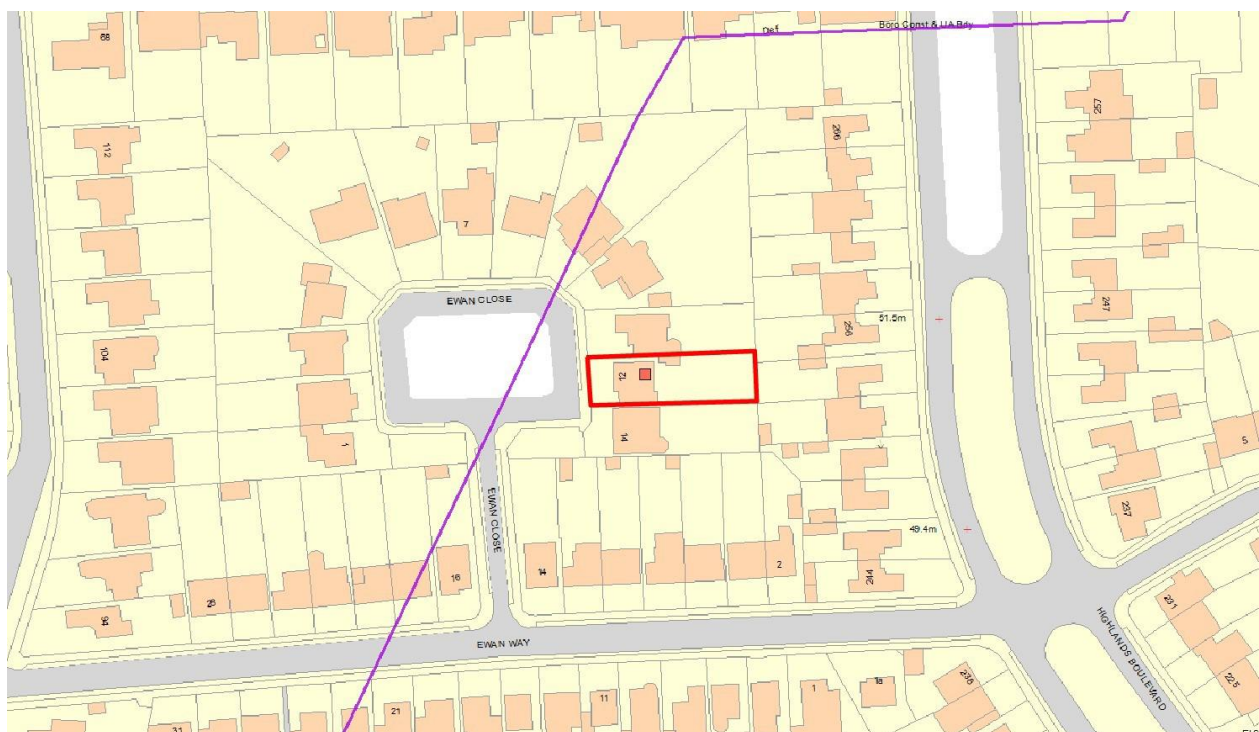


Reference:	22/00704/FULH
Application Type:	Full Application- Householder
Ward:	West Leigh
Proposal:	Raise ridge height, erect hip to gable roof extension to sides and gable extension to front, erect dormer to rear with juliette balcony, erect single storey rear and front extensions and first floor side extension, alter elevations (Amended Proposal)
Address:	12 Ewan Close, Leigh-on-Sea, Essex, SS9 3RB
Applicant:	Mr & Mrs Speedie
Agent:	Mr Jonathan Puplett of Whaleback Planning & Design
Consultation Expiry:	14.04.2022
Expiry Date:	07.06.2022
Case Officer:	Oliver Hart
Plan Nos:	(22) 02/20 EX01; (22) 02/20 PL02.A; (22) 02/20 PL02 RevA
Supporting Documents:	Planning Statement; (22) 02/20 PL02.A (Section through plan submitted in relation to the application ref. 22/00704/CLP)
Recommendation:	GRANT PLANNING PERMISSION subject to conditions



1 Site and Surroundings

- 1.1 The site comprises a detached hipped roof two storey dwellinghouse on the eastern side of Ewan Close a cul de sac, north of Ewan Way. The property has an average sized rear garden relative to the area, an existing drive access to the front and an attached garage to the southern flank elevation.
- 1.2 Topographically the area slopes downwards to the south. The surrounding area is residential in character and the immediate streetscene comprises two-storey detached dwellinghouses of varying mass, form and design. Hipped roofs however are the predominant roof form in the area and this is considered to inform the character of the immediate streetscene.
- 1.3 The site is not located within a conservation area or subject to any site-specific planning policies.

