

Reference:	(A) 22/02471/AMDT (application) (B) 22/00341/UNAU_B (enforcement)	
Application Type:	Minor Amendment	
Ward:	Eastwood Park	
Proposal:	Application to vary conditions 02 (Approved Plans) and 03 (Materials) replace plan number CAD/PP/21499/002 Revision C with CAD/PP/21499/002 Revision E (Minor Material Amendment of Planning Permission 21/02453/FULH allowed on appeal dated 17/06/2021) – (Retrospective)	
Address:	15 Leslie Close, Eastwood, Essex, SS9 5NP	
Applicant:	Mr Tony Wilkins	
Agent:	Mr Carl Brampton of Contour Architectural Designs Ltd	
Consultation Expiry:	20th February 2023	
Expiry Date:	3rd March 2023	
Case Officer:	James Benn	
Plan Nos:	CAD/PP/21499/002 Rev E	
Supporting Documents:	Materials Specification: 15 Leslie Close	
Recommendation:	(A) REFUSE PLANNING PERMISSION; and (B) AUTHORISE ENFORCEMENT ACTION	



1 Site and Surroundings

- 1.1 The application site contains a detached former bungalow recently converted into a chalet style dwelling which is situated on the south side of Leslie Close, a cul-de-sac comprising pairs of (side) gabled semi-detached bungalows of similar size, scale and traditional design.
- 1.2 The position of the application dwelling on a slight bend in the road is such that the immediate neighbouring properties are set at an angle away from the application dwelling. It has a side access to its western elevation some 2m wide.
- 1.3 The wider streetscene along nearby Leslie Drive is slightly more diverse although the predominant built form comprises semi-detached bungalows. The bungalows are of varying scale and design. A number of the bungalows within Leslie Drive have been extended and converted into chalets, with habitable accommodation at first floor level.
- 1.4 The site is not within a conservation area or subject to any site-specific planning policies.

2 The Proposal

- 2.1 Following refusal of a planning application by this Council in February 2022, planning permission was granted on 17th June 2022 at appeal, reference 21/02453/FULH (Inspectorate reference D/22/3292700) to "Raise ridge height and form hipped to gable roof extension, install dormers to front and rear to form habitable accommodation in the loftspace, erect single storey rear extension (amended proposal)". A copy of that appeal decision is at Appendix 1.
- 2.2 This application is seeking to amend conditions 02 and 03 of this planning permission.

Condition 02:

- 2.3 *The development hereby permitted shall be carried out in accordance with the following approved plans: CAD/PP/21499/001 (location plan) and CAD/PP/21499/002 Revision C (proposed plans and elevations).*

Condition 03:

The materials to be used in the construction of the external surfaces of the extensions and alterations hereby permitted shall match those used in the existing building.

- 2.4 The amendments being sought retrospectively relate to the retention of the following development which differs from planning permission reference 21/02453/FULH as follows:
 - Black vertical cladding at first-floor level rising up to the apex of the gables and to the rear dormer instead of render to match the existing dwelling.
 - Bi-fold doors in the rear elevation of the single storey rear extension which span most of the width of it (rather than the smaller bifold doors and a window to the rear of the single storey extension, as approved).
 - Vertical hung tiles installed to the front dormers instead of render to match the existing dwelling.
 - An enlargement of the approved rear dormer by some 0.2m in depth.

