

Reference:	23/01368/FUL	
Application Type:	Full Application	
Ward:	St Laurence	
Proposal:	Erect single storey front extension, single storey rear extension and first floor rear/side extension, form new external staircase and extend existing balcony to rear, relocate existing condenser units to rear	
Address:	101 Rochford Road, Southend-on-Sea, Essex, SS2 6SR	
Applicant:	Mrs T Patheepan	
Agent:	Mr Gary Fardell of More Space Architecture Ltd	
Consultation Expiry:	9 th November 2023	
Expiry Date:	15 th December 2023	
Case Officer:	Hayley Thompson	
Plan Nos:	200 Revision 01, 201 Revision 02	
Recommendation:	REFUSE PLANNING PERMISSION	



1 Site and Surroundings

- 1.1 This application site is on the west side of Rochford Road, close to its junction with Feeches Road. The lawful use of the two-storey building is retail, within Class E, at ground floor (a convenience store). The first floor is a one-bedroom flat the sole access to which is from a rear external staircase. The surrounding area is predominantly residential in character with some commercial uses to the north of the site.
- 1.2 The site is within a Secondary Shopping Frontage Area. The site is not within a conservation area or subject to any other site-specific planning policies.

2 The Proposal

- 2.1 Planning permission is sought to erect a single storey extension to the front, a single storey extension to the rear and a first-floor part side, part rear extension. The single storey additions would enlarge the retail unit at ground floor and the first-floor extension is proposed to be used as an office and staff room. A new external staircase would be formed to the rear to allow access to the first floor flat and the office/staff room.
- 2.2 The building has an existing flat roofed single storey projection to the front elevation forming a shopfront. This would be enlarged by 0.5m in depth, projecting 1m beyond the main building and the width would be increased by 0.5m from 12.4m to 12.9m. The height would remain the same at 3.85m. The shopfront would be replaced and includes full width glazing.
- 2.3 The single storey addition is proposed to infill the plot to the rear. It would be flat roofed, between 2.7m and 2.9m high due to varying land levels within the site, a maximum depth of 8.05m and 8.7m wide.
- 2.4 The first floor extension would have a dummy pitched roof to the front and flat roof to the rear. The pitched roof would be 6.65m high and the flat roofed addition would be 5.85m high. The extension would have a total depth of 11.65m, projecting 6.25m beyond the rear of the main building. It would contain a window to the rear elevation.
- 2.5 An existing window serving the kitchen of the first floor flat would be replaced with a smaller window.
- 2.6 An existing first floor window on the northern flank of the development would be removed and the first floor extension would join this flank wall. The agent has advised that the room that the window serves contains a staircase which gives access to uninhabited roof space used for storage. An internal wall leading to this room would be removed.
- 2.7 Four existing condenser units would be relocated from the rear elevation of the building at ground floor level to the southern flank of the flat roofed first floor extension.
- 2.8 The extensions would be finished in render and brick.

3 Relevant Planning History

- 3.1 None.

4 Representation Summary

Call-in

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

Lydia Hyde.

Public Consultation

4.2 30 neighbouring properties were consulted by letter and a site notice has been displayed. Representation from 1 interested party was received which raised the following objections:

- Loss of privacy from balcony relocation
- Concern about noise from the condensers

[**Officer Comment:** All relevant planning considerations have been assessed within the appraisal section of the report. Other than as reflected in the reason for refusal in Section 8 of this report, the remaining points of objection are not found to justify refusing planning permission in the circumstances of this case].

Highways

4.3 No objections raised.

Environmental Health

4.4 No objection subject to conditions regarding construction and development management, noise mitigation measures and informatives.

