 3067 06 REV A</b>	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION subject to conditions</b>	



## 1 Site and Surroundings

- 1.1 The application site is located on the northern side of the Leas and contains a former pair of Edwardian semi-detached houses which have been converted into flats. The building has undergone a number of alterations and over time has lost a number of key features as part of this conversion particularly at the upper levels. There is parking for eight cars on the frontage and a raised amenity terrace against the building.
- 1.2 The site is located on the seafront at Chalkwell and sits within the Crowstone Conservation Area. The area is residential in character. The forecourt area is within Flood Zone 2. The site falls within Seafront Character Area 4 as designated by policy DM6 of the Development Management Document.

## 2 The Proposal

- 2.1 Planning permission is sought for the installation of an external lift and the associated enclosure. The proposed lift enclosure, also referred to here as a lift shaft, would be located to the western side of the building, behind a two-storey projection and would measure 1.3m wide by 1.6m deep by 10.2m high and it is proposed to have a flat roof. Above the ground floor level of the lift shaft there would be a canopy projecting 0.7m to the rear from the proposed structure. It is proposed to construct the lift shaft with white powder coated aluminium glazed sections.
- 2.2 The application is supported by a Design and Access Statement, an example of a lift shaft enclosure that has been constructed elsewhere, lift manufacturer specifications and medical records of the applicant from the applicant's GP. It is stated that the lift is needed for medical reasons and evidence about the applicant's medical condition has been supplied in support of the application. This proposal is an amended scheme following refusal of planning application 20/00928/FUL (the "2020 Application"). The main difference between the two schemes is the omission of a front extension at second floor level and the increase in height of the proposed lift shaft from 9.9m to the currently proposed height of 10.2m. During the course of this application the proposal was amended to reduce the height of the lift shaft enclosure from 12.8m to the currently proposed height.

## 3 Relevant Planning History

- 3.1 The relevant planning history of the site is shown on Table 1 below:

**Table 1: Relevant Planning History of Application Site**

Reference	Description	Outcome
18/01642/FUL	Remove existing tarmac and layout new block paving and drainage to parking area, amend layout of front terrace including new raised planter and new paving, render existing front boundary wall and install new flower beds to all sides of parking area, associated landscaping and erect bin store (part retrospective)	Permission Granted [11.12.2018]
19/01079/AD	Application for approval of details pursuant to condition 03 (materials) and	Details Agreed [04.07.2019]

	condition 04 (details of soft landscaping) of Planning Permission 18/01642/FUL dated 11.12.2018	
19/01896/FUL	Alter mansard roof and elevation to form balcony with glazed balustrade and install windows/doors to the front and side elevations (Retrospective).	Permission Granted [30.12.2019]
20/00928/FUL (the 2020 Application)	Erect third floor front/side extension and extend balcony to front and install glazed lift shaft to side for access to existing dwelling	Refused [11.09.2020]

- 3.2 The officer's report for the 2020 Application is appended to this report as Appendix 1. The basis of the previous refusal is a material consideration of significant weight in the determination of the current proposal.

#### 4 Representation Summary

##### Call-in

- 4.1 The application has been called-in to the Development Control Committee by Councillor Folkard.

##### Public Consultation

- 4.2 Forty-one (41) neighbouring properties have been consulted, a site notice was displayed and a public notice was published in the local press. Objecting representations from six (6) individuals have been received and are summarised as follows:

- Negative impact on character and appearance of the area.
- Negative impact on conservation area.
- Residential amenity concerns.
- Loss of privacy, light and views.
- Increase of noise and disturbance from the lift.
- Vibration from the lift.
- Noise and disturbance during construction.
- Health and safety issues.
- The reason for the lift is to separate the flat into two smaller flats or create a new flat in the loft without additional parking.
- A different lift shaft is required.
- The management company for the building does not agree with its installation.
- The installation of the lift will impact the access of residents to the rear garden.
- There is no confidence as to the quality of the works; previous works by the applicant resulted in roof leaks.

