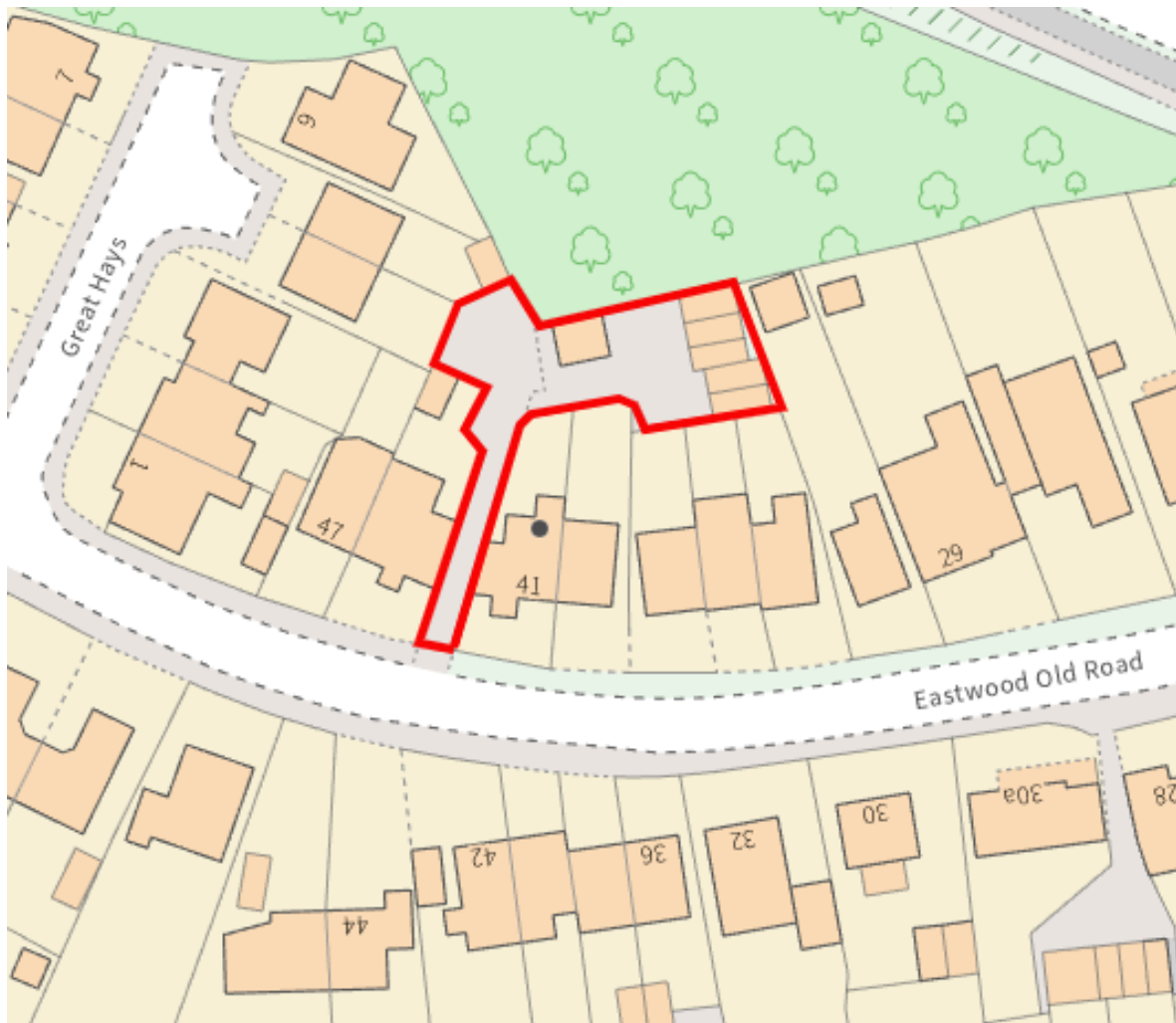


Reference:	A. 23/00492/FUL and B. 23/00026/UNAU_B	
Application Type:	A. Full Application and B. Enforcement Case	
Ward:	Belfairs	
Proposal:	Erect single storey extension to front of existing garage, erect boundary fencing (part-retrospective)	
Address:	Garages At Rear, 33 - 45 Eastwood Old Road, Eastwood	
Applicant:	Mr A Tammadge	
Agent:	Mr Daniel Gibbard of Daniel Gibbard Architectural Design	
Consultation Expiry:	6th July 2023	
Expiry Date:	7th July 2023	
Case Officer:	James Benn	
Plan Nos:	EOR/G/100 Rev 01; EOR/G/200 Rev 01; EOR/G/300 Rev 01; EOR/G/301 Rev 01	
Supporting Documents:	Planning Statement Rev. P03; Response to Objections; Email from agent dated 10.05.2023 confirming access road gate does not form part of this planning application. Email from agent dated 20.06.2023	
Recommendation:	<p>A) DELEGATE to the Director for Growth and Planning or the Development Control Service Manager to grant permission in respect of planning application 23/00492/FUL subject to the conditions set out in the main report provided any additional representations received up to the end of 6 July 2023 do not raise any new considerations which have not been addressed within the report. Should further representations be received up to that date which raise new considerations not already addressed within this report the application is to be brought back to Development Control Committee for determination.</p> <p>B) AUTHORISE that NO FURTHER ACTION be taken in respect of the site entrance gate which does not form part of planning application 23/00492/FUL and that the current enforcement investigation 23/00026/UNAU_B be closed.</p>	



1 Site and Surroundings

- 1.1 The application site is a garage court to the rear of Nos. 33-45 Eastwood Old Road which is accessed via a private road from Eastwood Old Road between Nos. 45 and 41. The garage that has been extended is a detached, single storey double garage to the rear which is set up to the northern boundary. The surrounding area is residential in nature. Oak Wood woodland bounds the site to the north.
- 1.2 The site is not within a conservation area or subject to any site-specific planning policy designations. Land levels vary between plots due to local topography. Oak Wood to the north of the site is allocated as Protected Green Space, Local Wildlife Site and Ancient Woodland.

2 The Proposal

- 2.1 Planning permission is sought part-retrospectively for the erection of a single storey garage extension to the front of a double garage and the erection of two sections of boundary treatment some 7.27m and 5.2m in length along the north eastern and north western boundaries respectively, in front of the existing metal manor style fencing and blockwork retaining wall.
