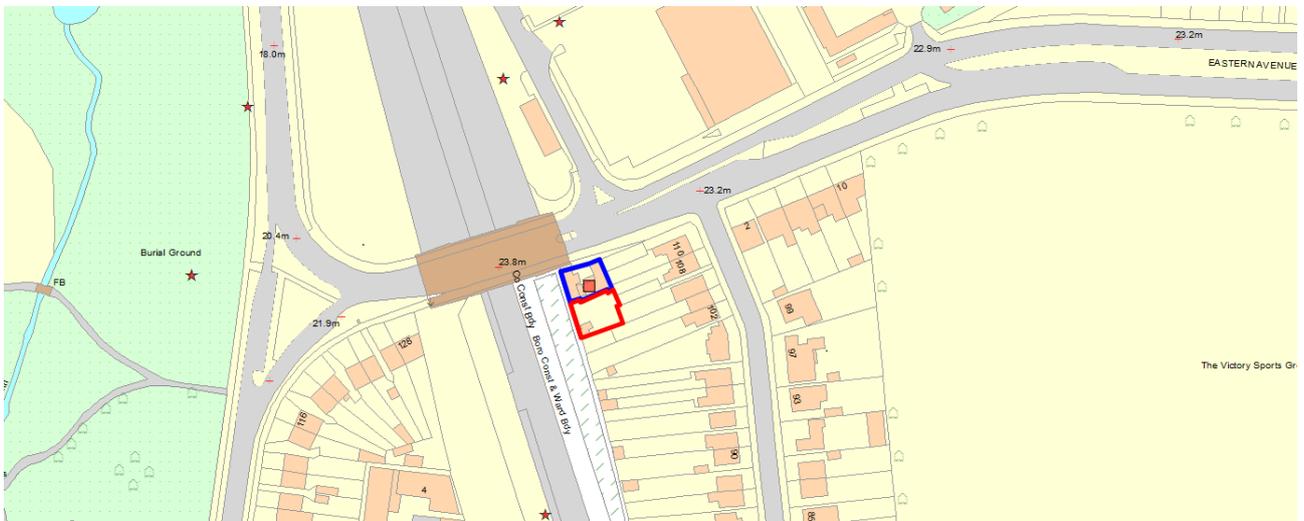


<b>Reference:</b>	20/01972/FULH	
<b>Application Type:</b>	Full Application - Householder	
<b>Ward:</b>	St Lukes	
<b>Proposal:</b>	Erect three single storey outbuildings to rear and covert existing outbuilding to be used as ancillary to main dwelling (Class use C3) (Retrospective)	
<b>Address:</b>	The Lodge By The Bridge, Eastern Avenue, Southend-On-Sea	
<b>Applicant:</b>	Mr Brian Ayling	
<b>Agent:</b>	N/A	
<b>Consultation Expiry:</b>	25th January 2021	
<b>Expiry Date:</b>	16th February 2021	
<b>Case Officer:</b>	Spyros Mouratidis	
<b>Plan Nos:</b>	<b>BA01-P101, BA01-P102</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 southern side of Eastern Avenue and to the east of the rail line connecting Liverpool Street and Southend Victoria. The site is occupied by an “L”-shaped single storey dwelling and outbuildings to the rear. The dwelling covers the whole width of the site. The surrounding area comprises two-storey dwellings to the east and commercial buildings to the north. There are trees to the west and south marking the area between domestic gardens and the rail line. The area to the north is a designated industrial estate. No other designations affect the site or the area.

## 2 The Proposal

- 2.1 Planning permission is sought for the erection of three outbuildings to be used for purposes ancillary to the enjoyment of the dwellinghouse. The development has already been carried out. This application has been submitted retrospectively, under the provisions of section 73A of the Town and Country Planning Act 1990.
- 2.2 The buildings have been erected near the southern and western boundary of the site. Outbuilding A, to the south, measures 5.1m by 2.5m with a maximum height of some 3.2m. Outbuilding B measures 1.8m by 2.5m with its ridge height reaching 2.6m above ground. Outbuilding C measures 3m by 3.7m with the apex being 2.8m high. The outbuildings are finished with horizontal timber boarding painted brown. The applicant states that the outbuildings are used for purposes ancillary to the dwelling, including as guest bedrooms for domestic visitors to the main dwelling.
- 2.3 The applicant is an elected member of the Council. According to the Council’s constitution the application has to be determined by the Council’s Development Control Committee.

