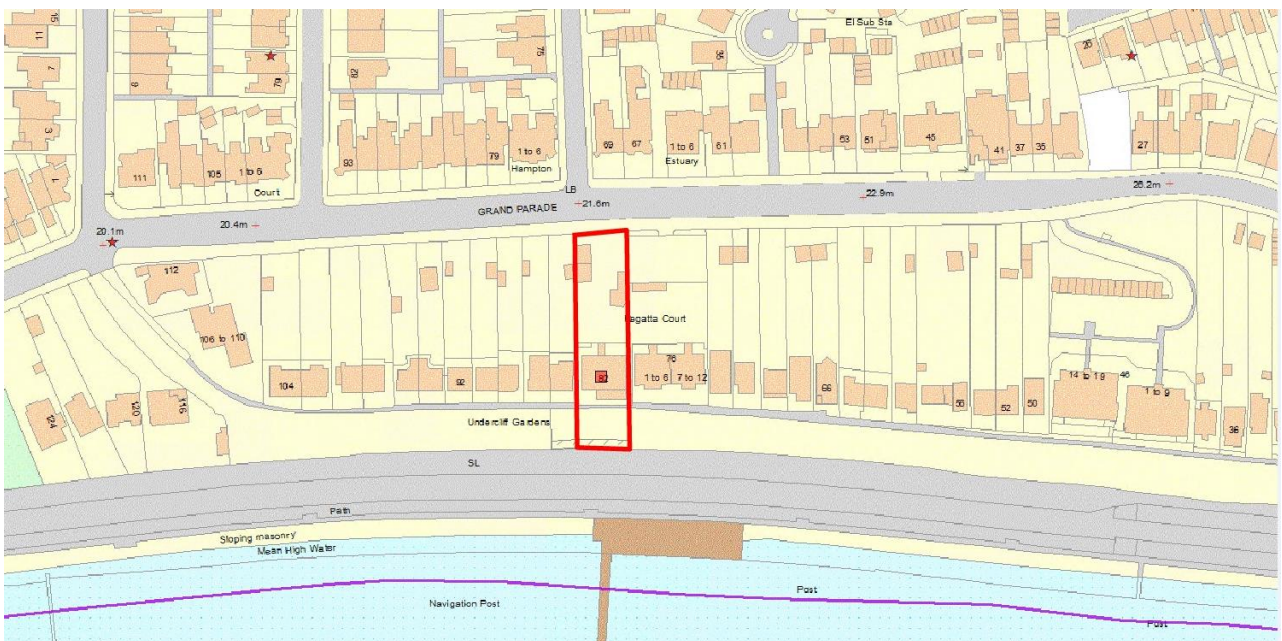


Reference:	21/02498/FUL	
Application Type:	Full Application	
Ward:	Leigh	
Proposal:	Extend existing detached outbuilding to form store area	
Address:	Flat 1, 82 Undercliff Gardens, Leigh-on-Sea	
Applicant:	Mr And Mrs M Day	
Agent:	Metson Architects Ltd	
Consultation Expiry:	27th January 2022	
Expiry Date:	4 th March 2022	
Case Officer:	Jonathan Doe	
Plan Nos:	2101-X00, 2101-X01-C, 2101-X03-B, 2101-TP-ST-2.0-A, 2101-TP-ST-2.1-A, and 2101-TP-ST-2.2-A.	
Supplementary Document	Design and Access Statement.	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 Site and Surroundings

- 1.1 The site is that of a building accommodating flats. The flats face onto Undercliff Gardens, a footpath. Car parking is set to the rear of the flats, to the north, and the site has vehicular access to the vehicular highway of Grand Parade. The site slopes steeply down from north to south towards the rail line and the estuary.
- 1.2 The surrounding area is residential and characterised by the undulating topography created by the cliffs near the estuary. Grand Parade and Undercliff Gardens offer wide views towards the estuary. Grand Parade is an area with open character. Some limited exceptions are outbuildings and/or garages which have been erected at or slightly lower than the road level.
- 1.3 The application site and the area are covered by an Article 4 direction removing permitted development rights in relation to the erection of fences, walls and other means of enclosure. The site also falls within the Seafront Character Zone 3 of policy DM6 of the Development Management Document.

2 The Proposal

- 2.1 The proposal is for a side extension to an existing outbuilding. The extension would be set on an area which is currently an area of decking set some 20m from the boundary with Grand Parade.
- 2.2 The extension would be 2.9m wide by some 3.9m deep. It would have a flat roof some 2.6m in height relative to the surface of the decking which the outbuilding would replace.
- 2.3 The extension would be used as a garden store with an external door on the southern elevation. A bay window, projecting some 0.5m, would also be set on the southern elevation.
- 2.4 The extension would have a rendered finish to match existing and the door and window would match that to the existing outbuilding which is used as a home gym.
- 2.5 Cllr Mulronev has requested that the application be considered at Development Control Committee.

