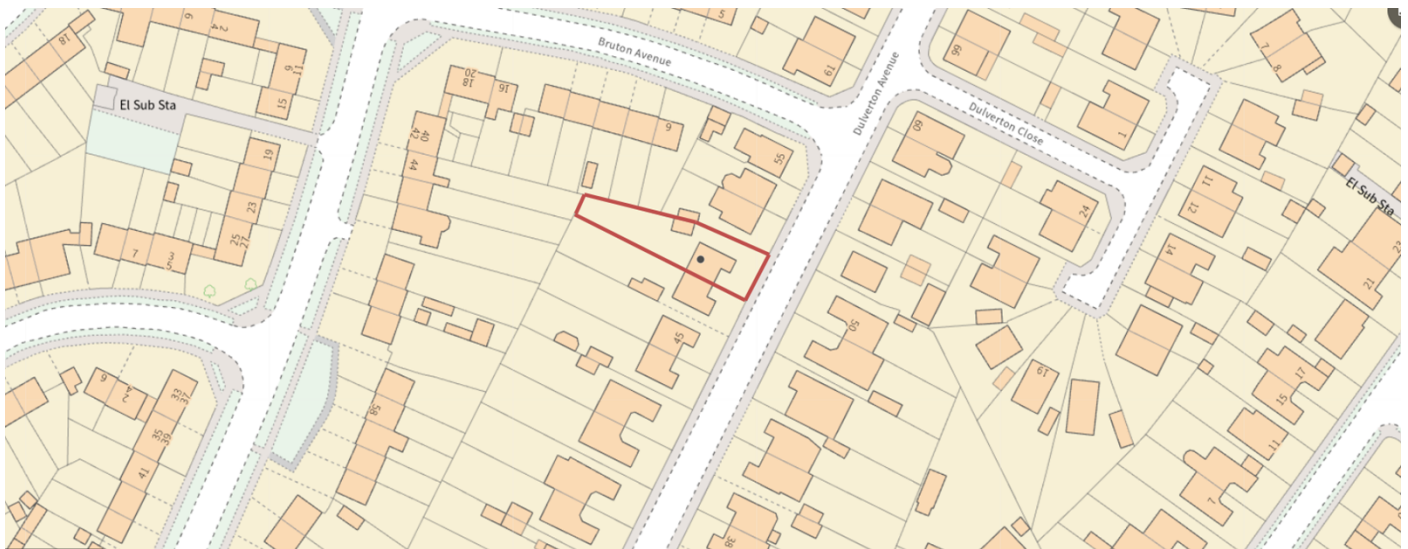


Reference:	23/01325/FULH	
Application Type:	Full Application - Householder	
Ward:	Prittlewell	
Proposal:	Demolish garage at rear, erect single storey and first floor side extensions, part single storey and part two storey rear extension, and alter elevations (amended proposal)	
Address:	49 Dulverton Avenue, Westcliff-on-Sea, Essex	
Applicant:	Mr Craig Wingrove	
Agent:	BGA Architects	
Consultation Expiry:	5th October 2023	
Expiry Date:	3rd November 2023	
Case Officer:	Gabriella Fairley	
Plan Nos:	TPA-0-001, TPA-0-002, TPA-0-300 (Rev A), TPA-1-001, TPA-1-300 (Rev B)	
Supporting documents:	Cover letter	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



## **1 Site and Surroundings**

- 1.1 The application site contains a semi-detached dwelling on the northwest side of Dulverton Avenue. The semi-detached pair of dwellings are of matching form and design and have not been extended.
- 1.2 The area is residential in nature comprising of predominantly semi-detached and detached two-storey and single storey dwellings.
- 1.3 The site is not in a conservation area or subject to any site-specific planning policy designations. Land levels slope from south to north and reduce to the rear of the dwelling.