- 4.3 The comments have been taken into consideration and those raised relevant to planning matters are discussed in the relevant sections of the report. The objecting points raised by the representations are not found to represent material reasons for recommending refusal of the planning application in the circumstances of this case.

##### Conservation Officer

- 4.4 No objections to amended proposal .

## **Fire Brigade**

4.5 No objections.

## **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), CP4 (Environment and Urban Renaissance).

5.4 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM5 (Southend on Sea Historic Environment), DM6 (The Seafront), DM15 (Sustainable Transport Management).

5.5 Design & Townscape Guide (2009)

5.6 Crowstone Conservation Area Appraisal (2009)

5.7 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 streetscene and wider area, including the Crowstone Conservation Area, the impact on residential amenity, traffic and transportation issues, the special personal circumstances put forward by the applicant in light of the equality act and whether the development would be liable for CIL.

## **7 Appraisal**

### **Principle of Development**

7.1 When the 2020 Application was considered, the principle of the development was found to be acceptable. This has not changed for this application which remains equally acceptable in principle. Other material planning considerations are discussed in the following sections of this report.

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

7.2 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.”

7.3 The site is located within the Crowstone Conservation Area. Section 72 (1) of the Planning and Listed Buildings and Conservation Areas Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character or

appearance of conservation areas. This is reinforced by Development Management Policy DM5 which states:

1. All development proposals that affect a heritage asset will be required to include an assessment of its significance, and to conserve and enhance its historic and architectural character, setting and townscape value.
2. Development proposals that result in the total loss of or substantial harm to the significance of a designated heritage asset, including listed buildings and buildings within conservation areas, will be resisted, unless there is clear and convincing justification that outweighs the harm or loss. Development proposals that are demonstrated to result in less than substantial harm to a designated heritage asset will be weighed against the impact on the significance of the asset and the public benefits of the proposal, and will be resisted where there is no clear and convincing justification for this.

7.4 Policy DM6 which relates to development within the seafront area states that: “Existing buildings along the Seafront that form a cohesive frontage, have a historic context or are recognised as key landmarks and/or contribute to a distinctive Southend sense of place will be retained and protected from development that would adversely affect their character, appearance, setting and the importance of the Seafront.”

7.5 Policy Table 1 ‘Seafront Character Zones’ states that within character zone the development principles include:

(iv) Resist inappropriate development fronting the Seafront to ensure that established seafront architectural style and form is maintained in this location.

(vi) In all areas the vernacular form and fine urban grain of the seafront that defines this character zone will be preserved. Further amalgamation of existing plots and large format bulky buildings are not considered appropriate and will be resisted.

7.6 When the 2020 Application was considered it was found that the form and appearance of that proposal would be materially harmful. In this instance, the proposed development would be set back from the highway and would not be conspicuous within the streetscene. While it remains a form of development that would appear clearly as a later addition to the building, the resulting harm is significantly less than that previously identified. It is considered that, subject to a condition requiring samples and details of materials to be used on the external surfaces of the proposal, any resulting harm could be materially outweighed by the identified benefit to the applicant and the creation of an accessible dwelling.

7.7 The harm to the significance of the historic asset is less than substantial and moderate in degree but the circumstances of the case would not warrant the refusal of the application in this instance. On balance and subject to conditions, the development is acceptable and in line with policy in these regards.

### **Impact on Residential Amenity**

7.8 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.”

- 7.9 The property subject of the application is located above existing residential units and some 1.5m from the neighbouring block of flats to the west. Concerns have been raised by neighbouring residents that the proposed development would result in loss of light to the side of their properties. The proposed development would result in some loss of light to either secondary windows of habitable rooms or primary windows of non-habitable rooms. Hence, it would not be materially detrimental to the residential amenity of neighbours in this regard. Given the position of the proposal, some additional sense of enclosure, loss of outlook and overbearing effect would be experienced from those same side areas of the neighbouring properties but the situation would not be materially worse than it currently is within the confined space between two tall buildings. Concerns about privacy arising from the proposed lift shaft can be addressed with conditions to secure the lift does not cause overlooking. Similarly, conditions can reasonably address the concerns regarding noise, vibration and disturbance arising from the use of the lift and during the construction of the development. In the round, the proposal would be acceptable and in line with policy in these regards, subject to conditions.