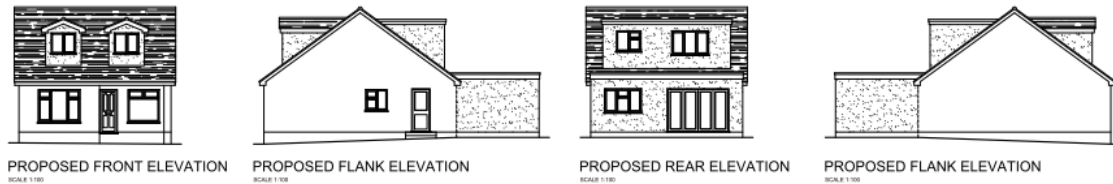


Image 1: Previously approved scheme granted on appeal Ref. 21/02453/FULH

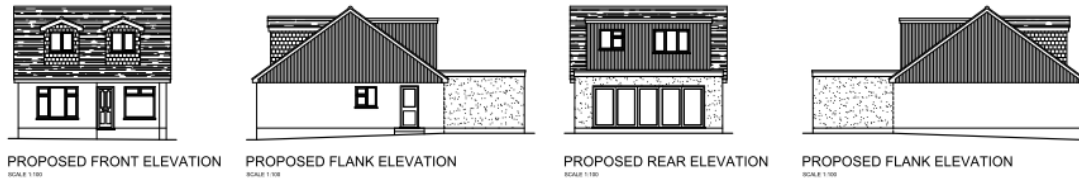


Image 2: Proposed scheme subject to this application Ref. 22/02471/AMDT

- 2.5 It is noted that the proposed elevation drawings do not show the French doors which have been installed in the rear elevation of the rear dormer as seen in the site photographs. The agent has advised in an email dated 27.01.2023 that the client is in the process of replacing the French doors with a window as per planning permission 21/02453/FULH. The French doors do not form part of this application and have been given no consideration in its assessment. If this application was found otherwise to be acceptable, should the French doors be retained, this Local Planning Authority has enforcement powers available to address that as relevant.
- 2.6 The other elements associated with the previous approval remain materially unchanged and are not the subject of further consideration.

3 Relevant Planning History

- 3.1 The most relevant planning history of the application site is shown in Table 1 below:

Table 1: Relevant Planning History of the Application Site

Reference	Description	Outcome
21/01733/FULH	Raise ridge height and install dormers to sides to form habitable accommodation in the loftspace, erect single storey rear extension.	Refused [11.10.2021]
21/02453/FULH	Raise ridge height and form hipped to gable roof extension, install dormers to front and rear to form habitable accommodation in the loftspace, erect single storey rear extension (amended proposal)	Refused by Southend City Council 11.02.22 Granted on appeal [17.06.2022]

4 Representation Summary

Call-in

- 4.1 This application has been called into Committee by Councillor Walker.

Public

- 4.2 Five (5) neighbouring properties were notified of the application by letter. Ten (10) letters of objection from five (5) addresses have been received. Summary of comments:
- Residential amenity concerns.
 - Design concerns.

- The first-floor doors in the rear dormer lead out onto the flat roof of the rear extension causing overlooking into rear gardens and rooms of neighbouring properties and a lack of privacy. Overlooking is increased due to the bamboos between the boundaries having died.
- The first-floor doors in the rear dormer are not included in the submitted plans. The plans are inconsistent.
- The increased height of the doors in the rear dormer results in more overlooking into rear gardens than a window would.
- The black cladding material is not in keeping with other properties, is detrimental to the character and appearance of the area, is dark, dominant, overshadows the view, is overbearing and is not suited to a residential area.
- Concerns that the changes proposed have already been made so the application is retrospective.
- It was a condition of the approval that the materials should match the existing.

[Officer Comment: The first-floor doors in the rear dormer do not form part of this application and have been given no consideration in the assessment of this application. The doors are addressed in paragraph 7.24 of the report below. Other concerns are noted and the relevant material planning considerations have been taken into account in the assessment of the application at Section 7.]

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 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 The Southend-on-Sea Design and Townscape Guide (2009)
- 5.6 Community Infrastructure Levy (CIL) Charging Schedule (2015)

6 Planning Considerations

- 6.1 The main considerations for this application are the principle of the development, the design and impact on the character of the area and the impact on residential amenity. Due to the nature of the development, it was previously found that it would not have a significantly harmful impact on highway safety and it was found to be acceptable in that regards. Moreover, the development would not be liable for a CIL payment.

7 Appraisal

Principle of Development

- 7.1 Planning permission 21/02453/FULH was granted on appeal and the principle of the development was found acceptable under the substantive planning permission. There have been no significant changes to policy or guidance since the substantive permission was granted. A minor material amendment is one whose scale and nature results in a development that is not substantially different from the one which was previously approved.

The changes made are for the same site edged red and do not alter the description of the development and are therefore considered to fall within the remit of a minor material amendment to the consented scheme in principle.