2 The Proposal

- 2.1 The application, which has been amended during its processing, seeks planning permission to alter the existing hipped roof to a gable end with a flat roofed box dormer (some 6.6m wide, 4.1m deep and 3m high) to the rear elevation to facilitate accommodation within the extended roof area. The proposal also seeks to raise the ridge height of the dwelling by approx.0.55m, to erect single storey front and rear extensions and to erect a first-floor side extension (over the existing garage).
- 2.2 The single storey side/rear extension would be flat roofed and between 3.7m and 4.6m deep, 10.1m wide and 3.1m high.
- 2.3 The first-floor side extension would have a gable end and would measure some 8.2m deep, 2m wide and 8.5m in maximum height. It would be set some 1m back from the front building line, 0.5m down from the ridge and 1m from the southern flank boundary.
- 2.4 Other alterations include changes to the garage roof form from a flat roof to a part hip (to front)/part flat roof (to rear); incorporation of a pitch roofed canopy to the front at ground floor and an open gabled bay projection to the front at first floor, incorporation of white render to the exterior walls and slate roof tiles, installation of 2no. rooflights to the front roofslope and changes to the fenestration.
- 2.5 This is an amended application following refusal of a previous scheme (21/02231/FULH). That application was refused on design grounds only, solely in relation to the character impacts arising from the proposed gabling of the roof which was found to appear as an incongruous feature in the context of the immediate surrounding area which is characterised by hip roofs. The increase in ridge height was found to exacerbate this harm.
- 2.6 This proposal differs from the previous application by reducing the extent of the proposed ridge increase, from 1.1m to 0.55m.

- 2.7 A new, and material, consideration to be weighed in the assessment of this amended proposal is that a Certificate of Lawfulness for this property has recently been issued (22/00703/CLP) for a 'Hipped to gable roof extension with dormer to rear to form habitable accommodation in the loftspace'. That Certificate of Lawfulness (CLP) has confirmed that that development can be undertaken within the scope of the owner's permitted development rights such that planning permission from the Council would not be required. The accompanying 'section-through' drawing details for the CLP demonstrate that the development if built out in isolation, is capable of providing habitable accommodation within the loftspace that would accord with building regulations (minimum internal head height of 2.2m). The development subject of the Certificate of Lawfulness provides a realistic and up to date fall-back position which carries significant weight in the determination of the current application and has strongly informed how staff have weighed up the relevant considerations.
- 2.8 Other changes from the previous application include a modest enlargement of the rear dormer, from 2.75m high to 3m in maximum height (+0.25m) and from 3.7m deep to 4.1m deep (+0.4m) and a change to its detailed design from an earlier contemporary approach to a more conventional one. The width would remain the same.
- 2.9 The other elements of the proposal remain unchanged.

3 Relevant Planning History

- 3.1 22/00703/CLP- Hipped to gable roof extension with dormer to rear to form habitable accommodation in the loftspace (certificate of lawful development - proposed)- Granted
- 3.2 21/02231/FULH- Raise ridge height, erect hip to gable roof extension, erect single storey side and rear extension, first floor side extension, erect dormer to rear with juliette balcony, alter elevations- Refused. Reason for refusal.

01 The proposed gabling of the roof would represent a dominant and incongruous feature which would significantly harm the character and appearance of the dwelling, the streetscene and the surrounding area which is characterised by hip roofs. The detrimental visual impact would be exacerbated by the raising of the ridge height which would increase its prominence in the streetscene. This harm is unacceptable and the proposal is therefore contrary to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007) Development Management Document Policies DM1 and DM3 and the Design and Townscape Guide (2009).