### **Traffic and Transportation Issues**

- 7.10 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.
- 7.11 The development would not alter the access and parking arrangements to the site and would not increase the demand for parking. The development has no material impact on the highway safety, parking provision or free flow of traffic in the area. The development is acceptable and policy compliant in the above regards.

### **Equality Act**

- 7.12 The Equality Act 2010 (the Act) sets a general duty on public bodies in Section 149 of the Act. The duty requires the Council to have due regard to the need to eliminate discrimination and promote equality with regard to those with protected characteristics, such as race, disability, and gender, including gender reassignment, religion or belief, sex, pregnancy or maternity, and foster good relations between different groups when discharging its functions. Equality duties require public authorities to demonstrate that any decision it makes is reached in a fair, transparent and accountable way, considering the needs and the rights of different members of the community. This is achieved through assessing the impact that changes to policies, procedures and practices could have on different protected groups.
- 7.13 Based on the information submitted the proposal is intended to result in potential benefits to the applicant. The proposal would be demonstrably harmful to the character and quality of the built environment including the Conservation Area to a moderate degree. Personal circumstances generally referred to would not warrant a grant of planning permission but their combination with the public benefit of providing one accessible residential unit would, on balance, justify the grant of planning permission in this instance having regard to the extent of conflict with relevant development plan

policies.

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

- 7.14 As the proposed development would not create more than 100m<sup>2</sup> 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 acceptable and in line with local and national planning policies. Although the proposal would result in less than substantial harm to the Conservation Area, on balance, the benefit to the Applicant, attributing due weight to their medical condition, and the public benefit of making a residential unit accessible would outweigh the moderate identified harm and justify the grant of planning permission in the circumstances of this case. The proposal would be acceptable subject to conditions in terms of its impact on the neighbouring residential amenity and no harmful impact has been identified in terms of highway safety. The application is, therefore, recommended for approval subject to conditions.

## **9 Recommendation**

### **9.1 GRANT PLANNING PERMISSION subject to conditions:**

- 01 **The development hereby permitted shall be begun not later than 3 years beginning with the date of this permission.**

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

- 02 **The development hereby approved shall be carried out in accordance with the approved plans: 3067 01, 3067 02, 3067 03, 3067 04 REV A, 3067 05 REV A, 3067 06 REV A.**

**Reason: To ensure the development is carried out in accordance with the development plan.**

- 03 **No development above ground level shall take place on site until details of noise and vibration mitigation measures to ensure that the development hereby approved would be inaudible from and would not cause any harmful vibration to any nearby habitable room, have been submitted to and approved in writing by the Local Planning Authority. The measures shall be fully implemented as approved prior to the first use of the development hereby approved.**

**Reason: To mitigate the noise and vibration from the approved development in the interest of the living conditions of future occupiers in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).**

- 04 No construction above ground floor level shall take place on site until samples and details of the materials to be used on the external surfaces of the development, including roof, walls and fenestration have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details before it is brought into first use and shall be retained as such for the lifetime of the development.**

**Reason: In the interest of visual amenity and to avoid any detrimental overlooking in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3, and the advice contained within the National Design Guide (2019) and the Design and Townscape Guide (2009).**

- 05 Construction works for the approved development on site shall only be undertaken between 8 am to 6 pm on weekdays, between 8 am and 1 pm on Saturdays and not at any time on Sundays and Public Holidays.**

**Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).**

**The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, 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:**

- 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](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy)) or the Council's website ([www.southend.gov.uk/cil](http://www.southend.gov.uk/cil)) for further details about CIL.**
- 2 As part of Condition 4, details should be submitted to demonstrate that the approved development would not cause materially harmful overlooking towards neighbouring windows and gardens.**