- 2.2 The garage extension has a flat roof with a gentle slope continuous with the roof form of the existing garage and is some 1.84m deep, 4.5m wide and a maximum of some 2.46m high. It has two sets of garage doors in the front, western elevation and one set of garage doors in the southern side elevation.

- 2.3 The existing garage is finished in pebbledash concrete prefab wall panels to the side and rear elevations with a brickwork base and timber soffits and fascias with a corrugated sheet roof. The previous front elevation was finished in white cladding with black painted wooden garage doors. The garage extension walls and doors are finished with a black powder coated metal frame. The garage extension roof is constructed in polycarbonate sheets similar in style to the corrugated roof of the existing garage.
- 2.4 The north western boundary fence is between some 2.2m-2.45m high and the north eastern boundary fence is between some 2.95m-3.03m high due to varying ground levels (including the height of the retaining blockwork wall). They are both timber picket style fences attached to a black powder coated metal frame and the north eastern boundary fence has a blockwork base wall which is between some 0.6m-0.68m high due to varying ground levels. The application proposes to increase the height of the blockwork base wall to some 1.04m-1.12m high as a result of ground movement.
- 2.5 The proposed use of the garage is for storage of domestic materials and vehicles. The agent has confirmed in an email dated 20.06.2023 that the use of the garage is for domestic storage only. The agent has stated within the supporting documents that the boundary fence is to prevent fly tipping and anti-social behaviour which occurs locally and ground subsidence.
- 2.6 The application has been submitted following an enforcement investigation and is part-retrospective as the garage extension, boundary fences and blockwork base wall have been erected but it is proposed to increase the height of the boundary blockwork base wall. The increase in the height of the blockwork retaining wall would not increase the overall fence height.
- 2.7 The agent has confirmed in an email dated 10.05.2023 that the gate in the private access road does not form part of this planning application. It has therefore been given no consideration in the assessment of this application but is addressed in a separate section of this report below.

