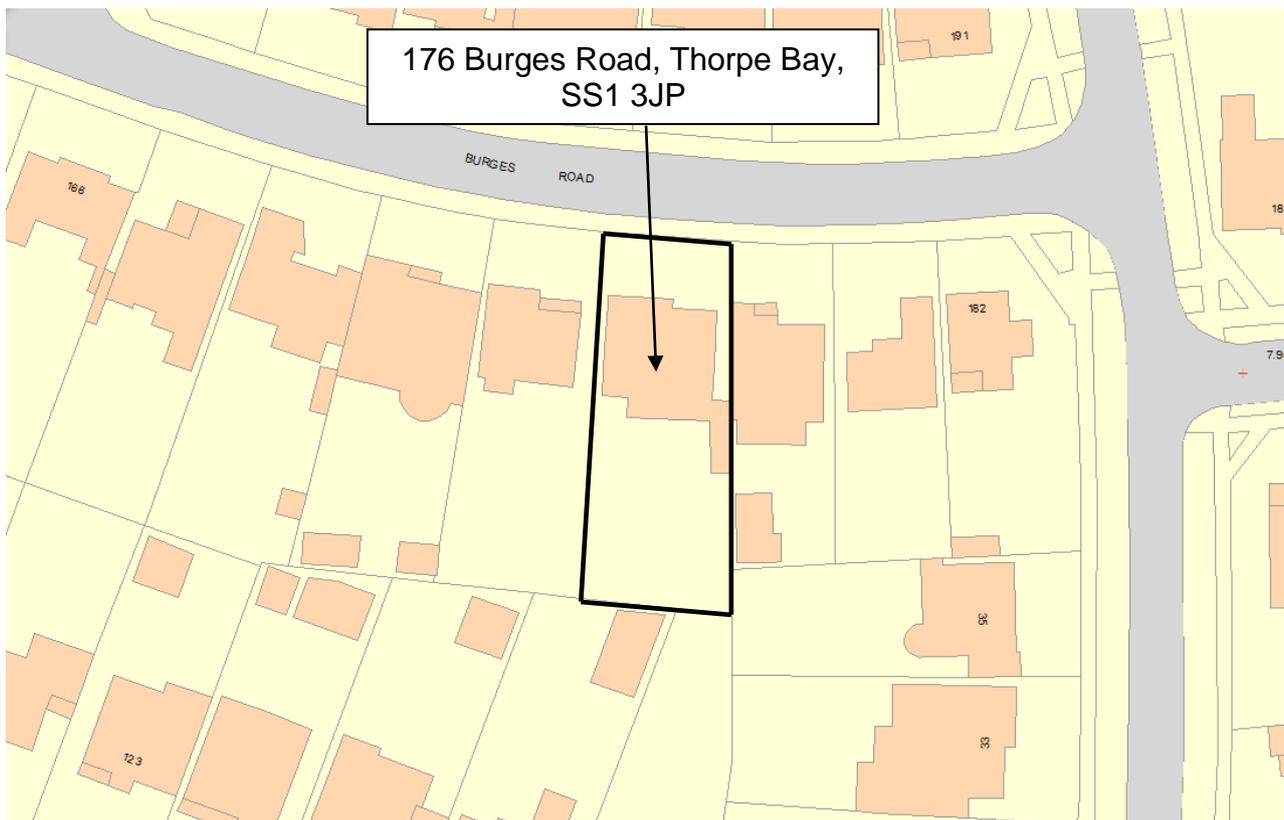


Reference:	20/00348/UNAU_B	
Ward:	Thorpe	
Breaches of Control	Extension not in accordance with approved plans under reference 20/00556/FULH	
Address:	176 Burges Road, Thorpe Bay, SS1 3JP	
Case Opened:	9 th November 2020	
Case Officer:	Steve Jones	
Recommendation:	AUTHORISE ENFORCEMENT ACTION	



1 Site location and description

- 1.1 The site is on the southern side of Burges Road between its junctions with Maplin Way and Burges Close. The site contains a two-storey detached dwelling which has a single storey rear extension.
- 1.2 The dwelling is surrounded by traditional 1960's residential dwellinghouses. It forms part of a small group of properties built to similar design. Plots sizes are large and the area has a spacious character. The neighbouring dwelling to the east has a pitched roof outbuilding close to the shared boundary.
- 1.3 The site is not located within a conservation area or a flood zone and is not subject to any site-specific planning policies.

2 Lawful Planning Use

- 2.1 The lawful planning use is as a dwelling within Use Class C3 of the Town and Country Planning Use Classes Order 1987(as amended).

3 Relevant Planning History

- 3.1 20/00556/FULH - Erect single storey rear extension – Granted
- 3.2 20/02028/NON - Extend development up to rear fence line keeping within 400mm of the boundary and raise the overall height from 3.25m to 3.8m (Non-Material Amendment to Planning Permission 20/00556/FULH dated 14.09.2020) – Refused
- 3.3 21/00233/FULH - Raise roof height of existing rear extension and extend to rear – Refused
- 3.4 21/00957/FULH - Erect single storey rear extension (Amended Proposal) (Retrospective) – Refused and subsequent appeal dismissed.

4. The alleged planning breach and the harm caused

- 4.1 The initial complaint alleged that the extension approved under planning permission 20/00556/FULH was built too high and too close to the site's southern boundary.
- 4.2 The extension is approx. 3.8m high (3.3m approved) and approx. 400mm from the rear boundary (approx. 1.6m – 1.8m approved). Consequently, the extension is materially different from the planning approval and, in the absence of any planning permission for this different development being in place, it is therefore unauthorised.
- 4.3 Through determination of planning applications this Local Planning Authority found that the height and proximity of the development to the southern boundary, combined with the loss of the trees within the application site, causes significant harm firstly to the character and appearance of the dwelling, the rear garden scene and wider area. It secondly found that harm was caused to the amenities of neighbouring occupiers at No's 131 & 129 Thorpe Bay Gardens, 178 Burges Road and 35 Maplin Way. Both elements of harm are fully identified and assessed within the appended officer reports.

