

Reference:	21/01662/FULH	
Application Type:	Full Application - Householder	
Ward:	Leigh	
Proposal:	Erect part single/part two storey rear extension, install juliette balcony to first floor extension, alter elevations	
Address:	10 Ashleigh Drive, Leigh-on-sea, Essex	
Applicant:	Mr And Mrs Chalk	
Agent:	Guy Clark of gclarkitecture	
Consultation Expiry:	8th September 2021	
Expiry Date:	5th November 2021	
Case Officer:	Kara Elliott	
Plan Nos:	AD-CH-01/A, AD-CH-02	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 Site and Surroundings

- 1.1 The site is occupied by a detached, two-storey dwelling and is located on the eastern side of Ashleigh Drive.
- 1.2 The site is not subject to any site-specific planning policy designation but abuts the boundary of Leigh Cliff Conservation Area and the boundary of the District Centre of Leigh.

2 The Proposal

- 2.1 The application seeks planning permission for a gable-end, part single, part two-storey rear extension with a Juliet balcony at first floor which would measure 5m wide (to match the dwelling) by 4m deep at ground and part first floor, with a stepped part of the first floor reducing to 2.5m deep to the south of the dwelling.
- 2.2 Part of the extension would have a pitched roof to match the existing dwelling, at 8.15m high. The lower first floor section of the extension would be some 950mm lower than the ridge height. The eaves height would match the existing dwelling for the first floor parts of the extension at 5.45m. The single storey flat roof part of the extension would have a height of 3.6m.
- 2.3 The extension is proposed to be finished in render and roof tiles to match existing. Bifold doors are proposed to the rear at ground floor, a Juliet balcony is proposed at first floor enclosed with a glazed screen and a ground floor and first floor window is proposed to the southern flank.
- 2.4 In 2019, planning permission was refused under application reference 19/01669/FULH for a comparable development. The main differences are that the previously refused development proposed a balcony which could be accessed and used as external amenity space and the depth of the first floor element was 2m instead of between 2.5m and 4m. The reason for refusal was solely based upon the loss of residential amenity for neighbouring occupiers, 5 and 7 Redcliff Drive to the east and 12 Ashleigh Drive to the south resulting from the then proposed balcony. The current scheme attempts to overcome the previous reason for refusal by omitting the full balcony element and replacing it with a Juliet balcony.

3 Relevant Planning History

- 3.1 19/01669/FULH - Erect part single/part two storey rear extension with balcony – Refused. Reason for refusal;
 1. *The proposed balcony, by reason of its position, layout and design, would result in material harm to the amenities of neighbouring occupiers at 5 and 7 Redcliff Drive and 12 Ashleigh Drive by virtue of an actual and perceived loss of privacy. This is unacceptable and contrary to the National Planning Policy Framework (2019), policies KP2 and CP4 of the Core Strategy, policies DM1 and DM3 of the Development Management Document and the advice contained within the Southend Design and Townscape Guide (2009).*

4 Representation Summary

- 4.1 The application falls to be determined by Members of the Development Control

Committee at the request of Cllr P Wexham.

Public Consultation

- 4.2 Fifteen (15) neighbouring properties were notified and representations from five (5) interested parties were received. The objecting points are summarised as follows:
- Loss of neighbour amenity from overlooking, loss of privacy, dominance.
 - Summer house and extension reduces amenity space for occupiers at application site.
 - Trees have already been removed on site to accommodate an outbuilding leaving neighbouring gardens exposed.
 - Overdevelopment of site.
- 4.3 The applicant stated they have not removed any trees on site. However, historic aerial photography confirms that some vegetation has been removed recently.
- 4.4 The comments in the representations have been taken into consideration in the assessment of the application. The matters relevant to planning raised are discussed in subsequent sections of the report. The points raised in the representations are not found to be justifiable reasons for refusing planning permission in the circumstances of this case.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2021)
- 5.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2021)
- 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), DM5 (Southend's Historic Environment) DM15 (Sustainable Transport Management).
- 5.5 Design & Townscape Guide (2009)
- 5.6 Community Infrastructure Levy (CIL) Charging Schedule (2015)

6 Appraisal

Principle of Development

- 6.1 The principle of altering an existing dwelling is considered acceptable and policy compliant, subject to the proposal appropriately addressing the relevant detailed planning considerations.