<b>Delegated Report</b>
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<b>Reference:</b>	20/00928/FUL
<b>Application Type:</b>	Full Application
<b>Ward:</b>	Chalkwell
<b>Proposal:</b>	Erect third floor front/side extension and extend balcony to front and install glazed lift shaft to side for access to existing dwelling
<b>Address:</b>	Penthouse, 33 - 34 The Leas, Westcliff-On-Sea
<b>Applicant:</b>	Mr M Bilkus
<b>Agent:</b>	Mr Paul Seager of APS Design Associates Ltd
<b>Consultation Expiry:</b>	2nd September 2020
<b>Expiry Date:</b>	11th September 2020
<b>Case Officer:</b>	Spyros Mouratidis
<b>Plan Nos:</b>	<b>3016 01, 3016 02, 3016 03, , 3016 04 REV B, 3016 05 REV B, 3016 06 REV B</b>
<b>Recommendation:</b>	<b>REFUSE PLANNING PERMISSION</b>

## 1 Site and Surroundings

- 1.1 The application site is located on the northern side of the Leas and contains a former pair of Edwardian semi-detached houses which have been converted into flats. The building has undergone a number of alterations and has lost a number of key features as part of this conversion particularly at the upper levels. There is parking for 8 cars on the frontage and a raised amenity terrace against the building.
- 1.2 The site is located on the seafront at Chalkwell and sits within the Crowstone Conservation Area. The area is residential in character. The forecourt area is within Flood Zone 2. The site falls within Seafront Character Area 4 as designated by policy DM6 of the Development Management Document.

## 2 The Proposal

- 2.1 Planning permission is sought for the erection of a front and side, second floor extension and the installation of a lift. The proposed extension would be to the south-western part of the second floor and would measure a maximum of 5.1m deep by 3.5m wide. It would have a flat roof with a lantern reaching a maximum height of 11.6m above ground level and increasing the height of this part of the building by a maximum of 4m. The proposed extension would be finished in materials to match the existing building. Juliet balconies

would be installed to the south-western part of the extension.

- 2.2 The proposed lift would be located to the rear of the proposed extension. The lift would require the erection of a lift shaft measuring 1.3m wide by 1.6m deep by 9.9m high and it is proposed to have a flat roof. Above the ground floor level of the lift shaft there would be a canopy projecting 0.7m to the rear from the proposed shaft. It is proposed to construct the lift shaft with white powder coated aluminium glazed sections.
- 2.3 The application is supported by a Design and Access Statement, an example of a lift shaft that has been constructed elsewhere, lift manufacturer specifications and medical records of the applicant. It is claimed that the lift is needed for medical reasons. During the consideration of the application the originally submitted proposal was amended at the applicant's discretion to reduce the height of the lift shaft and remove a proposed balcony in front of the extension following their awareness of points of third party objection and also to submit further supporting information.

### 3 Relevant Planning History

- 3.1 The relevant planning history of the site is shown on Table 1 below:

**Table 2: Relevant Planning History of Application Site**

Reference	Description	Outcome
18/01642/FUL	Remove existing tarmac and layout new block paving and drainage to parking area, amend layout of front terrace including new raised planter and new paving, render existing front boundary wall and install new flower beds to all sides of parking area, associated landscaping and erect bin store (part retrospective)	Permission Granted [11.12.2018]
19/01079/AD	Application for approval of details pursuant to condition 03 (materials) and condition 04 (details of soft landscaping) of Planning Permission 18/01642/FUL dated 11.12.2018	Details Agreed [04.07.2019]
19/01896/FUL	Alter mansard roof and elevation to form balcony with glazed balustrade and install windows/doors to the front and side elevations (Retrospective).	Permission Granted [30.12.2019]

### 4 Representation Summary

#### Public Consultation

- 4.1 Forty-one (41) neighbouring properties were consulted, site notices were displayed and public notices were published in the local press both for the original and the amended proposals. Objecting representations from seven (7) individuals have been received and are summarised as follows:

- Negative impact on character and appearance of the area.
- Negative impact on conservation area.