Essex Fire and Rescue

4.5 No objections raised.

5 Planning Policy Summary

5.1 The National Planning Policy Framework (NPPF) (2023)

5.2 Planning Practice Guidance (PPG) (2023)

5.3 National Design Guide (NDG) (2021)

5.4 Core Strategy (2007): Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generating Development), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance)

5.5 Development Management Document (2015): Policies DM1 (Design Quality), DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM13 (Shopping Frontage Management outside the Town Centre), DM15 (Sustainable Transport Management)

5.6 Southend-on-Sea Design and Townscape Guide (2009)

5.7 Community Infrastructure Levy (CIL) Charging Schedule (2015)

5.8 Waste Storage, Collection and Management Guide for New Developments (2019)

6 Planning Considerations

6.1 The main considerations in relation to this application include the principle of the development, the design and impact of the development on the character and appearance

of the area, the residential amenity for neighbouring occupiers, parking and highway implications, refuse and recycling storage and CIL liability.

7 Appraisal

Principle of Development

- 7.1 Policy CP1 of the Core Strategy supports the retention of employment floor space in appropriate settings. Policy DM13 of the Development Management Document states that “Primary and secondary shopping frontages within Southend will be managed to reinforce their attractiveness, vitality and viability within the daytime and night-time economies. The character and function of both types of frontage will be protected and enhanced”.
- 7.2 Policy DM13 part 3 states “All developments in the secondary shopping frontage, as defined on the Policies Map, must maintain or provide an active frontage with a display function for goods and services rendered and the proposed use will provide a direct service to visiting members of the general public”.
- 7.3 It is considered that the development would be complementary to the commercial function of the site, this secondary shopping frontage and the mixed uses of the surrounding area. The development would maintain an active frontage in line with the objectives of Policy DM13. The principle of providing extensions and alterations to the existing commercial and residential premises is considered acceptable. The material considerations below are the determining factors of the application.

Design and Impact on the Character of the Area

- 7.4 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.
- 7.5 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 Council’s Design and Townscape Guide provide further details on how this can be achieved.
- 7.6 Policy DM3 (5) also advises that; ‘Alterations and additions to a building will be expected to make a positive contribution to the character of the original building and the surrounding area through:
- (i) The use of materials and detailing that draws reference from, and where appropriate enhances, the original building, and ensures successful integration with it; and*
 - (ii) Adopting a scale that is respectful and subservient to that of the original building and surrounding area; and*
 - (iii) Where alternative materials and detailing to those of the prevailing character of the area are proposed, the Council will look favourably upon proposals that demonstrate high levels of innovative and sustainable design that positively enhances the character of the original building or surrounding area.’*
- 7.7 The site is within a Secondary Shopping Frontage Area whereby it is important that the character and function of frontages, in terms of providing an active frontage, are maintained and enhanced as they provide a vital service, meeting the day-to-day needs of local communities.

- 7.8 The proposed ground floor front extension and altered shopfront would remain subservient in scale and would not project forward of the front of No.103 to the north so maintaining a stepped building line. They are considered to represent appropriate alterations that would suitably respect the character and appearance of the building, the street scene and the character of this secondary shopping frontage. No details of any changes to signage or advertising have been included but this is controlled by separate legislation. Details of materials can be controlled by a planning condition if the application were otherwise found to be acceptable.
- 7.9 The proposed single storey rear extension would represent a large scale addition to the building, infilling the site to the rear with built form. Although comparatively deep, the extension would have a limited impact on the Rochford Road streetscene due to its position to the rear and is largely screened from surrounding development as a result of its limited height and existing boundary treatment.
- 7.10 The proposed first floor side extension would have a pitched roof to the front and is considered to be of an acceptable form that would integrate suitably with the building itself. Its flat roof is a negative aspect of the proposal, however, there are examples of flat roofed buildings in the wider area and the extension would be located to the rear of the building and due to its size and position would be largely obscured from public view. It is not considered in this instance that the extension would form an unduly prominent or incongruous feature in the locality to the detriment of visual amenity.
- 7.11 The external staircase to access the first floor flat and staff room/office has a functional design, however, this aspect of the proposal, which has no material impact in the streetscene, is not considered to be visually harmful in the context of the wider surrounding area.
- 7.12 The condenser units would be relocated from ground floor to the first floor, within the rear of the site. No objection is raised to their position which has limited public impact.
- 7.13 The development 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