3 Relevant Planning and Enforcement History

- 3.1 There are no relevant planning applications. The relevant planning enforcement history is listed below:
- 22/00128/UNAU_B: Erection of gate – Case closed. A technical breach of planning control outside of this application (the gate) was identified but the gate itself was not judged to be significantly harmful and it was not considered expedient to take enforcement action at the time of investigation. The same matter was raised again following the erection of the garage extension as part of the case below. This separate matter of the planning breach is addressed below in paras 6.17 to 6.21 of this report.
 - 23/00026/UNAU_B: Erection of gate and extension of garage building – under investigation.

4 Representation Summary

Call-in

- 4.1 The application was called into the Development Control Committee by Councillors Dear and Walker.

Highways

- 4.2 No objections raised. The extension does not compromise vehicle movements vehicles can still manoeuvre effectively within the garage site.

Parks

4.3 No objections raised. No impact on the trees or woodland.

Essex County Fire and Rescue Service

4.4 No objections raised.

Public Consultation

4.5 Fifteen (15) neighbouring properties were notified of the application by letter and a site notice was displayed. Three rounds of consultation were undertaken during the course of the application to further clarify the development location. Eight (8) letters of representation have been received from seven (7) addresses. At the time of the report preparation, consultation from the site notice was continuing and this is reflected in Recommendation A of this report. Any further representations which may be received will be reported to the Committee in the Supplementary agenda. Summary of comments and objections:

- Residential amenity concerns.
- Design and character concerns.
- The fence is in front of the original fence and obstructs maintenance of other garages.
- The original manor style fencing has been covered with wooden pallets with a fortress style top which is ugly and unnecessarily tall.
- The boundary fences are makeshift. They do not match the traditional fencing used in the surrounding area and is made of sharp slats. It is unsightly.
- It is unclear to which garage the extension relates as the address is the opposite side of the road. [Officer comment: the address was updated during the course of the application and a third round of consultation was subsequently undertaken.]
- The garage extension hinders vehicle turning and access to other garages.
- Concerns that the garage extension will not only be used for residential purposes and queries raised regarding its purpose.
- There is little information on the planning application to make a decision.
- The gate erected is very high, visible and imposing, it prevents access to the site, and it looms up over neighbouring back gardens making it look like a public carpark. It is unnecessary, unacceptable and unsightly.
- The gate bar is bright yellow and the gate itself spoils outlook.
- There is no mention of the gate that has been erected that is locked and restricts access to the garages.
- The work has been carried out without consulting owners of the other garages and upset has been caused by asking for monetary contributions.
- When are the works proposed to start and for how long will there be disruption?
- When will there be access to garages via the shared drive.
- The development casts shadows on neighbouring gardens. This is an invasion of privacy being able to look into the garden.
- No security concerns at the site – fencing not needed.
- Concerns fencing encroaches into woodland land to rear and concerns that trees have been cut back to facilitate the development.
- The retrospective planning application indicates a lack of accountability and disregard for regulations.
- Concerns relating to resale of neighbouring properties.