- Residential amenity concerns.
- Loss of privacy, light and views.
- Increase of noise and disturbance from the lift and balcony.
- Vibration from the lift.
- Noise and disturbance during construction.
- Health and safety issues.
- The reason for the lift is to separate the flat into two smaller flats or create a new flat in the loft.
- A different lift shaft is required.

4.2 The comments have been taken into consideration and those raised 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 representations are not found to represent material reasons for recommending refusal of the planning application in the circumstances of this case.

#### **Conservation Officer**

4.3 Object – the proposal would be detrimental to the character of the existing building and wider conservation area and streetscene.

#### **Fire Brigade**

4.4 No objections.

### **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), CP4 (Environment and Urban Renaissance).

5.4 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM5 (Southend on Sea Historic Environment), DM6 (The Seafront), DM15 (Sustainable Transport Management).

5.5 Design & Townscape Guide (2009)

5.6 Crowstone Conservation Area Appraisal (2009)

5.7 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 streetscene and wider area, including the Crowstone Conservation Area, the standard of accommodation for future occupiers, the impact on residential amenity, traffic and transportation issues and whether the development would be liable for CIL.

### **7 Appraisal**

## **Principle of Development**

- 7.1 Paragraph 117 of the NPPF states: "Planning policies and decisions should promote an effective use of land in meeting the need for homes and other users, while safeguarding and improving the environment and ensuring safe and healthy living conditions." Considering that the application is for alterations to an existing building to improve facilities for the existing use of the application site, the proposed development is acceptable in principle. Other material planning considerations are discussed in the following sections of this report.

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

- 7.2 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."
- 7.3 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."
- 7.4 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".
- 7.5 The site is located within the Crowstone Conservation Area. Section 72 (1) of the Planning and Listed Buildings and Conservation Areas Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. This is reinforced by Development Management Policy DM5 which states:
3. All development proposals that affect a heritage asset will be required to include an assessment of its significance, and to conserve and enhance its historic and architectural character, setting and townscape value.
  4. Development proposals that result in the total loss of or substantial harm to the significance of a designated heritage asset, including listed buildings and buildings within conservation areas, will be resisted, unless there is clear and convincing justification that outweighs the harm or loss. Development proposals that are demonstrated to result in less than substantial harm to a designated heritage asset will be weighed against the impact on the significance of the asset and the public

benefits of the proposal, and will be resisted where there is no clear and convincing justification for this.

- 7.6 Policy DM6 which relates to development within the seafront area states that: “Existing buildings along the Seafront that form a cohesive frontage, have a historic context or are recognised as key landmarks and/or contribute to a distinctive Southend sense of place will be retained and protected from development that would adversely affect their character, appearance, setting and the importance of the Seafront.”
- 7.7 Policy Table 1 ‘Seafront Character Zones’ states that within character zone the development principles include:
- (iv) Resist inappropriate development fronting the Seafront to ensure that established seafront architectural style and form is maintained in this location.
- (vi) In all areas the vernacular form and fine urban grain of the seafront that defines this character zone will be preserved. Further amalgamation of existing plots and large format bulky buildings are not considered appropriate and will be resisted.
- 7.8 In terms of layout the proposed development would have a limited impact on the footprint of the existing building. The scale of the proposed additions would respect the scale of the existing development on the application site and neighbouring sites. The proposed form would be out of place given the poor integration of the proposed roof arrangements with the main roof and the use of incongruous features such as the roof lantern and the canopy. The poor choice of form results in an equally harmful and contrived appearance. Although the choice of materials would not exacerbate the identified harm, the proposal would be materially harmful to the character and appearance of the site and the area as well as to the significance of the Conservation Area. The harm to the significance of the historic asset is less than substantial, albeit significant enough to warrant the refusal of the application in this instance. The development is unacceptable and contrary to policy in these regards.