- 4.4 One of the refused applications 21/00957/FULH was then subject of an appeal to the Planning Inspectorate. The Inspector agreed with this Council that there is harm to character, contrary to policy, finding that:

"The natural screening afforded by the 2020 permission has been lost and therefore the development is more conspicuous from surrounding gardens and houses. Due to its siting, height and bulk, and due to the loss of trees, the appeal scheme is an overly prominent and incongruous form of development that has an unacceptable effect on the character and appearance of the surrounding area".

- 4.5 Since this decision there has been no change in circumstances at the site which would justify officers reaching a different conclusion to that of the Inspector in this regard. It is considered that the development is a breach of planning control causing harm to the character and appearance of the area which is sufficient to warrant the serving of an enforcement notice.
- 4.6 The Inspector also considered the matter of residential amenity which formed this Council's second reason for refusing permission. The Inspector did not agree that the amenity impacts were unacceptable or contrary to policy, finding that:

"The appeal scheme results in development along, and close to, the garden boundaries shared with neighbouring properties. Although it would occupy a larger footprint than the 2020 permission, and would also be slightly taller, I am satisfied that adequate levels of natural light to, and outlook from, neighbouring houses and gardens is maintained. As such the appeal scheme does not result in unacceptable effects on the living conditions of occupiers of neighbouring properties. This lack of harm does not however outweigh the clear harm identified above [i.e. to character].

5. Background and efforts to resolve breach to date

- 5.1 In November 2020 a complaint was received that a single storey rear extension was not being built in accordance with the plans and details approved under planning permission 20/00556/FULH. It was alleged to be too close to the rear boundary and too tall. A copy of the Officer report relating to the 2020 planning permission is attached at Appendix 'A'
- 5.2 Later that same month Enforcement Staff attended 176 Burges Road and took measurements of the rear extension which was still under construction. It was found to be approx. 3.8m high (3.3m approved) and approx. 400mm from the rear boundary (approx. 1.6m – 1.8m approved).
- 5.3 The property owners were advised that they were entitled to submit a retrospective planning application through which they could apply to retain the development 'as built'.
- 5.4 The owners chose instead to submit a Non- Material Amendment application 20/02028/NON. That was subsequently refused on the basis the application involved a *material* amendment to the 2020 planning permission. A copy of the Officer report is attached at Appendix 'B'
- 5.5 In February 2021 a planning application was received under Ref 21/00233/FULH seeking to 'Raise roof height of existing rear extension and extend to rear'. This was refused. A copy of the Officer report is attached at Appendix 'C'

5.6 In May 2021 an amended application was received under Ref 21/00957/FULH seeking to erect (i.e. effectively retain) the single storey rear extension (Amended Proposal) (Retrospective). This was also refused, and a subsequent appeal was dismissed. A copy of the Officer report is attached at Appendix 'D'. A copy of the Appeal decision is attached at Appendix 'E'. The findings of the Inspector – that there is unacceptable harm to character but not to neighbours' living conditions – forms the basis of intended action through the service of an enforcement notice.

6. Policy Considerations:

6.1 The relevant policies are fully set out in the attached Officer Reports.

7. Recommendation

7.1 Given the nature and harmful impact of the breach and the owner's failure to regularise the unauthorised development it is considered necessary and proportionate for enforcement notices to be served.

7.2 Members are recommended to AUTHORISE ENFORCEMENT ACTION to:

- a) Remove the unauthorised rear extension in its entirety OR
- b) Reposition and amend the extension so that it fully complies with the approval granted under planning reference 20/00556/FULH
- c) remove from site all materials resulting from compliance with a) OR b) above

7.3 The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Act and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice.

7.4 When serving an Enforcement Notice the Local Planning Authority must ensure a reasonable time for compliance. In this case a compliance period of 3 months is considered reasonable for the demolition of the unauthorised rear extension or its modification to comply with planning permission ref 20/00556/FULH.

7.5 Taking enforcement action in this case may amount to an interference with the owners' and/or occupiers' Human Rights. However, it is necessary for the Local Planning Authority to balance the rights of the owners and/or occupiers against its legitimate aims to regulate and control land within its area. In this particular case it is considered reasonable, expedient, and proportionate and in the public interest to pursue enforcement action on the grounds set out in the formal recommendation.

Appendix 'A' – Officers Report for approved application Ref 20/00556/FULH

Reference:	20/00556/FULH
Ward:	Thorpe
Proposal:	Erect single storey rear extension
Address:	176 Burges Road, Thorpe Bay, Essex, SS1 3JP
Applicant:	Mr Brett Wakeling
Agent:	
Consultation Expiry:	09.07.2020
Expiry Date:	15.09.2020
Case Officer:	Scott Davison
Plan No's:	Existing Location Plan, Existing Roof Plan, Existing Elevations Proposed Floor and Roof Plan Proposed Elevations.
Recommendation:	GRANT PLANNING PERMISSION

1 Site and Surroundings

- 1.1 The site is located on the southern side of Burges Road between its junction with Maplin Way and Burges Close. The site contains a two storey detached dwelling house with a single storey rear extension.
- 1.2 The site has a medium sized rear garden and is surrounded by traditional 1960's residential dwellinghouses. It forms part of a small group of properties built to similar design. Plots sizes are large and the area has a spacious character. The neighbouring dwelling to the east has a pitched roof outbuilding close to the shared boundary.
- 1.3 The site is not located within a conservation area or a flood zone and is not subject to any site specific planning policies.

2 The Proposal

- 2.1 The proposal is to demolish the existing single storey rear extension that measures some 3m wide by 7m in length and to erect a single storey rear extension to the rear of the dwelling which would have an L shaped footprint. The applicant has submitted revised plans which are legible and scaled as there were discrepancies with the original plans and they not clear. The single storey extension would be some 21.4m deep along the shared boundary with No178, some 7m wide attached to the dwelling reducing to 4.5m wide and increasing in width to 7m at the rear boundary. The

extension would be some 3.3m in height with a tiled pitched roof which would contain roof lights. The eastern flank elevation would be set some 0.3 in from the eastern shared boundary and 1.8m from the southern shared boundary. The elevation facing into the garden would contain a mix of windows and bi-folding doors.

