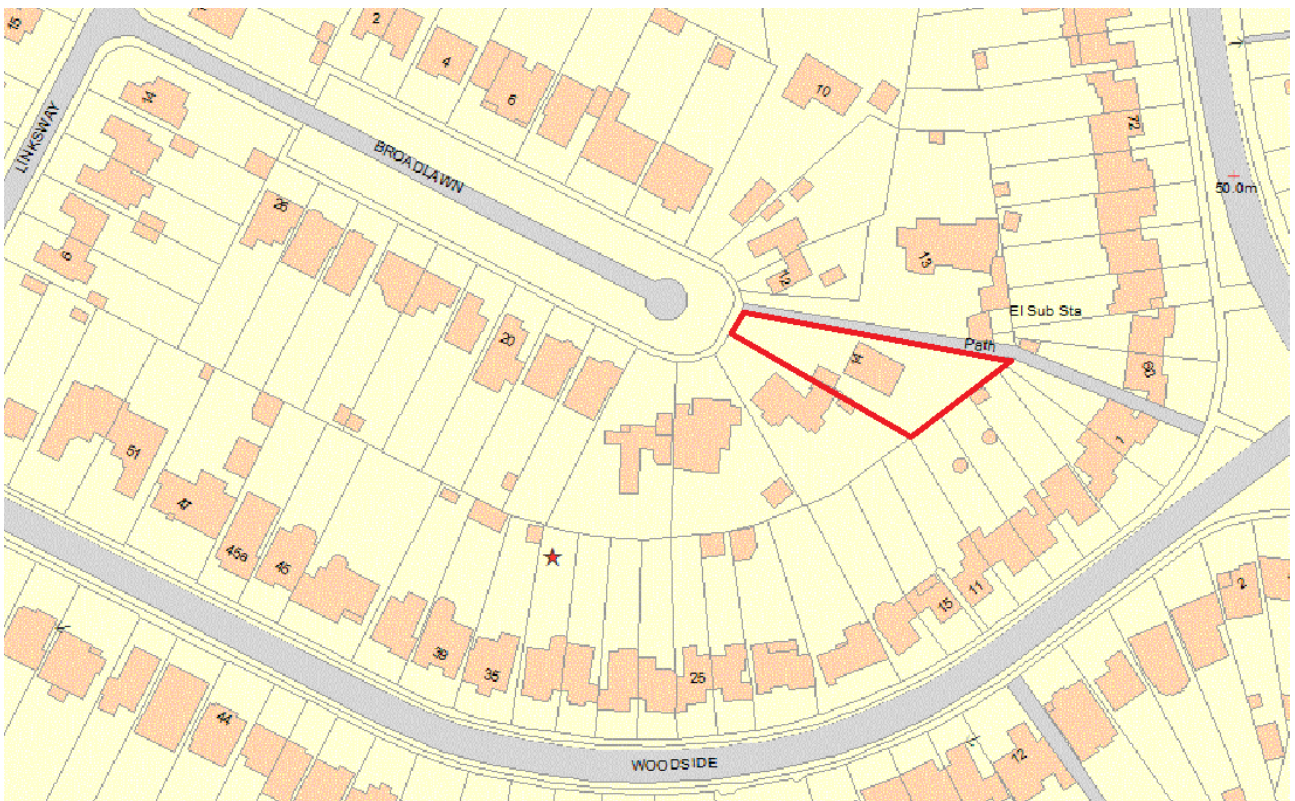


Reference:	22/02260/PA61	
Application Type:	Prior Approval	
Ward:	Belfairs	
Proposal:	Raise ridge height to form new first floor (prior approval)	
Address:	14 Broadlawn, Leigh-on-Sea, Essex, SS9 4QZ	
Applicant:	Ms Lottie Reddings	
Agent:	Mr Alan Green of A9 Architecture	
Consultation Expiry:	26th January 2023	
Expiry Date:	3rd March 2023	
Case Officer:	Hayley Thompson	
Plan Nos:	01 Revision I, 02 Revision I, 03 Revision I, 04 Revision I, 05 Revision, 06 Revision J, 07 Revision I, 08 Revision J, 09 Revision J, 010 Revision J	
Recommendation:	PRIOR APPROVAL REQUIRED AND PRIOR APPROVAL GRANTED	



Site and Surroundings

- 1.1 The application site contains a detached bungalow to the east of Broadlawn at the head of a cul-de-sac. The area is residential in character consisting mainly of detached two storey dwellings, chalets and bungalows of varying scale, form and design. Dwellings in Broadlawn generally have deep grass verges to the front and long driveways.
- 1.2 The site is not within a conservation area or subject to any site-specific planning policies.