4 Representation Summary

Public

- 4.1 Seven (7) neighbouring properties were notified and two letters of representation have been received. Summary of comments:
- Overdevelopment of the site.
 - Development will have a detrimental impact on visual amenity.
 - Amended plans do not overcome previous reason for refusal.

- Overlooking concerns arising from Juliette balcony to rear of dormer.

The comments have been taken into consideration and the relevant planning matters raised are discussed in subsequent sections of the report. The objecting points raised by the representations have been taken into account in the assessment of the proposal but are not found to represent justifiable reasons for recommending refusal of the planning application in the circumstances of this case. The Juliette balcony referred to in the representations has since been removed from the proposal following submission of revised plans.

Call-in

- 4.2 The application has been called into Development Control Committee by Cllr Mulroney.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2021)
- 5.2 National Design Guide (2021)
- 5.3 Core Strategy (2007) Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP3 (Transport and Accessibility) and CP4 (Environment and Urban Renaissance)
- 5.4 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land) and DM15 (Sustainable Transport Management)
- 5.5 The Design and Townscape Guide (2009)
- 5.6 CIL Charging Schedule (2015)

6 Planning Considerations

- 6.1 The proposal would not increase the need for parking nor reduce the current off-site parking provision. The key considerations in relation to this application are therefore the principle of the development, design and impact on the character of the area, the impact on residential amenity and CIL (Community Infrastructure Levy).

7 Appraisal

Principle of Development

- 7.1 The principle of development was previously found to be acceptable. The dwelling is situated within a residential area and an extension or an alteration to the property is considered acceptable in principle, subject to detailed considerations discussed below.

Design and Impact on the Character of the Area

- 7.2 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.

- 7.3 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.
- 7.4 The previous application was refused on design grounds solely in relation to the character impacts arising from the proposed gabbling of the roof as explained in paragraph 2.5 above. This related to the sideways gabbling, not the introduction of a front facing gable, also part of that proposal.
- 7.5 This application seeks to overcome that reason for refusal by reducing the extent of the proposed ridge increase from 1.1m to 0.55m.
- 7.6 In isolation, the amended proposal does not sufficiently address the main source of the previously identified harm as sideways gabbling of the roof is still proposed. However, of significant relevance to the application assessment is the Lawful Development Certificate for the property (22/00703/CLP) for similar roof development, notably, a 'Hipped to gable roof extension with dormer to rear to form habitable accommodation in the loftspace'.
- 7.7 The accompanying 'section-through' drawing submitted in support of this application details that the permitted development scheme (as proposed under application ref. 22/00703/CLP) is capable of providing habitable accommodation within the enlarged loftspace founded on sideways roof gabbling. This provides a fall-back position which is considered to carry significant weight in the determination of this application as regardless of the outcome, the applicants would still be able to carry out a hip to gable extension at the property, albeit not for the same extent of overall roofspace extension involved in the current submission. The CLP scheme would not involve a further first floor side extension so is different from the current proposal in that regard. However, a first-floor side extension was within the previous proposal and was not a reason for refusal.
- 7.8 On this basis and on balance therefore, this element of the proposal is considered to be acceptable.
- 7.9 Noting the modest proposed increase in the ridge height of the dwelling and having regard to the varied ridgeline characteristics resulting from the change in ground levels along Ewan Close, it is not considered that this element of the proposal would result in any demonstrable harm to the character and appearance of the dwelling, the streetscene or the locality more widely.
- 7.10 The only other alteration relates to the modest enlargement of the rear dormer from the previous submission which has seen the height and depth of the dormer increased (changes outlined in paragraph 2.8). This has also resulted in a slightly different exterior appearance.

- 7.11 The size and scale of the rear dormer is significant however, it would retain set in from the eaves, ridge and flanks such that on balance, and subject to a condition requiring matching materials, the proposed dormer is considered to appear sufficiently subservient and integrated.
- 7.12 No objection is raised to the proposed single storey front and rear extensions, the proposed first-floor side extension, the proposed rear dormer nor the other design elements of the proposal, including incorporation of white render to the exterior walls which are considered appropriate and well-integrated with the existing dwelling and which remain unchanged from the previous application and which did not form a reason for its refusal.
- 7.13 On this basis, and on balance, the proposal is considered to be acceptable and policy compliant in the above regards.