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. Policy DM1 and the Southend-on-Sea Design and Townscape Guide provide further details on how this can be achieved.
- 7.4 The development on site is currently in breach of conditions 02 and 03 of planning permission 21/02453/FULH. The current application seeks to retain the black vertical cladding at first-floor level rising up to the apex of the gables and to the rear dormer, the bi-fold doors in the rear elevation of the single storey rear extension, the vertical hung tiles installed to the front dormers and the enlargement of the approved rear dormer by some 0.2m in depth.
- 7.5 At paragraph 14 of their decision with regard to condition 02 (requiring development carried out in accordance with the approved plans) and condition 03 (requiring external materials to match those of the existing dwelling) the Appeal Inspector said *"Of the Council's suggested conditions I have imposed the standard time condition and, to ensure the proper implementation of the proposal, one requiring development to be carried out in accordance with the approved plans. I agree that a condition requiring external materials to match those of the existing dwelling is necessary in the interests of the character and appearance of the area."*
- 7.6 Leslie Close comprises almost exclusively of semi-detached bungalows of similar traditional design, characterised by (side) gabled roofs and original front roof slopes. Development here has a distinctive and traditional palette of material and colours comprising brown roof tiles and brickwork with light coloured rendered infill. The black vertical cladding finishing material at first-floor level rising up to the apex of the gables is readily visible in the streetscene particularly when entering Leslie Close from the junction with Leslie Drive which is at a lower ground level and is readily and widely visible in the rear garden scene from the rear gardens of the surrounding neighbouring properties in Leslie Close, Leslie Drive and Bellhouse Road. Due to its strident colour and appearance the black cladding material is considered to be significantly out of keeping and at odds with the traditional designs and traditional materials of brick and render of the original application property and the existing bungalows in the immediate streetscene, appearing unduly prominent and incongruous to the significant detriment of the character and appearance of the dwelling, this streetscene and the rear garden scene.
- 7.7 The physical mass of the rear dormer is readily visible in the rear garden scene but views from the streetscene are confined more to its flank. No objection is raised in principle to the limited enlargement to the depth of the rear dormer by some 0.2m as an apron of roofing is still retained along its base so maintaining a degree of subservience. However, because of the strident black colour of its cladding finishing material, it appears prominent and incongruous in the character and appearance of the dwelling and the rear garden scene. This harm is not considered to be so significant in planning terms compared with the harm to the streetscene described however it adds weight to the findings of unacceptability of the black,

cladding material.

- 7.8 No objection is raised to the vertical hung tiles to the front dormers which are considered to integrate acceptably with the similar main roof tiles of the existing dwelling. The development is considered to be acceptable and policy compliant in this regard.
- 7.9 No objection is raised to the amended bi-fold doors in the rear elevation of the single storey rear extension which are of an acceptable design and which do not harm the character or appearance of the host dwelling or the rear garden scene. The development is considered acceptable and policy compliant in this regard.
- 7.10 Overall, it is considered that the black vertical cladding finishing material at first-floor level rising up to the apex of the gables and to the rear dormer is significantly out of keeping and at odds with the traditional design and traditional materials of the original application property and the existing bungalows in the immediate streetscene, appearing unduly prominent and incongruous to the significant detriment of the character and appearance of the dwelling and the streetscene. A degree of harm is also caused to the rear garden scene and the wider surrounding area. The identified harm is considered to justify recommending the application for refusal on this basis.

Amenity Impacts

- 7.11 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.
- 7.12 The previous development 21/02453/FULH was found acceptable in its amenity impacts. The minor amendment aspects of the development are assessed below and are not considered to have a significantly harmful impact on the amenity of the occupiers of any neighbouring dwellings in any relevant regards.
- 7.13 The application dwelling is bounded by No.14 to the east and No.16 Leslie Drive to the west.
- 7.14 Having regard to the splayed relationship with No.16, the application dwelling is removed from the neighbouring dwelling at No.16 by some 4m to the front and in excess of 5m to the rear.
- 7.15 No.16 has 1no. flank window next to the application site. This is obscure glazed and understood to serve a bathroom. Having regard to the limited enlargement in the depth of the rear dormer, that the sole neighbouring flank window serves non-habitable accommodation and given that the existing separation distances between the dwellings would be maintained, it is not considered there is a significant loss of light to these openings, nor is the development considered to result in any harmfully increased sense of enclosure to these neighbouring occupants.
- 7.16 No.14's orientation is at an angle away from the application dwelling such that it is not considered that the limited enlargement in the depth of the rear dormer has any harmful impact on neighbouring habitable room rear windows. No 14 has 1no. neighbouring flank window next to the application site. This is obscure glazed and understood to serve a bathroom. On this basis, it is not considered that there is any loss of light to this opening, nor is the development considered to result in an undue increased sense of enclosure to these neighbouring occupants.