- 2.2 The extension would include a gym, indoor swimming pool, shower, hot tub and seating room. The proposed finishing materials include brick and tiles

3 Relevant Planning History

- 3.1 13/01198/FULH Two storey front, side and rear extension with balcony, extension and increase in height of roof to form roofspace accommodation, insert rooflights and form recessed balcony at rear Refused
- 3.2 13/01741/FULH Two storey side and rear extension with balcony, extension and increase in height of roof to form roofspace accommodation, insert rooflights and form recessed balcony at rear (amended proposal) - Granted.
- 3.3 14/00286/AD Application for Approval of Details pursuant to condition 03 (Facing Materials) of planning permission 13/01741/FULH dated 10/02/2014. Granted

4 Representation Summary Public Consultation

- 4.1 9 neighbours were notified. One letter of representation has been received. It is summarised below.

The plans are not clear and precise to determine whether the proposal would adversely impact on neighbouring dwelling
Plans do not contain any dimensions.
It is unclear whether 50% of the garden would be covered.

4.2 Environmental Health

No objection subject to construction hours condition

4.3 Parks

No objections. Plans are unclear and do not show details of existing trees and vegetation.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF)(2019)
- 5.2 Core Strategy (2007) Policies KP2 (Development Principles), CP3 (Transport and Accessibility) and CP4 (Environment & Urban Renaissance)
- 5.3 Development Management Document (2015): DM1 (Design Quality), Policy DM3 (Efficient and Effective Use of Land) & DM15 (Sustainable Transport Management).
- 5.4 Design & Townscape Guide (2009).

5.5 CIL Charging Schedule 2015

6 Planning Considerations

6.1 The key considerations in relation to this application are the principle of the development, design and impact on the character of the area and impact on residential amenity as well as traffic and transportation implications and CIL contributions.

7 Appraisal Principle of Development

7.1 The proposal is considered in the context of the NPPF and Core Strategy Policies KP2 and CP4. Also of relevance is Policy DM1 which addresses design quality. These policies and guidance support extensions to properties in most cases but require that such alterations and extensions respect the existing character and appearance of the building. The dwelling is situated within a residential area and extensions and alterations to the property are considered acceptable in principal, subject to detailed considerations discussed below.

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 Policies DM1 and DM3 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 National Planning Policy Framework (NPPF) states 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. (Paragraph 124 – “Achieving well-designed places”).

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 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”*.

7.6 Policy DM3 (5) also advises that *‘Alterations and additions to a building will be expected to make a positive contribution to the character of the original building and the surrounding area through:*

(i) The use of materials and detailing that draws reference from, and where

appropriate enhances, the original building, and ensures successful integration with it; and

(ii) Adopting a scale that is respectful and subservient to that of the original building and surrounding area; and

(iii) Where alternative materials and detailing to those of the prevailing character of the area are proposed, the Council will look favourably upon proposals that demonstrate high levels of innovative and sustainable design that positively enhances the character of the original building or surrounding area.'

7.7 The Design and Townscape Guide states that "the Borough Council is committed to good design and will seek to create attractive, high-quality living environments." Paragraph 348 of The Design and Townscape Guide under the heading of Rear Extensions, states that; "whether or not there are any public views, the design of the rear extensions is still important and every effort should be made to integrate them with the character of the parent building, particularly in terms of scale, materials and the relationship with existing fenestration and roof form."

7.8 An existing rear extension would be demolished to the rear of the dwelling. The proposed rear extension would be 7m wide where it is attached to the dwelling and would project rearwards to a maximum depth of 21.4m which would be virtually the whole length of the rear garden. The side elevation facing towards the dwelling to the east would be set 0.2m off the shared boundary to No.178 and the pitched roof would have an overall height of 3.3m above ground level. The extension would be set some 0.3m in from the shared eastern boundary and 1.8m in from the shared southern boundary. The 21m length of the extension and 3.3m in height would appear as a large structure but would be attached to the dwelling house and located on one side of a reasonably sized rear garden in an area with gardens of a commensurate size. On balance it is considered that the size of the garden could comfortably accommodate the extension and therefore it would not be harmful to the character of the building or street. This can be further ensured by use of a condition on any planning permission to require materials to match existing where appropriate. It is considered that the proposed development would result in a satisfactory impact on the character and visual amenity of the dwelling itself and the wider area

7.10 The proposed development is acceptable and policy compliant in the above regards.

Traffic and Transport Issues

7.11 In accordance with Development Management policy DM15, dwellings with 2 or more bedrooms are required to provide 2 car parking spaces. The proposed extensions and alterations would not result in the loss of existing spaces within the application site. The proposal is considered to be acceptable and policy compliant in these regards.

Impact on Residential Amenity:

7.12 The Design and Townscape Guide (Paragraph 343; under the heading of Alterations and Additions to Existing Residential Buildings) states that amongst other criteria, 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*'. In addition to this Policy DM1 of the Development Management Document also states 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.”

- 7.14 In assessing the relationship of the proposal with No.178, to the east, the proposed rear extension would be set off the shared boundary by approximately 0.2m. The flank elevation of the proposed single storey extension would project to a depth of some 21m and would measure 3.3m in height. The proposed extension would not contain any windows in the side facing elevation facing to the east. The property to the east has a pitched roof outbuilding to the rear of the property some 8.6m long, set in close proximity to the shared boundary. The existing extension to the application property would be removed and the proposed extension would project most of the length of the rear garden and would be set close to the shared boundary within the generously sized rear garden of the application site. In this instance, given the size and depth of the existing outbuilding to the rear of the property to the east, it is considered that proposed development would not disadvantage the neighbour to the east in terms of daylight, sunlight, sense of enclosure or loss of outlook or privacy.
- 7.15 It is considered that the proposed extension would not have a materially harmful impact on the sunlight, daylight or privacy of the neighbouring properties to the west. It is not considered that this relationship would give rise to any detrimental overlooking or loss of privacy nor would it have any unduly overbearing, perceived or actual dominant impacts upon the dwellings to the west of the site or result in any material loss of light.
- 7.16 To the rear (south) of the site are two storey dwelling houses in Thorpe Bay Gardens. It is considered that the proposed extension would not have a materially harmful impact on the sunlight, daylight or privacy of the neighbouring properties to the south. It is not considered that this relationship would give rise to any detrimental overlooking or loss of privacy nor would it have any unduly overbearing, perceived or actual dominant impacts upon the dwellings to the south of the site or result in any material loss of light.
- 7.17 The proposal is therefore acceptable and policy compliant in the above regards.