### **Standard of Accommodation and Living Conditions for Future Occupiers**

- 7.9 Delivering high quality homes is a key objective of the NPPF. Policy DM3 of the Development Management Document states that proposals should be resisted where they create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents.
- 7.10 The proposal is for the enlargement of the existing residential property hence an improvement towards compliance or excess compared to the minimum Nationally Described Space Standards. There would be no reduction in terms of amenity space. The rooms of the property would continue to receive similarly acceptable levels of light and to have similarly acceptable outlook. The proposed provision of the lift is a positive element of the proposal to which due weight is attached in the consideration of the proposal. Overall, it is considered that the proposed development would improve the standard of accommodation for current and future occupiers and would not detrimental to their living conditions. The application is therefore acceptable and in line with 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 The property subject of the application is located above existing residential units and some 1.5m from the neighbouring block of flats to the west. Concerns have been raised by neighbouring residents that the proposed development would result in loss of light to the side of their properties. The proposed development would result in some loss of light to either secondary windows of habitable rooms or primary windows of non-habitable rooms. Hence, it would not be materially detrimental to the residential amenity of neighbours in this regard. Given the position of the proposal, some additional sense of enclosure, loss of outlook and overbearing effect would be experienced from those same side areas of the neighbouring properties but the situation would not be materially worse than it currently is. Concerns about privacy arising from the proposed lift shaft could be address with conditions had the application been recommended for approval. Similarly, conditions could reasonably address the concerns regarding noise, vibration and disturbance arising from the use of the lift and during the construction of the development. In the round, the proposal would be acceptable and in line with policy in these regards, subject to conditions.

### **Traffic and Transportation Issues**

- 7.13 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.
- 7.14 The development has not altered the access and parking arrangements to the site and has not increased the demand for parking. The development has no material impact on the highway safety, parking provision or free flow of traffic in the area. The development is acceptable and policy compliant in the above regards.

### **Equality Act**

- 7.15 The Equality Act 2010 (the Act) sets a general duty on public bodies in Section 149 of the Act. The duty requires the Council to have due regard to the need to eliminate discrimination and promote equality with regard to those with protected characteristics, such as race, disability, and gender, including gender reassignment, religion or belief, sex, pregnancy or maternity, and foster good relations between different groups when discharging its functions. Equality duties require public authorities to demonstrate that any decision it makes is reached in a fair, transparent and accountable way, considering the needs and the rights of different members of the community. This is achieved through assessing the impact that changes to policies, procedures and practices could have on different protected groups.
- 7.16 Based on the information submitted the proposal is intended to result in potential benefits to the applicant. The proposal would be demonstrably harmful to the character and quality of the built environment including the Conservation Area. Personal circumstances generally referred to would not warrant a grant of planning permission

having regard to the extent of conflict with relevant development plan policies and the absence of any mitigating factors to outweigh this.

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

- 7.17 As the proposed development would not create any 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 local and national planning policies. The proposal, by reason of its incongruous, poorly integrated and contrived form and appearance, would result in material harm to the character and appearance of the site, the streetscene and the wider area as well as less than substantial, albeit significant, harm to the character and appearance of the Crowstone Conservation Area. Although the development is acceptable in other regards and there is some identified benefit from the provision of the lift, particularly considering the medical needs of the applicant to which due weight has been applied, the benefits of the development do not outweigh the significant and material harm identified. The application is, therefore, recommended for refusal.

## **9 Recommendation**

### **9.1 REFUSE PLANNING PERMISSION for the following reasons:**

- 01 The proposal, by reason of its incongruous, poorly integrated and contrived form and appearance, would result in material harm to the character and appearance of the site, the streetscene and the wider area as well as less than substantial, albeit significant, harm to the importance of the Crowstone Conservation Area. This is unacceptable and contrary to the National Planning Policy Framework (2019), Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM3 and DM5 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the National Design Guide (2019) and the Southend 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. 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 via the pre-application service available at [https://www.southend.gov.uk/info/200155/make\\_a\\_planning\\_application\\_and\\_planning\\_advice/365/planning\\_advice\\_and\\_guidance/2](https://www.southend.gov.uk/info/200155/make_a_planning_application_and_planning_advice/365/planning_advice_and_guidance/2)**

**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](http://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy)) or the Council's website ([www.southend.gov.uk/cil](http://www.southend.gov.uk/cil)) for further details about CIL.**