## 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
03/01484/FUL	Incorporate land into curtilage of residential dwelling, erect single storey building for use as additional residential accommodation, ancillary to 108A Ennismore Gardens, lay out parking and turning area and form vehicular access onto Eastern Avenue	Permission Granted [07.01.2004]

## 4 Representation Summary

### Public Consultation

- 4.1 Six (6) neighbouring properties have been consulted and a site notice was displayed. At the time of drafting this report objecting comments from one (1) interested party have been received and are summarised below. However, the public consultation is still running.

If any further representations are received between the drafting of the report and the presentation date at committee, they will be summarised and included in the supplementary report to the committee.

4.2 The objecting points are summarised as follows:

- The application was for the cabins to be used as occasional accommodation but one of the cabins is occupied on a permanent basis by a family member since the beginning of last year.
- The term cabin is misrepresentative as the structures are sheds made mainly of wood.
- Concern regarding fire safety of structures and the property as a whole.

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

#### **Parks and Greenspace Officer**

4.4 No comment.

### **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), DM3 (Efficient and Effective Use of Land), DM15 (Sustainable Transport Management).

5.5 Design & Townscape Guide (2009)

5.6 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, 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 National and local planning policy promotes the effective use of land subject to safeguarding and improving the environment and local amenity but are silent in relation to extension of residential gardens to undesignated land within an urban area.

- 7.2 Given that permission was previously granted for the residential use of the northern part of the site, the principle of using the southern part of the site as residential garden with associated facilities is, on balance, acceptable. The creation of additional facilities ancillary or incidental to the enjoyment of an existing dwelling is also 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**

- 7.3 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.”
- 7.4 The development has not detrimentally impacted on the urban grain of the area and its layout is acceptable on the basis that it is ancillary or incidental to the main dwelling. In terms of scale, form, appearance and choice of materials, the outbuildings are not dissimilar to typical sheds and other similar structures designed to be used within domestic gardens. This typical style of design is acceptable within this context. In relation to landscaping, it is understood that some trees have been lost as a result of the development. While this is unfortunate, these would have not been protected and as such limited weight can be given to their loss. Overall, the development is acceptable and in line with policy in these regards.

### **Impact on Residential Amenity**

- 7.5 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.”
- 7.6 The site is located to the rear of properties facing Ennismore Gardens and backs their gardens. Given the nature of the use, the single-storey scale of the outbuildings and the separation distance of more than 26m from the rear elevation of neighbouring residential properties, no material harm to the residential amenity of neighbours is identified in terms of loss of light, overbearing relationship or loss of outlook, loss of privacy and overlooking, pollution, noise and disturbance. In the round, the development is acceptable and in line with policy in the above regards.

### **Traffic and Transportation Issues**

- 7.7 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.

- 7.8 The development has not altered the access and parking arrangements of the site. As the outbuildings offer ancillary accommodation related to the main dwelling use and do not result in the creation of new self-contained dwelling, the development would not generate a requirement for additional parking according to the adopted parking standards. 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 these regards.

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

- 7.9 As the development did not create more than 100m<sup>2</sup> 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.

## **8 Conclusion**

- 8.1 Having taken all material planning considerations into account, it is found that the development is acceptable and in line with local and national planning policies. The proposal is acceptable in relation to its design and its impact on the character and appearance of the area and in terms of its impact on the neighbouring residential amenity. No harmful impact has been identified in terms of highway safety, parking conditions and the free flow of traffic. The application is, therefore, recommended for approval subject to conditions.

## **9 Recommendation**

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

- 01 **The development hereby approved shall be retained in accordance with the approved plans: BA01-P101, BA01-P102.**

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

- 02 **The buildings hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as The Lodge By The Bridge, Eastern Avenue, Southend-On-Sea. The buildings hereby permitted shall not be used for any other purpose including as an independent self-contained residential unit.**

**Reason: To ensure a satisfactory standard of accommodation and to protect the amenities of current and future occupiers, to protect the privacy and environment of people in neighbouring residential properties, and to prevent additional parking demand which cannot be met within the application site, in line with the stipulations of the National Planning Policy Framework (2019), the Core Strategy (2007) Policies KP1, KP2, CP3 and CP4, the Development Management Document (2015) Policies DM1, DM3 and DM15, and the Design and Townscape Guide (2009).**

**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.**