Community Infrastructure Levy CIL Charging Schedule 2015.

- 7.18 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 gross internal area of 113sqm, which may equate to a CIL charge of approximately £8,710.04 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the 'in-use building' test, as set out in the CIL Regulations 2010 (as amended), may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

8 Conclusion

- 8.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would

be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The principle of the development is found to be acceptable and the proposal would have an acceptable impact on the amenities of neighbouring occupiers and the character and appearance of the application site, and the streetscene more widely. This application is therefore recommended for approval subject to conditions.

9 Recommendation

GRANT PLANNING PERMISSION subject to the following conditions:

- 01 The development hereby permitted shall begin not later than three years from the date of this 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 in accordance with the following approved plans: Existing Location Plan, Existing Roof Plan, Existing Elevations Proposed Floor and Roof Plan Proposed Elevations,**

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

- 03 The development hereby permitted shall not be occupied at any time other than for purposes directly ancillary to the residential use of the dwelling known as 176 Burges Road, Thorpe Bay. It shall not be occupied as a separate unit of self-contained accommodation.**

Reason: In the interests of residential and visual amenity and to ensure that acceptable accommodation sizes and parking standards are achieved, in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policy KP2, CP3 and CP4, Development Management Document (2015) Policy DM1 and DM3 and Southend Design and Townscape Guide (2009).

- 04 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 drawings hereby approved or are required by conditions to this permission.**

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 (NPPF), Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) policies DM1 and the advice contained in the Design and Townscape Guide (2009).

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.

10 Informatives

01 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development it is imperative that you contact S106andCILAdministration@southend.gov.uk to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended). If the chargeable development has already commenced, no exemption or relief can be sought in relation to the charge and a CIL Demand Notice will be issued requiring immediate payment. Further details on CIL matters can be found on the Planning Portal.

(planningportal.co.uk/info/200136/policy_and_legislation/70/community_in_frastructure_levy) or the Council's website (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.

<p>Case Officer Signature.....SD.....Date.....11.09.2020.....</p> <p>Senior Officer Signature.....Date.....</p> <p>Delegated Authority Signature.....Date.....</p>

Appendix 'B' Officers Report re Non Material Amendment application - Refused

Reference:	20/02028/NON
Ward:	Thorpe
Proposal:	Extend development up to rear fence line keeping within 400mm of the boundary and raise the overall height from 3.25 to 3.8m (Non-Material Amendment to Planning Permission 20/00556/FULH dated 14.09.2020).
Address:	176 Burges Road, Thorpe Bay, Essex, SS1 3JP
Applicant:	Mr Brett Wakeling
Agent:	N/A
Consultation Expiry:	
Expiry Date:	31.12. 2020
Case Officer:	Scott Davison
Plan Nos:	None Submitted.
Recommendation:	REFUSE Non-Material Amendment

1 Site and Surroundings

- 1.1 The site is located on the southern side of Burges Road between its junction with Maplin Way and Burges Close. The site contains a two storey detached dwelling house with a single storey rear extension.
- 1.2 The site has a medium sized rear garden and is surrounded by traditional 1960's residential dwellinghouses. It forms part of a small group of properties built to similar design. Plots sizes are large and the area has a spacious character. The neighbouring dwelling to the east has a pitched roof outbuilding close to the shared boundary.
- 1.3 The site is not located within a conservation area or a flood zone and is not subject to any site specific planning policies.

2 The Proposal

- 2.1 The application seeks permission for a non-material minor amendment to a development that was granted planning permission on 14/094/2020 (Application No: 20/00556/FULH).
- 2.2 The proposal seeks to extend the depth of the development up to rear fence line to within 400mm of the boundary and to raise the overall height from 3.25 to 3.8m.

- 2.3 No reason is stated on the application form for these alterations and no plans have been submitted with the application showing the proposed amendments to the approved scheme.

3 Relevant Planning History

- 3.1 13/01198/FULH Two storey front, side and rear extension with balcony, extension and increase in height of roof to form roofspace accommodation, insert rooflights and form recessed balcony at rear Refused.
- 3.2 13/01741/FULH Two storey side and rear extension with balcony, extension and increase in height of roof to form roofspace accommodation, insert rooflights and form recessed balcony at rear (amended proposal) - Granted.
- 3.3 14/00286/AD Application for Approval of Details pursuant to condition 03 (Facing Materials) of planning permission 13/01741/FULH dated 10/02/2014. Granted
- 3.4 20/00556/FULH Erect single storey rear extension. Granted.

4 Representation Summary

- 4.1 No public consultation is required for applications of this type.

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, CP3 (Transport and Accessibility) 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).
- 5.6 Town and Country Planning Act 1990 (as amended).

6 Planning Considerations

The key considerations in relation to the application are the principle of the development and acceptability in planning terms of the proposed changes falling within the scope of being considered; 'non-material'.

7 Appraisal

- 7.1 Section 96a of The Town and Country Planning Act 1990 allows changes to be made to an existing planning permission. The proposed amendment involves the alterations set out at section 2 above.

- 7.2 The Government's Planning Practice Guidance states that; "there is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under Section 96a of The Town and Country Planning Act."
- 7.3 Paragraph 2 of Section 96a also states that "in deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted."
- 7.4 The approved single storey extension would be some 21.4m deep and its eastern flank elevation would be set some 0.3 in from the eastern shared boundary with No178 Burges Road. The extension would be some 7m wide where it is attached to the dwelling. The width of the extension would reduce to some 4.5m wide and then would increase in width to 7m at the rear where it would be set some 1.8m in from the southern shared boundary with 129 and 131 Thorpe Bay Gardens . The extension would be some 3.25m in height with a tiled pitched roof which would contain roof lights in the west facing slope. The elevation facing into the garden would contain a mix of windows and bi-folding doors.
- 7.5 The proposed increased height of the single storey rear extension from 3.25m in height up to 3.8m would materially alter the relationship of the development to neighbouring properties, notably to 178 Burges Road to the east and to dwellings to the south of the site at 129 and 131 Thorpe Bay Gardens. There could be a material effect on the light, outlook and the rear garden scene of the neighbouring property, materially different from that taken with account during determination of the original approved application.
- 7.6 The increased depth of the single storey rear extension to within 0.4m of the southern shared boundary of the site would materially alter the relationship of the development to neighbouring properties including 35 Maplin Way to the south east and to dwellings to the south of the site at 129 and 131 Thorpe Bay Gardens. There could be a material effect on the light, outlook and the rear garden scene of the neighbouring properties materially different from that taken with account during determination of the original approved application.
- 7.7 It is therefore considered that the proposed alterations cannot be agreed as a non-material alteration.