Impact on Residential Amenity

- 7.14 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.
- 7.15 The previous proposal's impact on neighbours' amenity did not form a reason for refusal of that application. There has been no material change in relevant planning policy or site circumstances since that finding.
- 7.16 The application dwelling is neighboured by No's 14 (to the south) and 11 Ewan Close to the north.
- 7.17 With regards to No.14, the absence of neighbouring flank windows and alignment of building plots is such that the proposed increase in ridge height and first floor side extension are not considered to materially harm the amenity of neighbouring occupiers by way of a material loss of light, outlook or an undue increased sense of enclosure. Subject to a condition requiring obscurity of the first and second floor flank windows, the privacy impact is also considered to be acceptable. The single storey side/rear extension would result in built form projecting some 3.7m beyond No 14's nearest neighbouring rear elevation. Having regard to the depth and height of the extension, the resultant amenity impact is considered to be within acceptable limits.
- 7.18 With regards to No.11, the application dwelling is sited forward of that neighbouring property such that the proposed increase in the ridge height and incorporation of a gable roofed form may have some impact on the amenity of those neighbouring occupiers through some loss of light and outlook. Regard however is had to the (3.5m) separation retained to the nearest neighbouring first floor front windows (believed to serve a bedroom area), on account of a neighbouring garage positioned on a shared boundary, as well as the presence of a secondary (rear) opening to the

bedroom. It is considered that the impact of the roof extensions on No 11's occupiers' amenity would be within acceptable limits.

- 7.19 Having regard to the presence of a deep neighbouring single storey projection to the rear of No.11, it is not considered the proposed single storey additions would materially harm the amenity of occupants of neighbouring addresses by way of material loss of light, outlook or an undue increased sense of enclosure.

- 7.20 As the proposed dormer is contained within the existing rear roofslope, it is not considered to materially harm the amenity of occupants of neighbouring addresses. The proposed rear dormer could give rise to some potential overlooking of rear gardens of adjoining properties. The presence of first floor rear windows however suggests there is already an existing degree of overlooking at present. On this basis, it is considered that the proposed dormer and its inset balcony would not give rise to a significantly harmful increase in overlooking or loss of privacy to these neighbouring properties beyond existing levels nor to an unacceptable degree.

- 7.21 The siting of the roof lights in the front roof slope towards the public domain are such that they are not considered to materially impact on the amenities of neighbouring occupants along Ewan Close. On this basis, the proposal is considered to be acceptable and policy compliant in the above regards.

Community Infrastructure Levy

- 7.22 The proposed development equates to less than 100sqm of new floorspace. As such, the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and no charge is payable.

Equality and Diversity Issues

- 7.23 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 regard to all material considerations assessed above, it is considered that subject to compliance with the attached conditions, and attaching significant weight to the fall-back position evidenced through the Certificate of Lawful Development which goes to the heart of the sole reason for refusal of the previous application, the amended proposal would, on balance, be acceptable and compliant with the objectives of the relevant local development plan policies and guidance as well as those contained within the National Planning Policy Framework. This application is therefore recommended for approval subject to conditions.

9 Recommendation

GRANT PERMISSION Subject to the following conditions:

- 01 The development hereby permitted shall begin no 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: (22) 02/20 EX01; (22) 02/20 PL02.A; (22) 02/20 PL02 RevA**

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

- 03 All new work to the outside of the extensions hereby approved must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the approved plans.**

Reason: In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is as set out in the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policy DM1 and advice contained in the Southend-on-Sea Design and Townscape Guide (2009).

- 04 The flat roof of the single storey 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, in accordance with the Core Strategy (2007) Policies KP2 and CP4, the Development Management Document (2015) Policies DM1 and DM3 and advice contained within the Southend-on-Sea Design and Townscape Guide (2009)

- 05 The additional first and second floor side windows in both flank elevations associated with the development hereby approved must be permanently obscure-glazed (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy) and non-opening, unless the parts of the window which can be opened are more than 1.7metres above the finished floor level of the room in which the windows are installed and shall be retained as such for the lifetime of the development.**

Reason: To protect the privacy and environment of people in neighbouring residential properties, in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the

advice contained within the Southend-on-Sea 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

- 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.**