2 The Proposal

- 2.1 This application for Prior Approval is submitted under the terms of Class AA of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This allows for the enlargement of a dwellinghouse by construction of up to two additional floors for existing dwellings of two storeys or more or an additional storey in the case of a bungalow.
- 2.2 The proposed development is for an upwards extension to create an additional floor and associated raised roof at the application property. This would increase the maximum height of the dwelling by 2.8m from some 6.1m to some 8.9m.
- 2.3 Finishing materials have been outlined in the submitted application form as matching the existing, including brick and tile. The proposed (pitched) roof form would replicate the existing roof.

3 Relevant Planning History

- 3.1 None.

4 Representation Summary

Call-in

- 4.1 The application has been called in to Development Control Committee by Councillor Dear.

Public Consultation

- 4.2 Fourteen (14no.) neighbouring properties were notified of the application by letter and a site notice was displayed. Seven (7no.) letters of representation have been received. Summary of objections:
 - Loss of privacy
 - Loss of light
 - Development would have overbearing impacts
 - The development would be intrusive
 - Loss of views
 - Concerns about the design of the flank elevations and lack of windows
 - The design, scale and height of the building is out of keeping in the area

[Officer Comment: All relevant planning considerations have been assessed within the appraisal section of the report. The points of representation relevant to planning considerations have been taken into account in the determination of this application but are found not to represent a reasonable basis to refuse prior approval in the circumstances of this case.]

5 Planning Policy Summary

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

6 Planning Considerations

- 6.1 Class AA of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) grants deemed consent for development consisting of: The enlargement of a dwellinghouse consisting of the construction of—

(a) up to two additional storeys, where the existing dwellinghouse consists of two or more storeys; or

(b) one additional storey, where the existing dwellinghouse consists of one storey, immediately above the topmost storey of the dwellinghouse, together with any engineering operations reasonably necessary for the purpose of that construction.

- 6.2 Paragraph AA.1 states that development is not permitted by Class AA if—

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, O, P, PA or Q of Part 3 of this Schedule (changes of use);

The dwelling has not been granted permission to be used as a dwellinghouse only by virtue of Class G, M, MA, N, O, P, PA or Q of Part 3, so provision (a) is met.

(b) the dwellinghouse is located on—

(i) article 2(3) land; or

(ii) a site of special scientific interest;

The dwelling is not located on Article 2(3) land (or example a conservation area) or on a site of special scientific interest, so provision (b) is met.

- 6.3 (c) the dwellinghouse was constructed before 1st July 1948 or after 28th October 2018;

The dwelling was not constructed before 1st July 1948 or after 28th October 2018. Historic records indicate that the dwelling was constructed in 1959 so provision (c) is met.

- 6.4 (d) the existing dwellinghouse has been enlarged by the addition of one or more storeys above the original dwellinghouse, whether in reliance on the permission granted by Class AA or otherwise;

The dwelling is single storey and it has not been previously enlarged by way of the addition of one or more storeys, so provision (d) is met.

- 6.5 (e) following the development the height of the highest part of the roof of the dwellinghouse would exceed 18 metres;

The resultant built form would have a maximum height of 8.9m so provision (e) is met.

- 6.6 (f) following the development the height of the highest part of the roof of the dwellinghouse would exceed the height of the highest part of the roof of the existing dwellinghouse by more than—

- (i) 3.5 metres, where the existing dwellinghouse consists of one storey; or
- (ii) 7 metres, where the existing dwellinghouse consists of more than one storey;

The application dwelling is a single storey bungalow and the height of the highest part of the existing roof would be increased by some 2.8m (from 6.1m to some 8.9m), so the proposal complies with provision (f).

- 6.7 (g) the dwellinghouse is not detached and following the development the height of the highest part of its roof would exceed by more than 3.5 metres—

- (i) in the case of a semi-detached house, the height of the highest part of the roof of the building with which it shares a party wall (or, as the case may be, which has a main wall adjoining its main wall); or
- (ii) in the case of a terrace house, the height of the highest part of the roof of every other building in the row in which it is situated;

The application dwelling is detached, so provision (g) is not applicable.

(h) the floor to ceiling height of any additional storey, measured internally, would exceed the lower of—

- (i) 3 metres; or
- (ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing dwellinghouse;

Section drawings have been provided to demonstrate that the floor to ceiling height, measured internally of the existing dwelling is 2.5m and the additional storey would be some 2.5m in height internally so provision (d) is met.

- 6.8 (i) any additional storey is constructed other than on the principal part of the dwellinghouse;

The application proposal is for an additional storey over the principal part of the dwelling, which has not been previously extended, so provision (i) is met.

- 6.9 (j) the development would include the provision of visible support structures on or attached to the exterior of the dwellinghouse upon completion of the development

The submitted plans show no provision of visible support structures on or attached to the exterior of the building, so provision (j) is met.

(k) the development would include any engineering operations other than works within the curtilage of the dwellinghouse to strengthen its existing walls or existing foundations.