- 7.17 All other dwellings are sufficiently removed from the development to prevent any significant harm in any relevant amenity regards.
- 7.18 Due to the nature of the other amended aspects of the development, including the black cladding material, tiles to the front dormers and the bi-fold doors in the rear elevation of the single storey rear extension which are at ground floor level and look out into the rear garden of the site, it is not considered that these aspects of the development result in any significant harm to the amenity of the occupiers of any neighbouring dwellings in any relevant regards.
- 7.19 Neighbour concerns about the impact of the cladding on their amenity due to dominance, overshadowing and an overbearing impact are noted, but given the nature of the cladding and its overall size, scale and position, it is not considered that the cladding itself results in any material harm to the amenity of the adjoining and nearby residents in any relevant regard. This, however, does not overcome or negate the character and design concerns relating to the cladding raised above.
- 7.20 Overall, it is considered that the design, size, siting and scale of the development are such that it does not result in any significant harm to the amenities of the site, the neighbouring occupiers or the wider area in any regard. The development is therefore considered to be acceptable and policy compliant in terms of its amenity impacts.

Community Infrastructure Levy

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

Request to Authorise Enforcement Action

- 7.22 In light of the recommendation that planning permission be refused and because the development is causing significant harm to the character and appearance of the application dwelling, the streetscene, the rear garden scene and the wider surrounding area in conflict with local and national planning policies, staff consider it is proportionate and justified in the circumstances of the case to seek authority for an enforcement notice to be served as this will bring focus to the need for the breach to be regularised.
- 7.23 Authority is also sought with regards to the unauthorised first-floor rear doors installed to the dormer on the site due to the associated amenity harm caused in providing a way of access to the flat roof of the single storey rear extension which could be used for external amenity. Should the flat roof of the rear extension be used for external amenity, significant amenity harm would be caused with regard to loss of privacy and overlooking to the occupiers of the adjoining neighbouring dwellings, particularly No.14 and No.16 Leslie Close, in conflict with local and national planning policies. At paragraph 15 of the appeal decision the Appeal Inspector said, *"The flat-roofed single storey extension to the rear could be used for amenity purposes and, therefore, I agree that a condition prohibiting this is necessary to protect neighbouring occupiers' privacy."* Due to the associated amenity harm caused by the first-floor rear dormer doors staff consider it is proportionate and justified in the circumstances of the case to seek authority for the doors to be included within the enforcement notice to be served as this will bring focus to the need for the breach to be regularised.
- 7.24 Service of an enforcement notice carries its own right of appeal and also does not fetter the owner in seeking to gain planning permission for a different proposal which remedies the identified harm. Taking enforcement action in this case may amount to an interference with the owner/occupier's human rights. However, it is necessary for the Council to balance the rights of the owner/occupiers against the legitimate aims of the Council to regulate and control

land within its area.

Equality and Diversity Issues

7.25 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 For the reasons outlined above the development is found to be unacceptable and fails to comply with the relevant planning policies and guidance. The black vertical cladding at first-floor level rising up to the apex of the gables and to the rear dormer, by reason of its material and detailed design, is significantly out of keeping and at odds with the traditional design and traditional materials of the original application property and the existing bungalows in the immediate streetscene, appearing unduly prominent and incongruous to the significant detriment of the character and appearance of the dwelling, the streetscene, the rear garden scene and the wider surrounding area. Therefore, the application is recommended for refusal.