## **2 The Proposal**

- 2.1 The applicant is a member of staff at Southend City Council and in accordance with the Council's Constitution the application is to be considered by Development Control Committee.
- 2.2 Planning permission is sought to erect a first-floor side extension, which would also project over part of the proposed ground floor extension to the rear. It would have a hipped roof and would be set some 2.2m below the ridge and set back some 2.5m from the front elevation of the main dwelling. The proposal would be some 3m wide, 5.3m deep with a ridge height of between 7.8m and 8.2m and an eaves height of 5.9m. It would be finished in white render to match the existing dwelling. Two windows at first floor level on the side elevation, would serve non-habitable rooms (W/C and bathroom). A Juliet balcony is proposed to the first-floor rear elevation and two sets of bifold doors to the ground floor rear elevation.
- 2.3 An L-shaped single storey flat roofed side and rear extension is proposed some 3.3m high, 2.8m wide and 5.3m deep to the side and 9m wide, 3.65m deep, and a maximum 3.8m and minimum 3.5m high to the rear and would be finished in white render. There would be a window on the front elevation serving a bedroom, a door to the side elevation and two sets of bifold doors to the ground floor rear elevation.
- 2.4 The dwelling's existing windows are shown to be replaced with grey uPVC.
- 2.5 An existing garage to the rear is to be demolished to make space for the proposal and an existing wall in the rear amenity space is to be rendered.
- 2.6 This proposal, itself amended during the course of the current application, has been submitted following previously refused application reference 23/00909/FULH. The main differences between the current application and 23/00909/FULH are as follows. A formerly proposed two-storey side extension is replaced by a proposed first-floor side extension. A first-floor hipped roof element has been added to the proposed rear extension and the proposed single storey side extension is now joined to the proposed rear extension. The depth of the proposed rear extension has been reduced from 4m to 3.65m. The proposed rear extension is some 0.3m lower in height at its maximum when compared to the previously refused scheme.

## **3 Relevant Planning History**

- 3.1 23/00909/FULH - Demolish garage at rear and erect two storey side extension, single storey rear extension, form porch to front and alterations to elevations. Refused (26.07.23).

Reasons for refusal:

- 01 *“The proposed two-storey element of the proposed development, by reason of the proposed scale, siting and detailed design, would unbalance the pair of semi-detached dwellings and would be materially out of keeping within the streetscene causing significant harm to the character and appearance of the host dwelling, the street scene and the wider surrounding area. This is unacceptable and contrary to the National Planning Policy Framework (2021); Policies KP2 and CP4 of the Southend-on-Sea Core Strategy; Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015); and the advice contained within the National Design Guide (2021) and the Southend-on-Sea Design and Townscape Guide (2009).*
- 02 *The proposed single storey rear extension, by reason of its significant depth, height and siting close to the boundary with No. 47 Dulverton Avenue, would give rise to a significant sense of enclosure, loss of light and a material overbearing impact, resulting in significant harm to the residential amenity of occupiers at this neighbouring dwelling. This is unacceptable and contrary to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Design and Townscape Guide (2009).”*

## **4 Representation Summary**

### **Public Consultation**

- 4.1 Seventeen (17) neighbouring properties were notified of the application by letter. No letters of representation have been received.

## **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 Appraisal**

### **Principle of Development**

- 6.1 Consistent with the basis of decision on the earlier 2023 application, the principle of extending and altering 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 Southend-on-Sea Design and Townscape Guide provide further details on how this can be achieved.
- 6.4 No. 49 Dulverton Avenue is joined to No 47 which mirrors its design, form, size and scale. There are examples of similarly designed dwellings along Dulverton Avenue, some of which have been extended at first floor although none of these appear to involve projection with a first-floor extension carried behind the dwelling's main rear elevation, as is proposed here. The proposed first-floor side extension would be visible in the streetscene but set back some 2.5m from the main front elevation of the original dwelling. The use of render would be in keeping with the existing dwelling and revisions made during this application to alter the originally proposed rear gabled roof to a hip end has reduced the bulk and prominence of this part of the extension. A suitably subservient form of extension results such that, on balance, the first-floor side extension would not significantly harm the character and appearance of the host dwelling, the street scene or wider surroundings.
- 6.5 The proposed single storey side extension would be set back some 2.7m from the front elevation of the main dwelling. Taking into consideration the setback, and although the flat roof form is a moderate negative of the proposal, it is not considered that the proposed single storey side extension would significantly harm the character and appearance of the host dwelling or the streetscene more widely.
- 6.6 Removal of a window on the front elevation and replacement of a door are not ideal design elements but it is not considered that this would significantly harm the character and appearance of the host dwelling, the streetscene or the wider surroundings.
- 6.7 The proposed ground and first floor rear extension would be contained within the rear of the site. The proposal would be visible in the streetscene through the gap between dwellings. The two-storey element would be set down some 2.2m from the ridge of the original and would be finished in white render, which would match the existing dwelling. The revision creating a proposed hipped roof to the rear would be in keeping with the host dwelling's roofscape and would mitigate the bulk of the proposal. It is not considered that the rear extensions would significantly harm the character and appearance of the host dwelling, the streetscene or wider surroundings.
- 6.8 The proposal has therefore, on balance, overcome the previous reason for refusal 01, as a result of the siting, reduction in size and scale and altered, more subservient design.
- 6.9 It is considered that the design, size, siting, and scale of the development proposed are such that it would not significantly harm the character and appearance of the site, the street scene and the area more widely. The proposal is therefore considered to be acceptable and policy compliant in the above regards.

