

<b>Reference:</b>	21/00396/AMDT	
<b>Ward:</b>	Chalkwell	
<b>Proposal:</b>	Erect first floor extension with bay window to front to form additional floor to existing dwelling, recessed balcony to front, dormers and rooflights to side elevations to form habitable accommodation in roof and alter elevations (variation of plans approved under condition 2, variation of materials under condition 3 and variation of obscure glazing requirement under condition 5 attached to permission reference no. 20/01834/FULH dated 23/12/2020)	
<b>Address:</b>	25 Mount Avenue Westcliff-On-Sea Essex SS0 8PS	
<b>Applicant:</b>	Mrs McCormick	
<b>Agent:</b>	Mr Robert Parish	
<b>Consultation Expiry:</b>	24/05/2021	
<b>Expiry Date:</b>	04/06/2021	
<b>Case Officer:</b>	Oliver Hart	
<b>Plan Nos:</b>	20-051-pp-01 ISS02; 20-051-pp-02 ISS09; 20-051-pp-03 ISS08	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b> subject to conditions	



# 1 Site and Surroundings

- 1.1 The site is located on the western side of Mount Avenue and contains a detached, hipped roofed chalet bungalow with accommodation in the roof, served by small flat roof dormers to the front and rear elevations. The roof projects forward over a bay to the front elevation. There is a side access some 2m wide to the southern flank boundary and off-street parking for two cars is available on a hardstanding to the front of the dwelling.
- 1.2 Mount Avenue is a long winding road with significant changes in ground levels running north-south. A predominantly residential street, Mount Avenue is characterised by large detached two storey dwellinghouses of traditional style and design and in this sense, the application dwelling appears unique in the streetscene. The chalet style of the application dwelling and footprint of the dwelling is such that it breaks the relatively uniform rear building line along this side of Mount Avenue, projecting considerably beyond the rear of No's 21 (north) and 27 (south).
- 1.3 The site does not contain a listed building and is not located within a conservation area or a flood zone.

# 2 Proposal

2.1 Permission is sought to vary conditions 2 (Approved Plans) 3 (Materials) and 5 (obscure glazing) attached to planning permission 20/01834/FULH which was granted on 23.12.2020 to 'Erect first floor extension with bay window to front to form additional floor to existing dwelling, recessed balcony to front, dormers and rooflights to side elevations to form habitable accommodation in roof and alter elevations' (the "previous approval").

2.2 The minor material amendments being sought relate to;

- The re-arrangement of existing rooflights to the southern flank roofslope and addition of 2no. further rooflights to the southern flank roofslope (4no. in total).
- Incorporation of a slate roof tile.
- Removal of the requirement for a first-floor corner window within the southern flank elevation to be glazed with obscure glass.