8 Recommendation

- 8.1 It is recommended that the non-material amendment be **refused** for the following reason:
- 01 The changes as stated within the submission are not considered to be a minor and inconsequential variation to the details of the approved scheme. The alterations raise new issues for consideration that would exceed the scale of what can reasonably be considered a non-material amendment and warrants the submission of a fresh planning application. For the reason above the application for a non-material amendment is refused.**

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 refuse to approve a non-material amendment 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.

Case Officer
SignatureSD.....Date...30.12.2020.....
Senior Officer
Signature Date
Delegated Authority
Signature Date

Appendix 'C' Officers Report re planning application 21/00233/FULH – Refused

Reference:	21/00233/FULH
Ward:	Thorpe
Proposal:	Raise roof height of existing rear extension and extend to rear
Address:	176 Burges Road, Thorpe Bay, Essex, SS1 3JP
Applicant:	Mr Brett Wakeling.
Agent:	N/A
Consultation Expiry:	10.03.2021
Expiry Date:	02.04.2021
Case Officer:	Scott Davison
Plan Numbers:	Site Plan and Existing Elevations 01, Existing Elevations 02, Existing Floor and Roof Plan 03, Proposed Roof Plan 03A Proposed Floor and Roof Plan 03A and Proposed Elevations received 12 th March 2021
Recommendation:	REFUSE PLANNING PERMISSION

1 Site and Surroundings

- 1.1 The application site is a detached two storey dwelling located on the southern side of Burges Road with a single storey rear extension. The site has a large rear garden and is surrounded by traditional 1960's residential dwellinghouses including a small group of properties built to similar design.
- 1.2 The site is not located within a conservation area or a flood zone and is not subject to any site-specific planning policies.

2 The Proposal

- 2.1 Retrospective planning permission is sought to raise the roof height of an existing rear extension and to extend to the rear. The applicant has confirmed that permission is sought to retain the development as constructed.
- 2.2 Planning permission was granted for single storey extension some 21.4m deep, some 7m wide attached to the application dwelling and the main body of the extension narrows to some 5m and then extends some 7m in width to its southern rear elevation. The approved extension was some 3.25m in height with a tiled pitched roof, sited 0.3m in from the eastern shared boundary and 1.8m from the

southern boundary.

- 2.3 The development as constructed is some 3.75m in height and has been extended closer to the southern boundary by some 1.1m and is now some 22.5m deep. The application form states the southern elevation is sited some 0.4m in from the shared boundary. The submitted plans show the development is between 0.2m and 0.3m from the southern boundary and the trees on that boundary have been removed. Blockwork is evident on the western, southern and eastern elevations and the development has not been finished in materials to match the existing dwelling. There are discrepancies on the plan as a roof light has not been installed and a gas flue has been inserted in the roof which is not shown on the plans.
- 2.4 This application follows an enforcement investigation alleging that the extension granted permission under ref: 20/00556/FULH has not been built in accordance with the approved plans. A non-material amendment application Ref: 20/02028/NON "Extend development up to rear fence line keeping within 400mm of the boundary and raise the overall height from 3.25 to 3.8m (Non-Material Amendment to Planning Permission 20/00556/FULH dated 14.09.2020)" was refused.

3 Relevant Planning History

- 3.1 13/01198/FULH Two storey front, side and rear extension with balcony, extension and increase in height of roof to form roof space accommodation, insert rooflights and form recessed balcony at rear Refused.
- 3.2 13/01741/FULH Two storey side and rear extension with balcony, extension and increase in height of roof to form roof space accommodation, insert rooflights and form recessed balcony at rear (amended proposal) - Granted.
- 3.3 14/00286/AD Application for Approval of Details pursuant to condition 03 (Facing Materials) of planning permission 13/01741/FULH dated 10/02/2014. Granted
- 3.4 20/00556/FULH Erect single storey rear extension. Granted.
- 3.5 20/02028/NON Extend development up to rear fence line keeping within 400mm of the boundary and raise the overall height from 3.25 to 3.8m (Non-Material Amendment to Planning Permission 20/00556/FULH dated 14.09.2020). Refused.

Enforcement History

- 3.6 20/00348/UNAU_B Extension not in accordance with approved 20/00556/FULH.

4 Representation Summary

Public Consultation

- 4.1 Ten neighbouring properties were notified of the application by letter. 13 letters of objection have been received including four from the same objector and two each from two further objectors. These are summarised below.

- Increased height and depth of the extension impacts on the amenity of

neighbouring properties in terms of dominant and overbearing impacts and a loss of outlook and light and overshadowing.

- Loss of trees, which has exacerbated the impact of the development on neighbouring amenity.
- The size and scale of the development is out of keeping and an eyesore in the surrounding rear garden environment and is visible from Maplin Way
- The elevations of the extension have not been rendered or clad and there is exposed block work contrary to conditions on application ref: 20/00556/FULH regarding materials to match existing dwelling.
- Gas flue installed on roof not shown on plan.
- Plans are incorrect and misleading in regard to height of the development.
- Development has resulted in flooding of neighbouring gardens.
- Concerns over use of soakaway, discharge of water from development including the swimming pool.
- Concern regarding overhanging neighbouring boundary.
- Concern over hours of use of the swimming pool and noise and disturbance.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (2019) and National Design Guide (2019)
- 5.2 Core Strategy (2007): Policies CP4 (Environment and Urban Renaissance) and KP2 (Development Principles).
- 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 Community Infrastructure Levy (CIL) Charging Schedule (2015)

6 Appraisal

Principle of Development

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

Design and Impact on Character

- 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

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.