3 Relevant Planning History

- 3.1 21/01032/FUL - Extend existing detached outbuilding to front and increase height of part of boundary fence along east elevation - Planning permission granted 27th July 2021.
- 3.2 21/00809/FUL - Extend existing garage - Planning permission granted 25th June 2021.
- 3.3 09/01676/FUL - Demolish dwellinghouse and erect 4 storey block of 3 self-contained flats - Planning permission granted 24th November 2009.
- 3.4 Numerous earlier applications have been determined in relation to the site; these are considered not to have a significant bearing on the determination of the current application.

4 Representation Summary

4.1 Public Consultation

31 neighbouring properties were consulted, and a site notice posted. One letter of representation has been received.

Summary of representations:

- Buildings at this part of the cliff does not fit pattern of other properties
- Reduces the rear garden
- Further expansion of the various buildings could ultimately lead to them becoming habitable accommodation

The comments have been taken into consideration and the relevant to planning matters raised are discussed in the relevant sections of the report but are not considered such to justify refusal of the application in the circumstances of this case.

4.2 Leigh Town Council

Objection. Overbearing nature and density of buildings. Does not respect the character of the site. Design, size, bulk and mass, represents a cramped form of development and an overdevelopment of the land, which is out of keeping with and detrimental to the character and appearance of the application site and the area more widely. In a Seafront character zone and does not add to the overall quality of Undercliff Gardens and does not retain the characteristics and form of the area. The application will materially change the existing character, appearance and form of the area.

4.3 The Society for the Protection of Undercliff Gardens

Object. Larger building mass across much of the width of the site with the existing extensive hard surfaces to parking provisions, would result in a significant reduction in the openness of the garden area fronting Grand Parade, conflicting with the aim of preserving existing gardens as planted and landscaped areas, and would reduce the general openness that is characteristic of gardens fronting Grand Parade.

5 Planning Policy Summary

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

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

5.3 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), DM6 (The Seafront), and DM15 (Sustainable Transport Management).

5.4 Design & Townscape Guide (2009)

5.5 CIL Charging Schedule (2015)

6 Planning Considerations

6.1 The main considerations of this application are the principle of the development, design and impact on the wider streetscene, traffic and transportation, impact on residential

amenity and CIL.

7 Appraisal

Principle of Development

- 7.1 The principle of extending an outbuilding to provide facilities in association with residential accommodation is considered acceptable. Other material planning considerations are discussed below.

Design and Impact on the Character of the Area

- 7.2 Paragraph 126 of the NPPF states *'the creation of high quality, beautiful and sustainable 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. Being clear about design expectations, and how these will be tested, is essential for achieving this.'*
- 7.3 Policy KP2 of the Core Strategy advocates the need for all new development to "respect the character and scale of the existing neighbourhood where appropriate and secure improvements to the urban environment through quality design". Policy CP4 of the Core Strategy states, "development proposals will be expected to contribute to the creation of a high quality, sustainable urban environment which enhances and complements the natural and built assets of Southend by maintaining and enhancing the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development."
- 7.4 Policy DM1 of the Development Management Document advocates the need for good quality design that contributes positively to the creation of successful places. All developments should respect the character of the site, its local context and surroundings in terms of its architectural approach, height, scale, form and proportions.
- 7.5 Policy DM6 requires all development to be in accordance with the Seafront Character Zones. For Zone 3 the policy seeks to protect and enhance the open estuary views from Grand Parade and Undercliff Gardens.
- 7.6 In relation to development within the seafront character zones Policy DM6 states:
- '4. Development within or near the Seafront Area must not detrimentally impact upon the Thames Estuary's openness or views across and backdrops to the River Thames and Southend's beaches.*
- 6. All development within the Seafront Area must accord with the development principles set out in Policy Table 1.'*
- 7.7 Undercliff Gardens and Grand Parade fall within Seafront Character Zone 3. The Development principles for this character zone include:
- (i) To continue to protect and enhance the open character and undeveloped, green space, frontage and estuary views from Grand Parade, Cliff Parade, The Gardens, Undercliff Gardens, Leigh Hill and The Ridgeway.*

(ii) Development will be considered acceptable where it adds to the overall quality of Undercliff Gardens, Grand Parade, Cliff Parade, The Gardens, Leigh Hill and The Ridgeway,