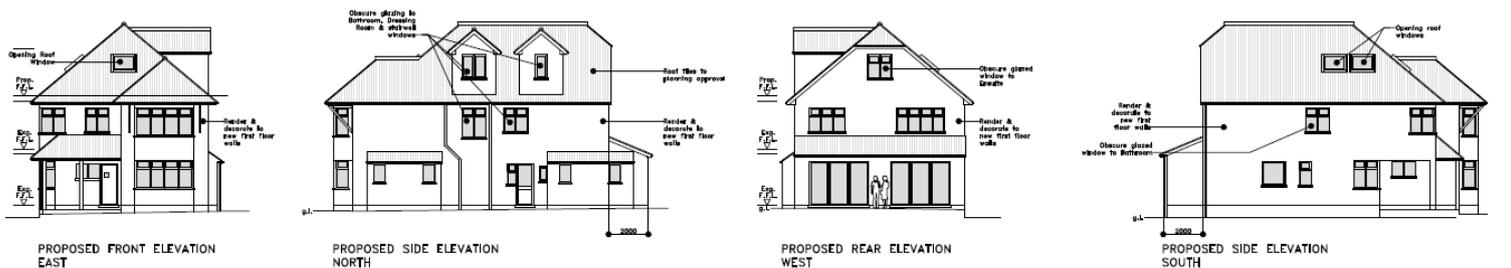


Figure 1: Initial permission Ref. 20/01834/FULH

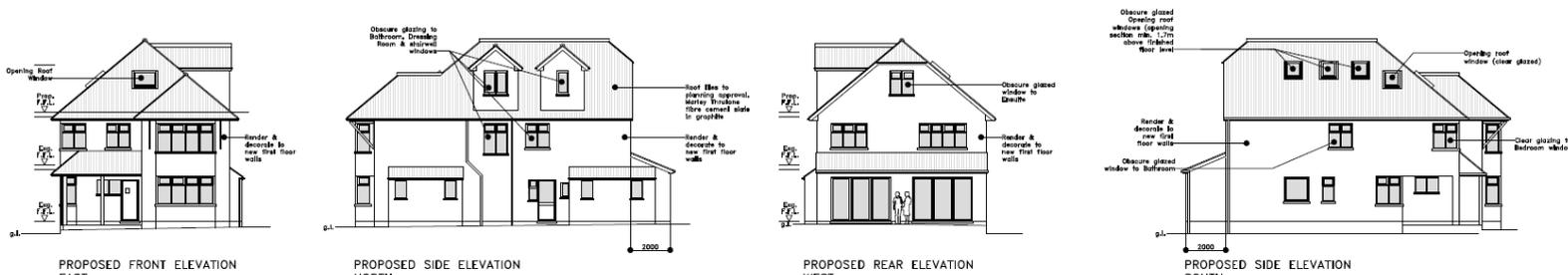


Figure 2: Current development proposal

2.3 The other works associated with the initially approved application Ref. 20/01834/FULH remain unchanged and are not the subject of further consideration within this report.

2.4 The application has been called in by Councillor Walker.

### **3 Relevant Planning History**

3.1 20/01834/FULH - Erect first floor extension with bay window to front to form additional floor to existing dwelling, recessed balcony to front, dormers and rooflights to side elevations to form habitable accommodation in roof and alter elevations- Granted

### **4 Representation Summary**

#### **Public**

4.1 6no. neighbouring properties were notified and no letters of representation have been received.

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

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

5.4 The Design and Townscape Guide (2009)

5.5 CIL Charging Schedule (2015)

### **6 Planning Considerations**

6.1 Consistent with the basis of the previously approved application, the proposal would not increase the need for parking nor reduce the current off-site parking provision so there are no material parking or highway considerations. The key considerations in relation to this application are therefore the principle of the development, design and impact on the character of the area, impact on residential amenity and any CIL implications.

## 7 Appraisal

### Principle of Development

- 7.1 The principle of the development was accepted under the previously approved planning application. There are no new policies or variations to the development which alter this view. The determining material planning considerations are discussed below.
- 7.2 The proposed changes are considered to fall within the remit of a minor material amendment to the consented scheme in principle.

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

- 7.3 Local and national planning policies and guidance seek to ensure that new development is well designed. 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.
- 7.4 Local development plan policies seek to ensure that new development is designed so that it adds to the overall quality of the area and respects the character of the site, its local context and surroundings, provides appropriate detailing that contributes to and enhances the distinctiveness of place; and contribute positively to the space between buildings and their relationship to the public realm. Policy DM1 and the Design and Townscape guide provide further details on how this can be achieved.
- 7.5 The proposed amendments relate to the re-arrangement and addition of 2no. new rooflights to the southern flank roof slope (4no. in total), altering the proposed roof tile from a matching tile to a slate (grey) tile and removing the requirement for obscured glazing to the first-floor corner window within the southern flank elevation.
- 7.6 Having regard to the mixed nature of development in Mount Avenue, no objection is raised with regard to the provision of additional rooflights to the southern flank elevation, the proposed slate roof tiles nor the removal of the requirement for obscure glazed windows to the first-floor corner window within the southern flank elevation given their minor and inconsequential visual impact.
- 7.7 On this basis, the revised arrangement is considered to suitably maintain the character and appearance of the host dwelling and the locality more widely and in these regards, the proposal is considered acceptable and policy compliant.