[Officer comment: The entrance gate does not form part of this application. The site address was corrected during the course of the application and additional consultation was undertaken in this respect. Property and access considerations as they arise here fall outside of the planning system. The planning application is accompanied by an ownership certificate

rendering it valid for consideration in all relevant regards. All relevant planning considerations have been assessed within the appraisal section of the report. These concerns raised are noted and they have been taken into account in the assessment of the application but were not found to justify refusing planning permission in the specific 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 The Southend-on-Sea Design and Townscape Guide (2009)
- 5.6 Community Infrastructure Levy (CIL) Charging Schedule (2015)

6 Appraisal of planning application

Principle of Development

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

Design and Impact on the Character of the Area

- 6.2 Local and national planning policies and guidance seek to ensure that new development is well designed. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 6.3 Local development plan policies seek to ensure that new development is designed so that it adds to the overall quality of the area and respects the character of the site, its local context and surroundings, provides appropriate detailing that contributes to and enhances the distinctiveness of place; and contribute positively to the space between buildings and their relationship to the public realm. Policy DM1 and the Southend-on-Sea Design and Townscape Guide provide further details on how this can be achieved.
- 6.4 The garage extension is externally finished with a solid black metal frame and black garage doors which gives it a somewhat stark and utilitarian appearance. However, it is functional in design, relatively limited in size and in an area absent from clear public views, with only glimpsed public views possible from the streetscene and is set back and therefore not prominent from the surrounding streetscene. Having regard to the size, scale and functional design of the row of existing garages within the site, and the presence of similarly scaled rear garden outbuildings and similar structures in the immediate vicinity, it is considered that the garage extension does not cause any significant harm to the character or appearance of the site, the streetscene, the rear garden scene or the wider surrounding area.
- 6.5 The timber boundary fences within solid black metal frames and the proposed block work base wall are basic in their appearance. However, given that they are removed from any clear

public views and that the immediate vicinity is characterised by functionally designed garages, and that similar boundary fences and walls, albeit more limited in height (2m), can be erected under permitted development and are not uncommon features in residential areas of this nature it is considered acceptable in design terms.

- 6.6 It is considered that the design, size, siting and scale of the development proposed are such that it would not result in any significant harm to the character and appearance of the site, the streetscene, the rear garden scene and the area more widely. The proposal is therefore considered to be acceptable and policy compliant in terms of its impact on the character and appearance of the site, the streetscene and the area more widely.

Amenity Impacts

- 6.7 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies that development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Further advice on how to achieve this is set out in the Council's Design and Townscape Guide.
- 6.8 The application site is bounded by the rear gardens of dwellings in Great Hays to the west and Eastwood Old Road to the south. Given the separation distance of the garage to the rear walls of neighbouring dwellings (a minimum of some 12m) and the relatively modest nature of the development, it is considered that it does not significantly harm the neighbouring occupiers in any relevant amenity regards, including in terms of privacy, overlooking, outlook, visual enclosure and daylight and sunlight. The new fencing and walling subject of this application is on the boundary shared with the adjoining woodland and not on any boundary shared with residential gardens.
- 6.9 The use of the garage, as stated within the submitted documents, is for domestic materials and vehicle storage use only with no commercial use. Given that site access is between two residential dwellinghouses, the use of the garage is controlled by condition to ensure that it is retained for the domestic storage of vehicles and/or for domestic storage purposes only.
- 6.10 All other dwellings are sufficiently removed from the development to prevent any significant harm in any relevant amenity regards.
- 6.11 It is considered that, subject to the described condition, the design, size, siting and scale of the development are such that it would not result in any significant harm to the amenities of the site, neighbouring occupiers or wider area in any regard. The development is therefore considered to be acceptable and policy compliant in terms of its amenity impacts.

Traffic and Transportation Issues

- 6.12 Paragraph 111 of the NPPF states that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or, the residual cumulative impacts on the road network would be severe." Policy DM15 of the Development Management Document states that "Development will be allowed where there is, or it can be demonstrated that there will be, physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner."
- 6.13 The use of the garage, as stated within the submitted documents, is for domestic materials and vehicle storage use only with no commercial use which staff recommend be controlled via condition. The extension does not compromise vehicle movements and vehicles can still

manoeuvre effectively within the garage site. In any case matters related to manoeuvrability and convenience of vehicle movement within a private garage court could only be given limited weight in the assessment of the proposal overall. There is no identification of any adverse implications for the safety and convenience of pedestrian and vehicle movement on the public highway. The Council's Highways team have raised no objections to the proposal.