- 7.14 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.
- 7.15 Policy DM1 of the Development Management Document requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities and also: "*having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.*"
- 7.16 The site is neighboured by No.103 Rochford Road to the north, a two-storey building with a commercial use at ground floor level fronting Rochford Road and residential flats above, with their main outlook to Feeches Road. Inset balconies exist at the upper floor level, contained and screened by a south facing, solid brick parapet wall along the boundary with the application site. The ridge of the pitched roof of the proposed first floor side extension

would be in line with the top of the parapet wall of No.103 and the flat roof of the first floor extension would be at a position below the balconies of the flats within the building on Feeches Road. It is not considered that the proposed extensions would cause any material harm to the occupiers of No.103 Rochford Road with regards to any overbearing impacts or sense of enclosure.

- 7.17 No.20 Feeches Road to the site's west is a semi-detached bungalow. No.20 has a boundary fence with trellis above and a single storey detached outbuilding located along its flank boundary shared with the rear of the application site. The existing single storey flat roofed extension at the application site extends along the site's western boundary for some 3.7m, maintaining a separation distance of some 0.5m. The proposed extension would be the same height as the existing extension, some 2.7m on the western boundary and situated 0.1m from the boundary. Given the existing boundary treatment and outbuilding at No 20 Feeches Road, it is considered on balance that the impact of the proposal on No.20 Feeches Road would not be significantly greater than the existing situation and would not result in significant harm to the amenity of occupiers at No.20 in any relevant regard when the relationship is assessed in its own right.
- 7.18 The proposed first floor side extension, separated from the western boundary by 6m, is not considered to have any overbearing impacts on No.20 Feeches Road. The window contained in the rear elevation of the first-floor extension serving the staff room would overlook the rear garden of No.20. As this window serves a commercial unit and non-habitable room, it would be reasonable to secure by condition for obscure glazing in this window to mitigate privacy concerns if the application were otherwise found to be acceptable.
- 7.19 No 97-99 Rochford Road (Viscount House) to the site's south is a three-storey flatted building. A window in the ground floor flank elevation of Viscount House facing the application building is understood, based on available records, to serve a kitchen and for the purposes of this assessment serves a non-habitable room. Doors in the rear elevation at ground floor are understood to serve a living area. The irregularly shaped single storey rear extension would project a maximum of 7.9m beyond the rear of Viscount House. It is set 2.5m off the southern site boundary for the first 3.15m and along the site boundary for the final 3.55m. As a result of the modest height of the extension, between 2.7m to 2.9m, and as built form would not project the full depth along the southern boundary, it is not considered that the proposed extension would result in any dominant impacts or loss of light, or sense of enclosure that would be significantly harmful to the amenity of the occupiers of Viscount House. As the proposed first floor extension would be situated 6.75m from the southern boundary and 8m from Viscount House, it is sufficiently removed from occupiers within Viscount House as not to cause significant harm to their amenity in any relevant regards.
- 7.20 The first floor flat at the application site is accessed via an alleyway on the southern boundary and then by a single flight external staircase which rises in an easterly direction. The existing staircase is situated 0.85m from the southern boundary. The current staircase rises alongside Viscount House and users of the staircase would look primarily towards the flank of this neighbouring building. The proposed staircase would be situated closer to the southern boundary and is of a different arrangement whereby the staircase rises initially in a westerly direction then returns to form a half landing to rise in an easterly direction. The upper level is divided into separate walkways to the first floor flat and the staff room/office. As users of the staircase rise, the view is materially different from the existing staircase on site. The proposed staircase is significantly alongside the rear amenity area and beyond the nearest rear facing wall of Viscount House. This means that users will be able to look directly down into the rear private amenity space and to the rear of Viscount House which contains habitable room windows and doors. Views can also be achieved towards the north facing