- 7.8 The views of the estuary from the public footpath in Grand Parade are a defining characteristic of the street and can be enjoyed by all. As noted above, Policy DM6 specifically seeks to protect these public views of the estuary from inappropriate development which would block or appear over dominant in this outlook and as such would have a detrimental impact on this aspect of local character.
- 7.9 Having regard to the size and scale of the existing outbuilding and flats on site, the proposed single storey extension to the existing outbuilding, is modest in size and appears subservient to the existing outbuilding. Given that it is set down from the road, would be screened by an existing wall and a fence by the frontage with Grand Parade together with the proposal's very similar height and design to the existing building, it would not result in significant harm to the character and appearance of the host building or surrounding area. The proposal will maintain the open estuary views from Grand Parade.
- 7.10 The comments of Leigh Town Council, the Society for the Protection of Undercliff Gardens and local residents are noted. However, the scale of the proposal is reasonably comparable with that of a domestic outbuilding. It is considered that the extension, which is proposed to be set some 20m from the nearest boundary of the Grand Parade pavement, would have no significant impact on public views from Grand Parade as it would be of an insufficient height to appear above the line of sight to the south which is across steeply falling land. There is existing built form at this position and the main building at the foot of the slope against which the major part of the extension would be silhouetted. The reduction to garden area by the loss of the decking would be minimal in proportion to the scale of the site.
- 7.11 The proposal is therefore acceptable and policy compliant in the above regards.

Impact on Residential Amenity

- 7.12 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.
- 7.13 The curtilage of flats in Regatta Court lies to the east. No. 84 Undercliff Gardens is to the west.
- 7.14 The extension would be set on the far side of the existing outbuilding from the boundary with Regatta Court. The extension would be set some 9m from the boundary with No. 84 Undercliff Gardens. The extension would be some 18m from the building accommodating flat 2 and flat 3, 82 Undercliff Gardens.
- 7.15 Given the limited size and scale of the proposed building, screening of the existing outbuilding and the isolation distances involved, it is not considered that the proposal

would result in harmful impacts on the amenity of the occupiers of any neighbouring dwellings in terms of sense of enclosure, overbearing impacts or a result in a loss of light, outlook, or privacy. It is therefore acceptable and policy compliant in the above regards.

- 7.16 A local resident has commented that the enlargement could facilitate a future change to a dwelling. Any such proposal would have to be considered on its merits, however it is noted that the most recent planning permission for the property, 21/01032/FUL, has a condition to make clear that such a change would have to be the subject of a planning application and it is considered reasonable, to ensure that the ancillary use of the enlarged outbuilding is clear, that this condition be imposed on the extension.

Traffic and Transportation Issues

- 7.17 The proposal would not impact on the existing parking area for the property; existing parking spaces would be retained. The proposal is therefore policy compliant in this regard.

Community Infrastructure Levy (CIL)

- 7.18 The development is not liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended).

Equality and Diversity Issues

- 7.19 The Equality Act 2010 (as amended) imposes important duties on public authorities in the exercise of their functions and specifically introduced a Public Sector Equality Duty. Under this duty, public organisations are required to have due regard for the need to eliminate unlawful discrimination, harassment and victimisation, and must advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. Officers have in considering this application and preparing this report had careful regard to the requirements of the Equalities Act 2010 (as amended). They have concluded that the decision recommended will not conflict with the Council's statutory duties under this legislation.

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.

9 Recommendation

9.1 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 pursuant to Section 91 of the Town and Country Planning Act 1990.

- 02** The development shall only be undertaken in accordance with the following approved plans: 2101-X00, 2101-X01-C, 2101-X03-B, 2101-TP-ST-2.0-A, 2101-TP-ST-2.1-A, and 2101-TP-ST-2.2-A.

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 outbuilding. 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 extension hereby approved shall not be used as a balcony, roof garden or similar amenity area or for any other 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, Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1 and the advice contained in the Design and Townscape Guide (2009).

- 05** 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 Flat 1, 82 Undercliff Gardens, Leigh on Sea. 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 (2021), Core Strategy (2007) Policy KP2, CP3 and CP4, Development Management Document (2015) Policy DM1 and DM3 and Southend Design and Townscape Guide (2009).

Informatives:

- 1** You are advised that as the proposed extension(s) to your property equates to less than 100sqm of new floorspace the development would benefit from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge would be payable. See 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.**

- 3 The Local Planning Authority has acted positively and proactively in determining this application, by assessing the proposal against all material planning considerations, including planning policies and any representations that may have been received. Planning permission has been granted subject to conditions as the proposal was found to be compliant with the objectives of planning policies and guidance and there were no material considerations to justify reaching a different conclusion. A detailed analysis of the proposal is set out in a report on the application prepared by officers.**