The submitted plans show no such engineering operations, so provision (k) is met.

6.10 There are further conditions attached to the development permitted by Class AA under Section AA.2 (paragraphs 2 & 3) of the GPDO.

(2) The conditions in this sub-paragraph are as follows—

(a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

(b) the development must not include a window in any wall or roof slope forming a side elevation of the dwellinghouse;

(c) the roof pitch of the principal part of the dwellinghouse following the development must be the same as the roof pitch of the existing dwellinghouse; and

(d) following the development, the dwellinghouse must be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.

The submitted plans indicate that these conditions would be complied with.

6.11 Paragraph AA.2 (3) states that development under Class AA is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required.

(a) before beginning the development, the developer must apply to the local planning authority for prior approval as to—

(i) impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light;

(ii) the external appearance of the dwellinghouse, including the design and architectural features of—

(aa) the principal elevation of the dwellinghouse, and

(bb) any side elevation of the dwellinghouse that fronts a highway;

(iii) air traffic and defence asset impacts of the development; and

(iv) whether, as a result of the siting of the dwellinghouse, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012 issued by the Secretary of State;

(b) before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on adjoining owners or occupiers will be mitigated;

(c) the development must be completed within a period of 3 years starting with the date prior approval is granted;

(d) the developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion; and (e) that notification must be in writing and include—

(i) the name of the developer;

(ii) the address of the dwellinghouse; and

(iii) the date of completion.

Appraisal of the Upward Extension

AA.2 (3)(a)(i) Impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light

- 6.12 The application site is bounded by Nos 12 and 13 Broadlawn to the north and No.15 Broadlawn to the south. The application site is also bounded by properties to the rear along Woodside and The Fairway. Given the location of the site in relation to neighbours it is considered that the development has the potential to impact on the amenity of neighbours such that prior approval is required in relation to impacts on residential amenity.
- 6.13 No.13 is a detached chalet dwelling situated further rearward in its plot in comparison to other neighbouring dwellings in Broadlawn at the end of the cul-de-sac. There is a public footpath located between the applicant dwelling and No.13 and a separation distance of at least 20m is maintained between these dwellings. When the separation distance is considered together with the absence of any neighbouring first floor flank windows, it is not considered the proposal would harm the amenities of No.13's occupants.
- 6.14 No.15 is a detached chalet dwelling which has been extended with roof enlargements and ground floor additions and as such, there is built form constructed up to the shared boundary with No.14. A large, pitched roof detached garage building serves both dwellings, and spans the shared boundary. No.15 has an infill extension between this detached garage and the main dwelling and as such a separation distance of at least 6.5m is maintained between habitable rooms at No.15 and the application dwelling. No.15 also has a detached building immediately to its rear along the shared boundary with No.14.
- 6.15 The application dwelling is sited rearward of No.15, and the application plot tapers out towards its rear due to the corner location. The proposal would result in built form of increased eaves and ridge height, from some 3m to 5.8m and from some 6.1m to 8.9m respectively. The application dwelling would retain its existing footprint and separation to the shared boundary. It is not considered that the resultant increase in built form would result in any significant loss of light to the occupiers of No.15 or result in any overbearing impacts.
- 6.16 No.12 Broadlawn is a semi-detached bungalow situated further forward in its plot than the application dwelling and a separation distance of at least 19m is maintained between these dwellings. Due to this separation distance, it is not considered that the proposal would significantly harm this neighbouring dwelling's amenity in any relevant regards.
- 6.17 No first floor windows are proposed in either side of the raised bungalow and due to the siting of the dwelling in relation to Nos 15 and 13, it is not considered that the proposal harm the amenities of those neighbouring occupiers from any perceived or actual loss of privacy. Two front facing and two rear facing first floor windows are proposed as part of the development. While there would be views from the front windows towards the flank of No.12 Broadlawn, to the north west, which contains two ground floor windows and door openings, due to a 19.5m separation distance between the dwellings, it is not considered that any significantly harmful overlooking would occur. The front facing windows, due to their siting and nature would have no significantly harmful impact as they would overlook the public domain. From the rear windows partial views could be obtained of the far rear garden of No.15. Views of No.13 are of outbuildings within a large driveway area situated along the shared boundary with the public footpath and this neighbouring dwelling. The proposal is therefore not considered to have any significantly harmful impact on the occupier amenities of Nos 12,13 or 15 Broadlawn in any relevant regard.

- 6.18 The proposed first floor rear facing windows would look towards the rear gardens and the rear of dwellings in Woodside and The Fairway. A minimum distance of 11m is maintained from the rear windows to the rear site boundary and a separation distance of at least 38m would be maintained from the rear windows of these neighbouring dwellings. On this basis it is not considered that significantly harmful overlooking would occur to the dwellings or private amenity areas of properties in Woodside and The Fairway. The proposal is not considered to have any other significant impact on these occupier's amenity in any relevant regard.
- 6.19 On the above basis it is not considered that the proposed development would cause material harm to the amenities of neighbouring occupants as defined in the Order.

