

<b>Reference:</b>	21/01738/FULH	
<b>Application Type:</b>	Full Application - Householder	
<b>Ward:</b>	West Leigh	
<b>Proposal:</b>	Erect single storey outbuilding to rear to form residential annex for ancillary use to main dwelling (Amended Proposal)	
<b>Address:</b>	75 Eaton Road, Leigh-on-Sea	
<b>Applicant:</b>	Mr Ian Roberts	
<b>Agent:</b>	Mr Woodrow Barker of Barker Woodrow Ltd	
<b>Consultation Expiry:</b>	16th September 2021	
<b>Expiry Date:</b>	5 <sup>th</sup> November 2021	
<b>Case Officer:</b>	Kara Elliott	
<b>Plan Nos:</b>	<b>5095/B</b>	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION subject to conditions</b>	



## **1 Procedural Matters**

- 1.1 The application falls to be considered by the Council's Development Control Committee because the applicant's wife is employed by the Council.

## **2 Site and Surroundings**

- 2.1 The application site is located on the north side of Eaton Road and is occupied by a semi-detached, single storey dwelling.
- 2.2 The site is not located within a conservation area or subject to any site-specific planning policies.

## **3 The Proposal**

- 3.1 The application seeks planning permission for a detached, single-storey, mono-pitched outbuilding to the rear of the application site, some 8.5m from the rear of the dwelling. A gap of 0.6m would be retained between the boundary to the rear, 0.9m to the west and 1.25m to the east (at its nearest point to the boundary).
- 3.2 The outbuilding would measure 4m deep and 10m wide, with a sloping roof measuring a maximum of 3.6m high, reducing to 2.4m at the rear. The outbuilding is proposed to be set some 250mm below the existing ground level. The outbuilding is proposed to be constructed in timber/timber effect horizontal cladding with a tile roof and UPVC windows and doors.
- 3.3 The outbuilding is proposed to be used as annexe accommodation consisting of an open plan lounge and sleeping area with a separate bathroom. There would be two sets of bifold doors to the front elevation facing the main dwelling and one single window to the rear, serving the bathroom.
- 3.4 An outbuilding of the same design, size and siting was part of a previously refused application ref 21/00881/FULH which also included a hip to gable roof extension, dormers to front and rear elevations and a two-storey rear extension with Juliet balcony. The application was refused solely due to the proposed two storey rear extension as detailed in section 4.

## **4 Relevant Planning History**

- 4.1 21/00881/FULH - Erect hip to gable roof extension, dormer to front and rear elevations, erect two storey rear extension with Juliette balcony, erect outbuilding to rear, alter elevations – Refused 14 July 2021
- 4.2 Reason for refusal:

*1. The proposed two storey rear extension, by reason of its excessive depth, height, size, scale and bulk results in a feature which is excessively visually dominant and lacks subservience to the main dwelling, resulting in significant harm to the character and appearance of the dwelling and the wider surrounding area.*

## **5 Representation Summary**

### **Public Consultation**

5.1 11 neighbouring properties were notified and no letters of representation were received.

## **6 Planning Policy Summary**

6.1 The National Planning Policy Framework (NPPF) (2021)

6.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2021)

6.3 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance).

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

6.5 Design & Townscape Guide (2009)

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

## **7 Appraisal**

### **Principle of Development**

7.1 The principle of providing extensions, additions and outbuildings in association with the existing residential use of the dwelling is considered acceptable.

7.2 The submitted floorplan establishes the proposed development would result in limited residential accommodation consisting of an open plan arrangement of a bedroom and lounge area and a bathroom. The annexe accommodation would maintain a close and linked relationship with the host dwelling by means of its close proximity (within the garden) and its dependency for additional facilities. In addition, due to the use of a shared access requiring occupants to enter the rear garden of the host property and its relatively small size, it is considered that the principle of an annexe is acceptable. A condition to ensure the accommodation remains ancillary to the main dwelling is recommended. Other material planning considerations are discussed below.

### **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 outbuilding is comparable in scale with an incidental rear garden building and due to the retention of some 8.5 metres between the outbuilding and the main dwelling, and 13m between the proposed development and the rear boundary, would not dominate the rear garden scene. This assessment is consistent with the previous application which contained the same outbuilding.

- 7.6 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.

### **Amenity Impacts**

- 7.7 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 the 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.
- 7.8 The rear elevations of dwellings to the east and west of the application site in Eaton Road would be some 13 metres (no.77 to the west) and 15 metres (no.73 to the east) from the proposed annexe building. The height of the development is 3.6m at its highest point, located 600mm from the shared boundary with no.42 Barnard Road to the north. Whilst close to the boundary, the development would be 7m from no.42 Barnard Road and would be a modest 2.4m high at the rear nearest the boundary. The only opening to the rear would be a small bathroom window. A condition is suggested to ensure it would be obscure glazed in order to mitigate any perceived overlooking.
- 7.9 Due to these distances and the design and single storey nature of the outbuilding, the proposed development, subject to a condition controlling its use, would have no significantly harmful impacts on the amenities of those neighbours. The outbuilding is sufficiently removed from any other neighbouring properties such that it would not harm their occupiers' amenity in any regards.
- 7.10 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. 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 is therefore considered to be acceptable and policy compliant in terms of its amenity impacts.

### **Other Matters**

- 7.11 The proposed development is not found to result in any significant parking or highways impacts. The proposal would not result in a requirement for an increased parking provision according to the adopted parking standards. Two parking spaces to the front would be retained and would meet the required provision of two car parking spaces per dwelling. The proposal is, therefore, acceptable and policy compliant in these regards.
- 7.12 The development is not liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended).

### **Conclusion**

- 7.13 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.

## **8 Recommendation**

### **8.1 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 plan: 5095/B.**

**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 The annexe building hereby approved shall not be occupied at any time other than for purposes ancillary or incidental to the residential use of the dwelling known as 75 Eaton Road, Leigh-on-Sea and shall not be used as an independent residential unit.**

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

- 04 The proposed rear window of the development 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 the finished internal floor level of the relevant room, prior to the first use or occupation of the development hereby approved. 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](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 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.**