- 6.4 It is considered that the increased size and scale of the development over and above that which was previously approved and found to be acceptable, together with its' siting, is such that would appear as prominent and incongruous feature that would be out of character within the surrounding area. This impact is exacerbated by the removal of previously existing planting. Were the application otherwise acceptable, a condition could be imposed so it is finished in materials to match those of the existing dwelling.
- 6.5 The proposed development is unacceptable and fails to comply with policy in the above regards.

Amenity Impacts

- 6.6 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.
- 6.7 It is considered that the height and proximity of the development to the southern boundary combined with the loss of the trees within the application site is such that it results in harm to the amenities of neighbouring occupiers to the south of the site at No's 131 & 129 Thorpe Bay Gardens. The development appears as an unduly overbearing and dominant feature in those gardens however given that it is located to the north of the dwellings and to the rear of their gardens, it is not considered to result in a harmful loss of light or overshadowing.
- 6.8 In regard to the impact on No.178 to the east of the site, this property has an outbuilding in the rear garden and is set some 10m from its rear elevation which has a conservatory. It is considered that the increased height of the extension between the rear of No.178 and its outbuilding and the proximity to the shared boundary, has resulted in materially harmful impacts on the amenity of the neighbouring residents through a loss of outlook and perceived or actual dominant impacts resulting in a sense of enclosure and would be likely to result in a materially harmful loss of sunlight and daylight to the rear garden.
- 6.9 The increased depth and height of the extension combined with the loss of the trees within the application site is such that it results in harm to the amenities of neighbouring occupiers to the south east of the site at No's 35 Maplin Way. The development appears as an unduly overbearing and dominant feature in the rear garden of No.35. It is not considered that the development has resulted in adverse impacts on any other neighbouring properties.
- 6.10 It is considered that the increased size and scale of the development over and above that which was previously approved and found to be acceptable, together with its siting is such that it would be harmful to neighbour amenity. The proposal is therefore considered to be unacceptable and fails to comply with policy 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).

7 Conclusion

- 7.1 For the reasons outlined above the proposal is found to be unacceptable and fails to comply with the relevant planning policies and guidance. The position, size and scale of the proposed extension would not appear subservient to the existing building and would result in material harm to the character and appearance of the building and the surrounding area. It is considered that the development would result in material harm to the amenities of neighbouring occupiers to the east and south of the site in terms of loss of outlook and actual and perceived dominant impacts, loss of light and an undue sense of enclosure. Therefore, it is recommended that planning permission is refused.

8 Recommendation

REFUSE PLANNING PERMISSION for the following reasons.

- 01 The proposed development, by reason of its size, scale, and siting would not appear subservient to the existing building and would result in material harm to the character and appearance of the building and the surrounding area including the rear garden scene. The proposal is therefore contrary to the National Planning Policy Framework, Core Strategy (2007) policies KP2, Development Management Document (2015) policies DM1 and advice contained in the Design and Townscape Guidance (2009).**
- 02 The proposed extension would appear as a dominant, overbearing and visually obtrusive feature that would detrimentally impact upon the amenities of No's 178 Burges Road in terms of a loss of outlook, an undue sense of enclosure, a loss of light and dominant and overbearing impacts and on No's 129 & 131 Thorpe Bay Gardens and No.35 Maplin Way in terms of dominant and overbearing impacts. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2019); Southend-on-Sea Core Strategy (2007) policies KP2 and CP4, Southend-on-Sea Development Management Document (2015) policies DM1 and DM3 and the advice contained within the Design and Townscape Guide (2009).**

Informatives

- 01 You are advised that as the development equates to less than 100sqm of new floorspace 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 www.southend.gov.uk/cil for further details about the Levy.**

02 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.

Case Officer Signature.....SD.....Date...31.03.2021.....
Senior Officer Signature.....Date.....
Delegated Authority Signature.....CG.....Date.....1.04.21.....

Appendix 'D' Officers Report re planning application 21/00957/FULH – Refused

Reference:	21/00957/FULH
Ward:	Thorpe
Proposal:	Erect single storey rear extension (Amended Proposal) (Retrospective)
Address:	176 Burges Road, Thorpe Bay, Essex, SS1 3JP
Applicant:	Mr Brett Wakeling.
Agent:	Mr Alex Robinson of A.R. Property Designs
Consultation Expiry:	2021
Expiry Date:	02.07.2021
Case Officer:	Scott Davison
Plan Numbers:	Location Plan , 01, 03B, 04 & 05
Recommendation:	REFUSE PLANNING PERMISSION

1 Site and Surroundings

- 1.1 The application site is a detached two storey dwelling located on the southern side of Burges Road with a single storey rear extension. The site has a large rear garden and is surrounded by traditional 1960's residential dwellinghouses including a small group of properties built to similar design.
- 1.2 The site is not located within a conservation area or a flood zone and is not subject to any site-specific planning policies.

2 The Proposal

- 2.1 Retrospective planning permission is sought to raise the roof height of an existing rear extension and to extend to the rear. The applicant has confirmed that permission is sought to retain the development as constructed.
- 2.2 Planning permission was granted for single storey extension some 21.4m deep, some 7m wide attached to the application dwelling and the main body of the extension narrows to some 5m and then extends some 7m in width to its southern rear elevation. The approved extension was some 3.25m in height with a tiled pitched roof, sited 0.3m in from the eastern shared boundary and 1.8m from the southern boundary.
- 2.3 The development as constructed is some 3.75m in height and has been extended closer to the southern boundary by some 1.1m and is now some 22.5m deep. The Development Control Report

application form states the southern elevation is sited some 0.4m in from the shared boundary. The submitted plans show the development is between 0.2m and 0.3m from the southern boundary and the trees on that boundary have been removed. Blockwork is evident on the western, southern and eastern elevations and the development has not been finished in materials to match the existing dwelling. There are discrepancies on the plan as a roof light has not been installed and a gas flue has been inserted in the roof which is not shown on the plans.