outrigger of Viscount House which has oriel style habitable windows along this elevation. The proposed staircase would significantly harm the amenity of occupiers of Viscount House in these regards due to overlooking and invasion of privacy. Theoretically, a screen could be erected along the southern flank of the staircase to aim to mitigate the overlooking and invasion of privacy concerns, however, any such screen would be elevated in form and dominant in its position in close proximity to the boundary and would create a harmful sense of enclosure to neighbouring occupiers. As the existing staircase is differently configured and starts ascending from a less exposed part of the site in relation to Viscount House, it is not considered that its existence presents a materially comparable “fall back” position to be weighed against the identified harm.

- 7.21 Due to the position of the first floor extension, an existing flank window serving the first floor flat would be infilled impacting light and outlook to the first floor flat. Existing light and outlook through this window is already restricted by the built form of No.103 Rochford Road and by the internal staircase described in para 2.6. On balance, given the size, nature and usability of the room and the removal of an internal wall, the impact on the residential amenity of occupiers of the first floor flat is not considered to be significantly harmful to the extent that it would justify refusing planning permission in the circumstances of this case.
- 7.22 The proposed front extension would not extend forward of No.103 Rochford Road which is a commercial unit at ground floor level. The proposed extension would be situated 0.9m from the southern boundary and 2.2m from Viscount House. The extension would project 1m forward of the front building line of Viscount House. Given the separation distance and modest projection beyond Viscount House, it is not considered that the proposal would cause significant amenity harm in any relevant regards.
- 7.23 It is proposed to relocate four existing condenser units from the rear of the existing building at ground floor level to the southern flank wall of the flat roofed first floor extension. Were the proposal otherwise acceptable, a condition could be attached to require that prior to their relocation, a noise impact assessment is submitted and any necessary mitigation measures implemented.
- 7.24 It is considered that the design, size, siting and scale of the development proposed are such that it would significantly harm the amenities neighbouring occupiers at Viscount House. All other dwellings are sufficiently removed from the proposal to prevent any significant harm in any amenity regards. The proposal is therefore considered to be unacceptable and in conflict with policy compliant in terms of its amenity impacts.

Refuse and Recycling

- 7.25 Refuse and recycling management arrangements are already in place for the existing site. The submitted plans indicate that waste would be stored in a similar location to the rear in the courtyard area, however, this space for refuse storage would be restricted as a result of the development. In order to demonstrate that as a result of the proposed development, an adequate storage space would remain on site, a waste management plan could be agreed and implemented prior to the first use of the development. Were the proposal otherwise found to be acceptable, subject to a condition on the above basis, the proposal would be acceptable in this regard.

Traffic and Transportation Issues

- 7.26 The NPPF states at Paragraph 111 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.”
- 7.27 The proposed development would result in increased floorspace to a commercial unit. The

application site currently has no off-street parking spaces. There is on street parking available around the site, including directly outside the site on Rochford Road, and this is a fairly sustainable location with regards to local bus routes, Given the limited increase in floorspace, it is not considered that the proposed development would result in any significant parking or highways impacts, it is therefore acceptable and policy compliant in these regards.

Community Infrastructure Levy (CIL)

- 7.28 As the development does not create more than 100m² of floorspace and does not involve the creation of a new dwelling (Class C3), the proposal benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

Equality and Diversity Issues

- 7.29 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.
- 7.30 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

- 7.31 For the reasons outlined above the proposal is found to be unacceptable and fails to comply 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 refused.

8 Recommendation

REFUSE PLANNING PERMISSION for following reason:

01 The proposed external staircase would by reason of its position and configuration significantly harm the amenities of neighbouring occupiers in Viscount House through overlooking and a loss of privacy. This is unacceptable and contrary to the National Planning Policy Framework (2023), 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 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 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

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.