9 Recommendation

Members are recommended to:

A) REFUSE PLANNING PERMISSION for the following reason:

01 The black vertical cladding at first-floor level rising up to the apex of the gables and to the rear dormer, by reason of its material and detailed design, is significantly out of keeping and at odds with the traditional design and materials of the original application property and the existing bungalows in the immediate streetscene, appearing unduly prominent and incongruous to the significant detriment of the character and appearance of the dwelling, the streetscene, the rear garden scene and the wider surrounding area. The development is therefore unacceptable and contrary to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Development Management Document (2015) Policies DM1 and DM3 and the guidance contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).

AND

B) AUTHORISE ENFORCEMENT ACTION to require from anyone with an interest in the land (the site) to either:

a) Build the development in full accordance with approved plan numbers CAD/PP/21499/001 and CAD/PP/21499/002 Revision C pursuant to planning permission reference 21/02453/FULH which was allowed on appeal 17 June 2022 and to include the external materials white render, white uPVC windows and grey roof tiles and to include the first-floor windows in the rear face of the rear dormer replacing the unauthorised doors; or

- b) Remove the unauthorised external black vertical cladding material in its entirety and replace with the approved white render, including at first floor level rising up to the apex of the gables and to the rear dormer and remove the first-floor doors in the rear face of the rear dormer and replace with the approved windows;
- c) Remove from site all materials resulting from compliance with a) or b)

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.

When serving an Enforcement Notice the Local Planning Authority must ensure a reasonable time for compliance. In this case a compliance period of three (3) months is considered reasonable to build the development in accordance with the approved plan numbers and remove the unauthorised development.

Positive and Proactive Statement

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 via the pre-application service available at https://www.southend.gov.uk/info/200155/make_a_planning_application_and_planning_advice/365/planning_advice_and_guidance/2

10 Informative

- 1 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.

Appeal Decision

Site visit made on 24 May 2022

by **J Bell-Williamson MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17th June 2022

Appeal Ref: APP/D1590/D/22/3292700

15 Leslie Close, Eastwood SS9 5NP

- 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 Tony Wilkins against the decision of Southend-on-Sea Borough Council.
 - The application Ref 21/02453/FULH, dated 13 December 2021, was refused by notice dated 11 February 2022.
 - The development proposed is loft conversion, 2 front cottage dormers and rear dormer, re-pitch of roof and single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for loft conversion, 2 front cottage dormers and rear dormer, re-pitch of roof and single storey rear extension at 15 Leslie Close, Eastwood SS9 5NP (part retrospective). The permission is granted in accordance with the terms of the application Ref 21/02453/FULH, dated 13 December 2021, subject to the conditions included in the schedule at Annexe A.

Preliminary Matters

2. At the time of the inspection construction of the single storey rear extension had started. I have, therefore, treated the appeal proposal as an application for part retrospective planning permission.

Main Issue

3. The main issue is the effect of the proposed front and rear dormers on the character and appearance of the host dwelling and surrounding area.

Reasons

4. The appeal property is a detached bungalow in a residential cul-de-sac of predominantly semi-detached bungalows.
 5. Policy CP4 of the Southend-on-Sea Core Strategy (2007) and Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) all include requirements relating to high quality design in new development and respect for the character and scale of existing development and the surrounding area.
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<https://www.gov.uk/planning-inspectorate>