- 2.4 The external finishing materials would be render, grey framed windows and doors and red marley modern rooftiles and weatherboarding. The applicant has submitted a supporting bat declaration and a biodiversity checklist and a

This application follows the refusal of application ref: 21/00233/FULH Raise roof height of existing rear extension and extend to rear. The application was refused for the following reasons:

01 The proposed development, by reason of its size, scale, and siting would not appear subservient to the existing building and would result in material harm to the character and appearance of the building and the surrounding area including the rear garden scene. The proposal is therefore contrary to the National Planning Policy Framework, Core Strategy (2007) policies KP2, Development Management Document (2015) policies DM1 and advice contained in the Design and Townscape Guidance (2009).

02 The proposed extension would appear as a dominant, overbearing and visually obtrusive feature that would detrimentally impact upon the amenities of No's 178 Burges Road in terms of a loss of outlook, an undue sense of enclosure, a loss of light and dominant and overbearing impacts and on No's 129 & 131 Thorpe Bay Gardens and No.35 Maplin Way in terms of dominant and overbearing impacts. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2019); Southend-on-Sea Core Strategy (2007) policies KP2 and CP4, Southend-on-Sea Development Management Document (2015) policies DM1 and DM3 and the advice contained within the Design and Townscape Guide (2009).

Since the refused application, it is now understood that the height of the extension was previously largely misunderstood due to changes in the ground level, the higher of which at the garden side being reduced to match the lower ground level at the rear boundary side to accommodate the pool supplier's recommendations.

The maximum as built height compared to the original approval is just 10cm (4") higher: totalling 3.65m above ground level both sides, as opposed to the original approval of 3.55m on the neighbouring side, and 3.25m on the other. The increase in height in the refused application 21/00233/FULH is therefore not applicable after all, and was submitted in error, and therefore should be disregarded for the consideration of this application.

The resultant peak ridge height as a datum level has therefore been constructed almost identical to the original approval 20/00556/FULH, as can be seen in the photo below in how it relates to the flat roof of the dwelling.

The differences between the refused development and development as proposed are :

The applicant seeks to retain the extension depth by some 1.4m beyond the original permission.

The external finishing materials to end gable would be composite weatherboarding (i.e. HardiePlank or similar approved non-combustible material).

All other walls/roofing materials are to match that on the host property (Red Marley Modern tiles and an off-white Render wall finish).

A proposed roof window on the Western roof slope has been deleted.

- To enable this list as a complete schedule of proposed alterations:

A ridge height of Max. 3.65m is proposed, up from a maximum of 3.55m.

3 Relevant Planning History

- 3.1 13/01198/FULH Two storey front, side and rear extension with balcony, extension and increase in height of roof to form roof space accommodation, insert rooflights and form recessed balcony at rear Refused.
- 3.2 13/01741/FULH Two storey side and rear extension with balcony, extension and increase in height of roof to form roof space accommodation, insert rooflights and form recessed balcony at rear (amended proposal) - Granted.

- 3.3 14/00286/AD Application for Approval of Details pursuant to condition 03 (Facing Materials) of planning permission 13/01741/FULH dated 10/02/2014. Granted
- 3.4 20/00556/FULH Erect single storey rear extension. Granted.
- 3.5 20/02028/NON Extend development up to rear fence line keeping within 400mm of the boundary and raise the overall height from 3.25 to 3.8m (Non-Material Amendment to Planning Permission 20/00556/FULH dated 14.09.2020). Refused.
- 3.6 21/00233/FULH Raise roof height of existing rear extension and extend to rear. Refused.

Enforcement History

- 3.7 20/00348/UNAU_B Extension not in accordance with approved 20/00556/FULH.

4 Representation Summary

Public Consultation

- 4.1 Councillor Woodley has called the application in for consideration by the Development Control Committee.
- 4.2 Ten neighbouring properties were notified of the application by letter. 3 letters of objection have been received and are summarised below.

- The revamped application does not alter the original objections
- Excessively large and unnecessary structure
- Not built in accordance with plans
- The development is not comparable with other development in the area
- The plans are misleading and make reference to an extension of shorter distance
- Trees have been cut down to allow for this
- The proximity of the extension to the back results in it appearing as a overbearing and dominant
- The height and depth of the extension impacts on the amenity of neighbouring properties in terms of dominant and overbearing impacts and a loss of outlook and light and overshadowing.
- Loss of trees, which has exacerbated the impact of the development on neighbouring amenity.
- The size and scale of the development is out of keeping and an eyesore in the surrounding rear garden environment and is visible from Maplin Way
- The elevations of the extension have not been rendered or clad and there is exposed block work contrary to conditions on application ref: 20/00556/FULH regarding materials to match existing dwelling.
- Plans are incorrect and misleading in regard to height of the development.
- Development has resulted in flooding of neighbouring gardens.
- Concerns over use of soakaway, discharge of water from development including the swimming pool.
- The roof tiles have shiny reflective appearance and the external finished appearance .as not been rendered to match the existing dwelling.

- Concern over hours of use of the swimming pool and noise and disturbance.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (2019) and National Design Guide (2019)
- 5.2 Core Strategy (2007): Policies CP4 (Environment and Urban Renaissance) and KP2 (Development Principles).
- 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 Community Infrastructure Levy (CIL) Charging Schedule (2015)

6 Appraisal

Principle of Development

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

Design and Impact on Character

- 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 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.
- 6.4 It is considered that the increased size and scale of the development over and above that which was previously approved and found to be acceptable, together with its' siting, is such that would appear as prominent and incongruous feature that would be out of character within the surrounding area. This impact is exacerbated by the removal of previously existing planting. Were the application otherwise acceptable, a condition could be imposed so it is finished in materials to match those of the existing dwelling.
- 6.5 The proposed development is unacceptable and fails to comply with policy in the above regards.