- 6.14 Given the location, scale and nature of the proposal, it is considered that the proposal would not adversely impact the existing parking conditions or result in any adverse harm to the highway network.
- 6.15 The development is not found to result in any significant parking or highways impacts, it is therefore acceptable and policy compliant in these regards.

CIL

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

Entrance gate

- 6.17 An entrance gate incorporating a height restriction bar was erected in May 2022 in the private accessway to the site which sits some 20m back from the highway between the flank garden boundaries of Nos 41 and 45 Eastwood Old Road. This gate is some 2.6m to the top of the height restriction bar. This represents development requiring planning permission because overall the structure exceeds the 2m height limitation for boundary treatment which could otherwise be undertaken as permitted development.
- 6.18 The gate is black and the bar is yellow both constructed of metal. It is considered that although technically in excess of permitted development limitations and so requiring planning permission, this particular development is not unduly prominent and does not cause any significant harm to the character and appearance of the site, the streetscene or wider surrounding mainly because of its size, nature, scale and its set back position. No significant harm to residential amenity or highway matters has been identified either.
- 6.19 In these circumstances staff concluded that it would not be expedient to insist on submission of a regularising planning application which would stand a strong prospect of approval and where it was not identified that a planning permission needed to be secured for planning conditions to be imposed in the interests of controlling the gate and bar in some way. In the absence of any identified significant harm staff considered that it would not be expedient for the Council to take planning enforcement action.
- 6.20 That matter has since been included in enforcement investigations in light of the wider matters related to the planning application for the garage court but the gate itself is not considered to be a planning breach which is causing any significant harm when assessed against any relevant planning policies, including the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007) and Development Management Document (2015) Policies DM1 and DM3, or any other material considerations.
- 6.21 Members are recommended to AUTHORISE that no further action be taken in respect of the gate and height restriction bar and that the current enforcement investigation in respect of those be closed.

Equality and Diversity Issues

6.22 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.

Conclusion

6.23 For the reasons outlined above the development subject of the planning application is found to be acceptable and compliant with the relevant planning policies and guidance. As there are no other material planning considerations which would justify reaching a different conclusion it is recommended that planning permission is granted subject to conditions. It is separately recommended that the gate and height restriction bar, which represent development requiring planning permission and do not form part of the planning application but which, judged on their individual merits, do not cause any significant demonstrable harm in any relevant regards should not be subject of any further action and that the current enforcement investigation for that should be closed.

7 Recommendations

7.1 **It is recommended that Members:**

A) DELEGATE to the Director for Growth and Planning or the Development Control Service Manager to grant planning permission subject to the conditions set out in the main report provided any additional representations received up to the end of 6 July 2023 do not raise any new considerations which have not been addressed within the report. Should further representations be received up to that date which raise new considerations not already addressed within this report the application is to be brought back to Development Control Committee for determination.

01 The development shall be retained/ undertaken only in accordance with the following approved plans: EOR/G/100 Rev 01; EOR/G/200 Rev 01; EOR/G/300 Rev 01; EOR/G/301 Rev 01.

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).

02 The external elevations of the development hereby permitted shall be constructed solely with the materials as detailed in the submitted application form and plan no. EOR/G/300 Rev 01 or alternative materials, details of which have previously been submitted to and approved in writing by the Local Planning Authority under the provisions of this condition.

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 The development hereby permitted shall not be used at any time other than for the domestic storage of goods and the domestic storage of vehicles. The development

shall not be used for any other purpose, including any change of use permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting these Orders, with or without modification.

Reason: In the interests of the residential amenity of the adjoining residents including those who live either side of the garage court access road and to ensure that the development complies with the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4 and Development Management Document (2015) Policies DM1 and DM3.

Informatives

- 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.
- 2** You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that 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.

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.

- B)** AUTHORISE that NO FURTHER ACTION be taken in respect of the site entrance gate and height restriction bar which do not form part of planning application 23/00492/FUL and that the current enforcement investigation 23/00026/UNAU_B be closed.