### Impact on Residential Amenity

- 7.8 Paragraph 343 of the Design and Townscape Guide under the heading of 'Alterations and Additions to Existing Residential Buildings' 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.*"
- 7.9 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.”*

- 7.10 The nature of the works and their position to the southern flank elevation are such that the proposed development would have no impact on the amenities of the neighbouring occupants at No. 21 (north).
- 7.11 The application seeks removal of the requirement for a first-floor corner window within the southern flank elevation to be glazed with obscure glass, secured via condition 05, which states;
- With the exception of a top hung clear glazed opening fanlight, the additional first floor windows to both flank elevations shall only be glazed in obscured glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) and fixed shut to a height not less than 1.7m above finished internal floor level and shall be retained as such in perpetuity.*
- 7.12 The purpose of condition 05 was to “*protect the privacy and environment of people in neighbouring residential properties*” and consequently, this proposal seeks to revisit, in specific detail, the impact of this window in this regard.
- 7.13 Noting the nature of the condition imposed in the first instance, the basis of the proposal is considered to turn on a balanced assessment of whether the areas impacted by the window in question fall within what would reasonably be interpreted as areas that are deliberately and distinctly ‘private’ spaces by design, i.e. areas that in their day to day use would be expected to be afforded a reasonable degree of privacy based on the characteristics typical of the area in which it is located. On this basis, and having regard to the position of the window slightly set back behind the front elevation of No.27, it is considered that the area most affected by the window in question; the front garden area does not reasonably meet this definition, open to view as it is from the public highway.
- 7.14 Whilst it is possible to gain views of the side elevation and part of the side accessway of No.27 from the window subject of this application, it is not considered a natural position to do so and, regard is had to the obscured nature of neighbouring flank windows adjacent to the window in question.
- 7.15 On this basis, it is considered that this element of the proposal would maintain neighbour amenity to an acceptable degree and is therefore considered to be acceptable and policy compliant in the above regards.
- 7.16 With regards to the additional rooflights, the previous application was approved with 2no. rooflights to the southern flank roofslope. No objections were previously raised on account of their angle and elevated position such that they would not give rise to views of neighbouring private amenity space. As such, no objection is raised to the new arrangement of (4no.) rooflights to the southern flank roof slope given their elevated positions in the roof slope and angled views towards neighbouring roofs and the sky. The development is considered acceptable and policy compliant in this regard.

## **Community Infrastructure Levy**

- 7.17 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. The proposed development includes a net gain internal floor area of approximately 106sqm (258sqm new/152sqm original), which may equate to a CIL charge of £8154.69 (subject to confirmation). The applicants may be able to apply for a self-build exemption.

## **8 Conclusion**

- 8.1 Having taken all material planning considerations into account, it is found that 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 and the locality more widely and would also be acceptable with regard to its neighbour amenity and highways impacts. The proposal is therefore recommended for approval.

## **9 Recommendation**

**GRANT PLANNING PERMISSION subject to the following conditions;**

- 1 **The development hereby permitted shall begin no later than 23/12/2023, three years from the date planning permission 20/01834/FULH was granted.**

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

- 2 **The development hereby permitted shall be carried out in accordance with the following approved plans: 20-051-pp-02 ISS09 & 20-051-pp-03 ISS08, 20-051-pp-01 ISS02.**

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

- 3 **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 approved plans.**

**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) policy KP2 and CP4, Development Management Document (2015) policy DM1, and the advice contained in the Design and Townscape Guide (2009).**

- 4 **Other than the first floor front bedroom corner wrap around window to the southern flank elevation of the application dwelling, the additional first floor**

windows to both flank elevations shall only be glazed in obscured glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy) and fixed shut to a height not less than 1.7m above finished internal floor level except for any top hung fanlight the lowest part of which shall be not less than 1.7m above the adjacent finished internal floor level and shall be retained as such in perpetuity.

**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 policy DM1

### **Informatives**

**01** Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy Regulations 2010 (as amended). A Community Infrastructure Levy (CIL) Liability Notice will be issued as soon as practicable following this decision notice. This contains details including the chargeable amount, when this is payable and when and how exemption or relief on the charge can be sought. You are advised that a CIL Commencement Notice (CIL Form 6) must be received by the Council at least one day before commencement of development. Receipt of this notice will be acknowledged by the Council. Please ensure that you have received both a CIL Liability Notice and acknowledgement of your CIL Commencement Notice before development is commenced. Most claims for CIL relief or exemption must be sought from and approved by the Council prior to commencement of the development. Charges and surcharges may apply, and exemption or relief could be withdrawn if you fail to meet statutory requirements relating to CIL. Further details on CIL matters can be found on the Council's website at [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil).

**02** 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.