Design and Impact on the Character of the Area

- 6.2 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.

- 6.3 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 contributes 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.
- 6.4 Policy DM5 seeks to preserve the significance of heritage assets, including Conservation Areas. Given the limited public vistas available and the nature of the proposal, it is considered that the proposed development would preserve the significance of the adjoining Leigh Cliff Conservation Area.
- 6.5 The proposed two-storey element of the rear extension is appropriately scaled for the host building. It has sought to replicate the existing roof form of the dwelling and uses matching materials which ensures a seamless addition. It is noted that a detached outbuilding has been constructed on site. It is not considered that this, as well as the proposed rear extension, would reduce the rear garden to an unusable size and would continue to provide a good-sized rear amenity space for the occupiers of the application site.
- 6.6 It is considered that the design, size, siting and scale of the development proposed are such that it would not result in any significant harm to the character and appearance of the site, the streetscene and the area more widely. The proposal is therefore considered to be acceptable and policy compliant in terms of its impact on the character and appearance of the site, the streetscene and the area more widely and has overcome the previous reason for refusal.

Amenity Impacts

- 6.7 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies that development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Further advice on how to achieve this is set out in the Council's Design and Townscape Guide.
- 6.8 The previously refused scheme was found to result in loss of residential amenity from the full balcony which was proposed to the rear. This has been omitted from the current scheme. The Juliet balcony proposed at first floor to the rear would be materially similar to a window at first floor and does not have a platform. The increased depth of the window compared to the previously refused scheme is not considered to result in any significant level of harm to the neighbours' residential amenity. The rear elevations of the dwellings in Redcliff Drive are located some 19.5m away from the rear of the extended application dwelling. The nearest flank elevation of no.12 to the south is some 2.6m away and the openings to the rear of no.12 are located to the south of the dwelling.
- 6.9 Conditions are suggested to ensure that the flat roofed element of the proposal would not be used as a balcony and that the proposed first floor side opening would be glazed in obscure glass. It is considered that the design, size, siting and scale of the development proposed are such that it would not result in any significant harm to the amenities of the site, neighbouring occupiers or wider area in any regard, subject to these conditions being imposed.

- 6.10 The effect of the proposed development on the residential amenity of neighbouring occupiers would not be significantly harmful and it should be noted that a comparable effect is already experienced from the existing structures on site. The proposal has overcome the previous reason for refusal and is considered to be acceptable and policy compliant in terms of its amenity impacts.

Other Matters

- 6.11 The proposed development is not found to result in any significant parking or highways impacts, it is therefore acceptable and policy compliant in these regards.
- 6.12 The development is not liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended).

Conclusion

- 6.13 For the reasons outlined above the proposal is found to be acceptable and compliant with the relevant planning policies and guidance. As there are no other material planning considerations which would justify reaching a different conclusion it is recommended that planning permission is granted subject to conditions.

7 Recommendation

7.1 GRANT PLANNING PERMISSION subject to the following conditions:

- 01 The development hereby permitted shall begin no later than three years from the date of the 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 only in accordance with the following approved plans: AD-CH-01/A, AD-CH-02.**

Reason: To ensure the development is carried out in accordance with the consent sought, has an acceptable design and complies with policy DM1 of the Development Management Document (2015).

- 03 Before the development hereby approved is occupied the materials used on the external surfaces of the development must match those used on the external surfaces of the existing property. This applies unless differences are shown on the drawings hereby approved or are required by other conditions on this permission.**

Reason: To ensure the development is carried out in accordance with the consent sought, has an acceptable design and complies with policy DM1 of the Development Management Document (2015).

- 04 The roof of the single storey part of the extension hereby approved shall not be used as a balcony, roof garden or similar amenity area or for any other similar 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 (2021), Core Strategy (2007) Policy CP4, Development Management Document (2015) Policy DM1, and the advice contained within the Design and Townscape Guide (2009).

- 05** The proposed first floor flank window hereby approved shall only be glazed permanently in obscure 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 permanently fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above finished internal floor level of the relevant room prior to the first use or occupation of the development hereby approve. In the case of multiple or double glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4. The window shall be retained as such in perpetuity thereafter.

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (2021), Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1 and the advice in the Design and Townscape Guide (2009).

Positive and Proactive Statement:

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:

- 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) or the Council's website (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.