### **Amenity Impacts**

- 6.10 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.

- 6.11 The unattached neighbouring property, No.51 Dulverton Avenue, is to the north of the site. The proposed first floor side extension would be some 3.8m from the shared boundary and some 6.6m from the closest flank elevation at No. 51. It would have two first floor windows on the side elevation facing No. 51, both of which serve non-habitable rooms (W/C and bathroom). A condition is recommended to require these windows be obscure glazed to ensure the privacy of this neighbouring property. Subject to that, the proposal is not considered to significantly harm the amenities of No 51 in any relevant regards. The proposed single storey side extension would be some 0.8m from the shared boundary with No. 51 and some 3.6m from the closest flank elevation. Taking into consideration the flat roof design and single storey nature, it is considered that the proposed side extension would not significantly harm No. 51 in any relevant regards.
- 6.12 The part single storey, part two-storey rear extension would be a minimum 0.9m from the shared boundary with No. 51, with the two-storey element some 3m from the boundary. It would extend some 5.5m beyond the rear elevation at No. 51 at ground floor level and some 4.5m at first-floor level. Taking into consideration the separation distances involved from the closest flank elevation, it is considered that the extensions would not significantly harm No 51's amenities in any relevant regards.
- 6.13 No 47 Dulverton Avenue is attached to the south side of No 49. Most of the ground floor and first-floor side extension would be screened by that dwelling. It is considered that these elements of the proposal would not result in any significantly harmful amenity impacts on No. 47 Dulverton Avenue.
- 6.14 The ground floor element of the part single storey, part-two storey rear extension would be some 0.15m from the shared boundary with No. 47 and, as amended during the course of the current application, the extensions would now project some 3.65m beyond its rear elevation. No. 47 has a set of French doors to its rear elevation, which are considered on the balance of probability to be the sole source of light for a habitable room. It is considered that the proposed single storey rear extension would not significantly harm the amenity of the occupiers of this property in terms of any loss of light, creating an overbearing relationship or an undue sense of enclosure. The current proposal has addressed the previous amenity-based reason for refusal in this regard. The proposed first floor element of the rear extension would be some 2.8m from the shared boundary with No. 47 and would project some 3.4m. It now has a hipped roof form and given the separation from No. 47, would not significantly harm the amenity of No. 47's occupiers in any relevant regards.
- 6.15 The proposed replacement windows and alterations to the rear wall are not considered to significantly harm amenity in any relevant regards. Due to the relationships and separations involved the development would not significantly harm the amenity of any other neighbouring properties.
- 6.16 The proposal is therefore considered to be acceptable and compliant with the relevant policies and has overcome the previous reason for refusal.

### **Other Matters**

- 6.17 Whilst the garage would be demolished, it is undersized and is not considered to be of sufficient size to adequately serve as an off-street parking space in line with the Council's car parking standards. Off-street parking for at least two cars is available on the driveway outside the dwelling. The proposed development is not found to result in any significant parking or highways impacts, it is therefore acceptable and policy compliant in these regards.
- 6.18 The development is not liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended).

## **Equality and Diversity Issues**

- 6.19 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**

- 6.20 For the reasons outlined above the proposal is found to be acceptable and compliant with the relevant planning policies and guidance. It is considered that the application has overcome the two previous reasons for refusal. 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:**

- 1 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.**

- 2 The development shall only be undertaken in accordance with the following approved plans: TPA-0-001, TPA-0-002, TPA-0-300 (Rev A), TPA-1-001, TPA-1-300 (Rev B).**

**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).**

- 3 Before the development hereby approved is occupied the materials used on the external surfaces of the development must match those used on the external surfaces of the existing property. This applies unless differences are shown on the drawings hereby approved or are required by other conditions on this permission.**

**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 proposed windows on the first floor northern side elevation of the development hereby approved shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal finished floor level prior to the first use or occupation of the development hereby permitted and retained as such thereafter. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4 on the Pilkington scale.**

**Reason:** To ensure the development has an acceptable design and protects the amenities of neighbouring occupiers in accordance with Policy DM1 of the Development Management Document (2015).

- 04** The roofs of the development hereby approved shall not be used as a balcony, roof garden or terrace or for any other purpose at any time without planning permission being granted by the Local Planning Authority. The roofs can however be used for the purposes of maintenance or to escape in the event of an emergency.

**Reason:** To ensure the development has an acceptable design and protects the amenities of neighbouring occupiers in accordance with Policy DM1 of the Development Management Document (2015).

#### **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](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.

#### **Positive and Proactive Statement**

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, 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.