External Appearance and architectural features AA.2 (3)(a)(ii)

- 6.20 Given the nature of the proposal and the location of the site it is considered that prior approval is required in relation to impacts relating to external appearance and architectural features.
- 6.21 The additional storey would add scale and bulk to the application property. The wider area in Broadlawn is characterised by a mix of dwellings, including two-storey dwellings, chalets and bungalows. There are only a few examples of bungalows that have remained unaltered within the immediate locality and as such, they do not represent a particularly dominant aspect of the character of this area. Therefore, in principle, a two-storey development would be in keeping with the streetscene and local character.
- 6.22 Dwellings in Broadlawn have varied roof forms that are primarily pitched and of varying design. It is considered that the proposed pitched roof, having a similar roof form to the existing, would not be out of keeping in this locality. It is proposed to finish the dwelling externally in materials and architectural features that either match or suitably complement the existing dwelling, including brick and tile which would suitably respect the character and appearance of the host dwelling. Both side walls would contain no windows at first floor level. This is a conditional requirement of the prior approval process (see reference to condition AA (2) c) at paragraph 6.10 of this report). It creates expanses of brickwork, but this is primarily a consequence of the prior approval legislation and in any event is here not significant harmful to the external appearance of the extended dwelling.
- 6.23 On this basis, the proposal is considered to be acceptable and policy compliant in its external appearance and architectural features as defined by the Order.

Air Traffic and Defence Asset Impacts of the development AA.2 (3)(a)(iii)

- 6.24 The development would have no impact upon Air Traffic and/or Defence Assets owing to the limited resultant maximum height of the application dwelling, being under 10m, and separation from the Ministry of Defence (MOD) (Southend) base. It is considered that prior approval is not required in relation to impacts relating to Air Traffic and Defence Asset Impacts.

Impact on Protected Views

- 6.25 The development would not impact on any protected views and it is considered that prior approval is not required in relation to impacts relating to Protected Views.

Community Infrastructure Levy (CIL)

- 6.26 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

- 6.27 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) and the purpose of the access and hardstanding to improve the access requirements of a disabled person. They have concluded that the decision recommended will not conflict with the Council's statutory duties under this legislation.

Conclusion

- 6.28 For the reasons outlined above and subject to conditions, the proposal is found to be acceptable and compliant with the relevant planning policies and guidance. The proposal has been assessed in accordance with the specific provisions of the General Permitted Development Order. As there are no other material planning considerations which would justify reaching a different conclusion it is recommended that prior approval is required for neighbour amenity impacts and external appearance. These impacts are found to be acceptable so it is recommended that prior approval be granted subject to conditions.

7 Recommendation

PRIOR APPROVAL IS REQUIRED AND PRIOR APPROVAL IS GRANTED

- 01 The development hereby permitted shall be carried out only in accordance with the following approved plans: 01 Revision I, 02 Revision I, 03 Revision I, 04 Revision I, 05 Revision, 06 Revision J, 07 Revision I, 08 Revision J, 09 Revision J, 010 Revision J.**

Reason: To ensure the development is carried out in accordance with the consent sought, has an acceptable design impact on neighbour amenity and complies with Policy DM1 of the Development Management Document (2015) and the provisions of Class AA Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Informatives

- 01. The applicant's attention is drawn to the condition under sub paragraph 2(a) of section AA.2 of Class AA Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) that the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.**

- 02. You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission, that the Council will 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 city.**
- 03. The proposed building 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 as such no charge is payable. See www.southend.gov.uk/cil for further details.**
- 04. The applicant's attention is drawn to the condition under sub paragraph 3(c) of section AA.2 of Class AA Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The development must be completed within a period of 3 years starting with the date prior approval is granted.**
- 05. The applicant's attention is drawn to the condition under sub paragraph 3(b) of section AA.2 of Class AA Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on adjoining owners or occupiers will be mitigated.**
- 06. The applicant's attention is drawn to the condition under sub paragraph 2(b) of section AA.2 of Class AA Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The development must not include a window in any wall or roof slope forming a side elevation of the dwellinghouse.**
- 07. The applicant's attention is drawn to the condition under sub paragraph 2(c) of section AA.2 of Class AA Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The roof pitch of the principal part of the dwellinghouse following the development must be the same as the roof pitch of the existing dwellinghouse;**
- 08. The applicant's attention is drawn to the condition under sub paragraph 2(d) of section AA.2 of Class AA Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (d)following the development, the dwellinghouse must be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.**
- 09. The applicant's attention is drawn to the condition under sub paragraph 3(d) of section AA.2 of Class AA Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion.**

Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.