

<b>Reference:</b>	23/00981/FULH
<b>Application Type:</b>	Full Application - Householder
<b>Ward:</b>	West Leigh
<b>Proposal:</b>	Erect part single/part two storey side and rear extension
<b>Address:</b>	17 Underwood Square, Leigh-on-sea
<b>Applicant:</b>	Mr P Mavin
<b>Agent:</b>	Knight Gratrix Architects
<b>Consultation Expiry:</b>	2nd August 2023
<b>Expiry Date:</b>	8th September 2023
<b>Case Officer:</b>	Kara Elliott
<b>Plan Nos:</b>	<b>1715/010 Location Plan and Site Plan, 1715/010 Proposed Elevations and Floor Plans, 1715/010 Existing Elevations and Floor Plans</b>
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION subject to conditions</b>



## **Site and Surroundings**

- 1.1 The application site contains a two-storey detached dwelling to the north of Underwood Square. It has a long, narrow rear garden with an outbuilding to the rear boundary.
- 1.2 The site is not within a conservation area or subject to any site-specific planning policy designations.

## **2 The Proposal**

- 2.1 The application seeks planning permission for a part single, part two storey side/rear extension. A rear conservatory will be removed. The two-storey part of the extension would have a depth of 3m x 4.5m wide x 7m high (to match the existing dwelling) with a pitched roof, a continuation of the main dwelling roof. Its rear first floor elevation will have a Juliet balcony with triangular openings above.
- 2.2 The single storey element would project a total of some 3.9m beyond the main rear elevation of the dwelling, x 5.8m wide x 3.1m high (to the top of the parapet wall) with a flat roof.

## **3 Relevant Planning History**

- 3.1 13/00671/FULH - Erect Outbuilding to rear of garden – Granted 17.07.2013

## **4 Representation Summary**

### **Call-in**

- 4.1 The application has been called in to Development Control Committee by Cllr Walker.

### **Public Consultation**

- 4.2 15 neighbouring properties were notified. Two (2) letters of representation were received which make the following objections/comments:
  - Loss of neighbour amenity from loss of light, loss of privacy, overlooking
  - Access/driveway must not be blocked during works.
- 4.3 Officer comment: The objections raised in the representations have been taken into consideration in the assessment of the application where relevant to material planning considerations but not found to be justifiable reasons for refusing planning permission 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 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 & Townscape Guide (2009)
- 5.6 Community Infrastructure Levy (CIL) Charging Schedule (2015)

## **6 Appraisal**

### **Principle of Development**

- 6.1 The principle of altering and extending an existing dwelling 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 Design and Townscape Guide provide further details on how this can be achieved.
- 6.4 The proposed part single, part two storey rear/side addition would be of an acceptable size, scale, height and depth projecting a maximum of 3m at two storey with a ridge height to match the existing dwelling. The single storey element would largely replace an existing conservatory of a similar size and scale with no adverse character impacts.
- 6.5 It is considered that the proposal would not harm the character and appearance of the site, the streetscene or the wider surrounding area and is acceptable and policy compliant in the above regards.

### **Amenity Impacts**

- 6.6 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.
- 6.7 The two storey part of the proposed extension would be 3m deeper than the two-storey element of No18 to the east and set some 1.2m from the side wall of No 18. The application dwelling is smaller in size, scale and height than its immediate neighbours and the nearest opening at first floor in No18 is a bathroom window. The total extent of the development proposed at ground floor would be some 5.2m deeper than the rear two storey building line of no.18 and some 2.6m deeper than No 18's ground floor extended rear building line. The proposal would largely replace a conservatory which ends at 4.55m beyond the rear building line of no.18. Due to its single storey, flat roof

nature, it is considered that the proposed development would not significantly harm the amenities of the occupiers at no. 18 from dominant impacts, a loss of outlook or light or any perceived or actual loss of privacy.

- 6.8 The rear outrigger of no. 15 to the west is set some 4m away from the shared boundary so no harm is identified from any loss of outlook or light or any perceived or actual loss of privacy. The development would extend 3.9m beyond the main rear building line of no.15. The nearest flank elevation of no.15 is L-shaped, and the two-storey element of the existing dwelling is already next to this. This area is understood not to form a principal part of No 15's private rear garden area. There is a separation distance between these two dwellings of some 3.15m, so no dominant impact would arise. There are windows to the rear and flank within the L-shape at no.15, but it is not considered that the development would result in any harmful loss of outlook or privacy to the occupiers at no.15 as these openings consist of a secondary window to a lounge, with bi fold doors to the rear as well as a window to a non-habitable room (kitchen) with another source of light. The two-storey element would not project any deeper than No 15's two-storey outrigger. There would be no first-floor flank windows which would overlook this neighbour. The nearest first floor window to the proposed two storey extension serves a bedroom and at ground floor serves a kitchen, but the development does not breach a notional 45-degree guideline taken from the centre of this window so the impact is considered acceptable.
- 6.9 The proposed rear Juliet balcony at first floor is akin to a window and would not significantly harm neighbours' amenity in any relevant regards. The application site backs onto Belfair's Golf Course with no dwellings behind.
- 6.10 It is therefore considered that the proposed development would not materially harm the amenities of the neighbouring occupiers from dominant impacts, a loss of outlook or light or any perceived or actual loss of privacy. The proposed development is therefore acceptable and policy compliant in this regard.

### **Other Matters**

- 6.11 The development proposed is not found to result in any significant parking or highways impacts, it is therefore acceptable and policy compliant in these regards.
- 6.12 The development is not liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended).

### **Equality and Diversity Issues**

- 6.13 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**

- 6.14 For the reasons outlined above the proposal 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.

## **7 Recommendation**

### **7.1 GRANT PLANNING PERMISSION subject to the following conditions:**

- 01 The development hereby permitted shall begin no later than three years from the date of 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: 1715/010/A Location Plan and Site Plan, 1715/010/A Proposed Elevations and Floor Plans, 1715/010/A Existing Elevations and Floor Plans.**

**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 building 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 drawings hereby approved or are required by conditions to this permission.**

**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 within the Southend-on-Sea Design and Townscape Guide (2009).**

- 04 The 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 similar 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 National Planning Policy Framework (2021), Core Strategy (2007) Policy CP4, Development Management Document (2015) Policy DM1, and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).**

### **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.**

## 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](http://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.