Amenity Impacts

- 6.6 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.
- 6.7 It is considered that the height and proximity of the development to the southern boundary combined with the loss of the trees within the application site is such that it results in harm to the amenities of neighbouring occupiers to the south of the site at No's 131 & 129 Thorpe Bay Gardens. The development appears as an unduly overbearing and dominant feature in those gardens however given that it is located to the north of the dwellings and to the rear of their gardens, it is not considered to result in a harmful loss of light or overshadowing.
- 6.8 In regard to the impact on No.178 to the east of the site, this property has an outbuilding in the rear garden and is set some 10m from its rear elevation which has a conservatory. It is considered that the increased height of the extension between the rear of No.178 and its outbuilding and the proximity to the shared boundary, has resulted in materially harmful impacts on the amenity of the neighbouring residents through a loss of outlook and perceived or actual dominant impacts resulting in a sense of enclosure and would be likely to result in a materially harmful loss of sunlight and daylight to the rear garden.
- 6.9 The increased depth and height of the extension combined with the loss of the trees within the application site is such that it results in harm to the amenities of neighbouring occupiers to the south east of the site at No's 35 Maplin Way. The development appears as an unduly overbearing and dominant feature in the rear garden of No.35. It is not considered that the development has resulted in adverse impacts on any other neighbouring properties.
- 6.10 It is considered that the increased size and scale of the development over and above that which was previously approved and found to be acceptable, together with its siting is such that it would be harmful to neighbour amenity. The proposal is therefore considered to be unacceptable and fails to comply with policy 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).

7 Conclusion

- 7.1 For the reasons outlined above the proposal is found to be unacceptable and fails to comply with the relevant planning policies and guidance. The position, size and scale of the proposed extension would not appear subservient to the existing building and would result in material harm to the character and appearance of the

building and the surrounding area. It is considered that the development would result in material harm to the amenities of neighbouring occupiers to the east and south of the site in terms of loss of outlook and actual and perceived dominant impacts, loss of light and an undue sense of enclosure. Therefore, it is recommended that planning permission is refused.

8 Recommendation

REFUSE PLANNING PERMISSION for the following reasons.

- 01 The proposed development, by reason of its size, scale, and siting would not appear subservient to the existing building and would result in material harm to the character and appearance of the building and the surrounding area including the rear garden scene. The proposal is therefore contrary to the National Planning Policy Framework, Core Strategy (2007) policies KP2, Development Management Document (2015) policies DM1 and advice contained in the Design and Townscape Guidance (2009).**
- 02 The proposed extension would appear as a dominant, overbearing and visually obtrusive feature that would detrimentally impact upon the amenities of No's 178 Burges Road in terms of a loss of outlook, an undue sense of enclosure, a loss of light and dominant and overbearing impacts and on No's 129 & 131 Thorpe Bay Gardens and No.35 Maplin Way in terms of dominant and overbearing impacts. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2019); Southend-on-Sea Core Strategy (2007) policies KP2 and CP4, Southend-on-Sea Development Management Document (2015) policies DM1 and DM3 and the advice contained within the Design and Townscape Guide (2009).**

Informatives

- 01 You are advised that as the development equates to less than 100sqm of new floorspace 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 www.southend.gov.uk/cil for further details about the Levy.**
- 02 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.**

Case Officer Signature.....SD.....Date...31.03.2021.....

Senior Officer Signature.....Date.....

Appeal Decision

Site visit made on 15 October 2021

by **S Poole BA(Hons) DipArch MPhil
MRTPI**

an Inspector appointed by the Secretary of State
Decision date: 01 November 2021.

**Appeal Ref: APP/D1590/D/21/3279357
176 Burges Road, Thorpe Bay, Essex SS1 3JP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs B Wakeling against the decision of Southend-on-Sea Borough Council.
- The application Ref 21/00957/FULH, dated 7 May 2021, was refused by notice dated 6 July 2021.
- The development proposed is the erection of a single storey rear extension

Decision

1. The appeal is dismissed.

Procedural Matters

2. The development described above has been carried out. As such this appeal relates to a planning application for retrospective planning permission.

3. In the interest of clarity and brevity I have used the description of development provided on the decision notice in the banner heading above.

4. On 20 July 2021, the Government published a revised version of the National Planning Policy Framework (the Framework). I am satisfied that the updates to the Framework do not materially affect its content insofar as it is relevant to the main issues of this appeal, and I am therefore satisfied that no parties have been prejudiced by my having regard to it.

Main Issues

5. The main issues are the effects of the proposal on:
(i) the character and appearance of the host building and the surrounding area; and
(ii) the living conditions of the occupiers of neighbouring properties, with particular regard to outlook and natural light.

Reasons

Character and appearance

6. The appeal property is a detached 2-storey house which is located in a residential area comprising detached houses of similar size and age. These properties have relatively large and generally verdant rear gardens which contribute to the character and appearance of the area.

7. In 2020 planning permission was granted for a single-storey rear extension (ref: 20/00556/FULH) at the appeal property. This allowed for development along almost the entirety of the boundary shared with the next door house with a narrow area of garden retained next to the rear boundary to enable the retention of trees.

8. The appeal scheme differs from the 2020 permission in a number of respects: the prime difference being the extent of rear protrusion. The appeal scheme extends almost to the rear boundary and has resulted in the removal of the trees. The natural screening afforded by the 2020 permission has been lost and therefore the development is more conspicuous from surrounding gardens and houses. Due to its siting, height and bulk, and due to the loss of trees, the appeal scheme is an overly prominent and incongruous form of development that has an unacceptable effect on the character and appearance of the surrounding area.

9. For these reasons the appeal scheme fails to accord with Policy KP2 of the Southend On Sea Core Strategy Development Plan Document One (2007) (CS) and Policy DM1 of the Development Management Document (2015) (DMD) which require developments to respect the character and scale of the site and existing neighbourhood and maintain and enhance the character of residential areas. There is also conflict with the aims of the Council's Supplementary Planning Document 1, Design and Townscape Guide 2009 and the Framework.

Living conditions

10. The appeal scheme results in development along, and close to, the garden boundaries shared with neighbouring properties. Although it would occupy a larger footprint than the 2020 permission, and would also be slightly taller, I am satisfied that adequate levels of natural light to, and outlook from, neighbouring houses and gardens is maintained. As such the appeal scheme does not result in unacceptable effects on the living conditions of occupiers of neighbouring properties. This lack of harm does not however outweigh the clear harm identified above.

11. For these reasons the appeal scheme accords with CS Policies KP2 and CP2 and DMD policies DM1 and DM3 and the advice contained within the Design and Townscape Guide in regard to neighbours' living conditions.

Conclusion

12. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should fail.

S Poole