6. The *Supplementary Planning Document 1, Design and Townscape Guide* (2009) (the SPD) provides more detailed guidance in support of these development plan policies. In particular, Policy DM1 requires that all developments should draw reference from the design principles set out in the SPD, where applicable. With regard to additional roof accommodation the SPD says that this must respect the style, scale and form of the existing roof design and the character of the wider townscape. Dormer windows should appear incidental in the roof slope and the position of the new openings should correspond with the rhythm and align with existing fenestration on lower floors. It also says that large box style dormers should be avoided and that smaller individual dormers are preferred¹.
7. Reference is made to a previous unsuccessful application for a similar form of development at the appeal property and that the current proposal is intended to respond to the reason for refusal in the earlier case². While I have noted this, the current appeal involves a separate proposal which I have considered on its own merits.
8. The existing bungalow is modest in scale, particularly compared to the larger built forms of the paired semi-detached dwellings in the street scene. The single storey extension would be proportionate to the bungalow in terms of depth and height, representing a typical domestic extension of this type. Similarly, the extended roof would reflect the predominant roof form in the street with most properties having gables rather than the original hipped roof of the appeal property. The greater height resulting from the extended roof would not alter the character or appearance of the host dwelling to the extent that this would result in material harm.
9. Both the front and rear dormers would be set in from the sides of the extended roof, up from the eaves and down from the roof ridge. As such, they would appear incidental in the front and rear roof slopes, as required by the SPD. Moreover, the window openings would align with those below and be of a proportionate size. There are examples of similar front dormers within the street scene, notably at Nos 5, 7 and 11; consequently, the dormers would not be uncharacteristic in views from the public realm. While there are no visible examples of dormers on other properties to the rear, the modest scale and limited height of the dormer would not result in it being a prominent or incongruous feature seen from neighbouring gardens.
10. Accordingly, taking these findings as a whole and for the above reasons, I conclude that the proposed front and rear dormers would not have a harmful effect on the character and appearance of the host dwelling and surrounding area. Consequently, there is no conflict with Policy CP4 of the Southend-on-Sea Core Strategy, with Policies DM1 and DM3 of the Southend-on-Sea Development Management Document, or with the SPD, as described above. There is also no conflict with the National Planning Policy Framework (the Framework) or the National Design Guide.

¹ Paragraph 366.

² Ref 21/01733/FULH.

Other Matters

11. I have had regard to other matters raised by interested parties. The submitted plans provide sufficient detail to assess the proposal and I have no evidence to suggest that the remaining rear garden would be inadequate for future occupiers. There is a good degree of separation between the appeal property and neighbouring dwellings, Nos 14 and 16. Moreover, the appeal property is set further back on its plot than No 14 and on a similar rear building line to No 16. Due to the three properties' relative positions and orientation, there is no evidence to suggest that the rear extensions would lead to a harmful loss of light to either neighbouring dwelling.
12. Views from the rear extensions would be towards the appeal property's rear garden and, therefore, there would be no loss of privacy to neighbouring occupiers. There are no upper floor windows proposed to either flank elevation so there would be no overlooking in this regard. The dwelling would retain parking spaces for two vehicles and, as such, there is no basis to find that the extended dwelling would result in undue pressure for on-street parking. Therefore, while I have had full regard to these matters they do not lead me to reach a different overall conclusion.

Conclusion and Conditions

13. I have found in the appellant's favour with regard to the main issue and there are no other matters that would result in material harm. Therefore, for the reasons given, the appeal should succeed.
14. Of the Council's suggested conditions I have imposed the standard time condition and, to ensure the proper implementation of the proposal, one requiring development to be carried out in accordance with the approved plans. I agree that a condition requiring external materials to match those of the existing dwelling is necessary in the interests of the character and appearance of the area.
15. The flat-roofed single storey extension to the rear could be used for amenity purposes and, therefore, I agree that a condition prohibiting this is necessary to protect neighbouring occupiers' privacy. The Council suggests one further condition to require the extended dwelling to meet accessibility standards included in Building Regulations Part M4(2). The Framework says in this respect that planning policies for housing should make use of the Government's optional technical standards for accessible and adaptable housing, where this would address an identified need for such properties³.
16. The Council states that the reason for the suggested condition is to ensure the development provides a high quality and flexible internal layout to meet the changing needs of residents in accordance with Policy KP2 of the Core Strategy and Policy DM2 of the Development Management Document. However, in my reading of them neither of these policies refers to accessible and adaptable housing, including setting out the identified need as the Framework indicates. As such, it is not clear in this case that the condition is necessary or would be reasonable and, therefore, I have not imposed it.

³ Footnote 49.

J Bell-Williamson

INSPECTOR

Annexe A

Schedule – conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: CAD/PP/21499/001 (location plan) and CAD/PP/21499/002 Revision C (proposed plans and elevations).
- 3) The materials to be used in the construction of the external surfaces of the extensions and alterations hereby permitted shall match those used in the existing building.
- 4) The flat roof of the single storey rear 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.

[End of Schedule]

Figure 4: Page 4