

<b>Reference:</b>	23/01670/FULH	
<b>Application Type:</b>	Full Application - Householder	
<b>Ward:</b>	Eastwood Park	
<b>Proposal:</b>	Erect first floor side extension	
<b>Address:</b>	112 Pinewood Avenue, Eastwood, Essex	
<b>Applicant:</b>	Mr Daniel Carey	
<b>Agent:</b>	Mr Alan Green of A9 Architecture	
<b>Consultation Expiry:</b>	22nd November 2023	
<b>Expiry Date:</b>	7th February 2024	
<b>Case Officer:</b>	Gabiella Fairley	
<b>Plan Nos:</b>	<b>Location plan, Proposed 3D Views, 02 (Rev A), 03 (Rev A), 04 (Rev A), 05 (Rev A), 06 (Rev A), 07 (Rev A), 08 (Rev A)</b>	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION subject to conditions</b>	



## 1 Site and Surroundings

- 1.1 The site contains a two-storey, semi-detached dwelling on the east side of Pinewood Avenue. The dwelling has a gabled roof and existing non-original single storey front and rear extensions and a part single, part two storey side extension.
- 1.2 The area is residential in nature comprising detached and semi-detached single-storey and two-storey dwellings, most of which are traditional in design. Gabled roof designs are common in the immediate streetscene.
- 1.3 The site is not within a conservation area or subject to any site-specific planning policy designations. There is a group of trees that are covered by a Tree Preservation Order (9/1987) to the rear of the site.

## 2 The Proposal

- 2.1 The application seeks planning permission to erect a first-floor side extension. The proposed extension would be partly above the existing front/side extension and partly supported on stilts. It would have a gabled roof, matching the existing ridge line at 7.7m and would be some 2.5m wide by 7.46m deep. It is proposed to be finished in materials to match the existing dwelling. The extension would contain one first floor window on the front elevation and one to the rear. Rooflights are proposed to the front and rear roof slopes.

## 3 Relevant Planning History

- 3.1 The most relevant planning history for the determination of this application is shown on Table 1 below:

**Table 1: Relevant Planning History of the Application Site**

Reference	Description	Outcome
10/01089/FULH	Erect part single/ two storey side and rear extension	Approved (30/7/2010)

- 3.2 The dwelling was previously extended with a rear dormer. Furthermore, the materials of the dwelling were changed around the time when the dormer was erected. These changes did not benefit from planning permission and failed to meet the conditions of permitted development provisions. However, they were substantially completed more than four years ago and are immune from enforcement action.

## 4 Representation Summary

### Public Consultation

- 4.1 Twelve (12) neighbouring properties were notified of the application by letter and a site notice was displayed. One letter of representation has been received and the following comments have been summarised:
  - Loss of privacy.
  - Loss of light
  - The previous extension has remained an unfinished eyesore for 13 years. This has impacted the recovery of a Laurel tree.
  - The existing gas boiler flue is already close to the boundary, raising questions around the proper installation.

- Main concern is the boiler condensation pipework, which has been overflowing onto the building and neighbouring properties.
- Compliance with health and safety regulations.
- Signs of growth on the existing cladding.
- Regular cleaning and maintenance may require access to neighbouring gardens.
- Proposal may lead to further obstacles in current personal circumstances of neighbours.
- Devaluation of property.

4.2 **Officer comment:** All relevant planning considerations have been assessed within the appraisal section of the report. The Local Planning Authority is not able to intervene on non-planning related matters subject of separate legislative regimes and / or civil law matters which, here, applies to some of the points within the representation. The concerns within the representations that are material planning considerations 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 circumstances of this case.

## 5 Procedural matters

5.1 This application is presented to the Development Control Committee because it has been called in by Cllr Collins.

## 6 Planning Policy Summary

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

6.2 Planning Practice Guidance (PPG) (2023)

6.3 National Design Guide (NDG) (2021)

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

6.5 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), DM15 (Sustainable Transport Management)

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

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

## 7 Planning Considerations

7.1 The main considerations in relation to this application are the principle of the development, the design and impact on the character and appearance of the area, the residential amenity for future and neighbouring occupiers, traffic and parking implications and CIL liability.

## 8 Appraisal

### Principle of Development

8.1 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**

- 8.2 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.
- 8.3 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 Council's Design and Townscape Guide provide further details on how this can be achieved.
- 8.4 The site lies at the end of a row of relatively uniform semi-detached dwellings. The application dwelling has previously been extended to the side at first floor and ground floor, although this development currently differs from the 2010 approved plans. No. 10 and 6 Hudson Road, which are north of the application site and are visible from the rear garden of the application site and from the street within the context of site looking north-east, have similar extensions to that proposed with this application.
- 8.5 The proposal would sit on stilts at the rear. A stilted form is rarely a good form of design. In this instance, the stilted form is to the rear of the site and limited in extend at ground floor level such that it would have a limited impact on the rear garden scene and very limited impact on the streetscene. The proposal would be some 1m wider than the existing first floor side extension, projecting up to the boundary at first floor. It would be in line with main front elevation and would be level with the ridge line of the main dwelling. Whilst the proposal would not be subservient to the main dwelling and would accentuate the unbalance between this pair of semi-detached dwellings, it is considered that it would not be so significantly harmful as to justify refusal in the circumstances of this case. It is considered that the location of the dwelling at the end of a row of similarly designed semi-detached dwellings, the presence of the previously approved extensions which already unbalance the pair of semis, the simple architectural form of the nearby development and the presence of similar development in the immediate vicinity of the site are all factors which contribute to the view that the identified harm of the proposal would not justify the refusal of the application in these circumstances.
- 8.6 The proposed window on the front elevation is aligned with the other windows on the front elevation, but slightly smaller which would create a sense of visual hierarchy. The neighbouring dwellings within the surrounding streetscene are predominately finished in render. Given that the use of the current materials at the site was not authorised or done under permitted development, a condition can be added to ensure that the proposal is finished in render to match the existing dwelling.
- 8.7 The proposal would sit away from the protected trees. Due to the separations involved, it is not considered that the proposal would impact these trees.
- 8.8 It is considered that the design, including the proposed siting, form, scale, appearance and materials of the development proposed are such that it would not result in significant harm to the character and appearance of the existing dwelling, the streetscene and the area more widely. Therefore, the proposal is acceptable and policy compliant in these regards.

## **Amenity Impacts**

- 8.9 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.
- 8.10 The proposal would be sited along the shared boundary with No. 8, 10 and 12 Hudson Road and it would be some 10.2m from the rear elevation of No. 10 and 12 and some 15m from the rear elevation of No. 8. The proposal does not contain any side windows. Taking these factors into consideration, the proposal would not result in any significantly harmful amenity impacts on these neighbouring properties in any relevant regard.
- 8.11 The proposal would not project beyond the front or rear elevation of the existing dwelling. Therefore, the proposal would not result in any significantly harmful amenity impacts on No. 110 Pinewood Avenue to the south in any relevant regard.
- 8.12 All other neighbouring properties are sufficiently removed such that they would not be significantly harmed by the proposal.
- 8.13 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 amenities of the site, neighbouring occupiers or wider area in any regard. The proposal is therefore considered to be acceptable and policy compliant in terms of its amenity impacts. This is not considered to overcome the harm outlined in the above sections of this report.

## **Traffic and Transportation Issues**

- 8.14 Paragraph 115 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."
- 8.15 Policy CP3 of the Core Strategy and Policy DM15 of the Development Management Document aim to improve road safety, quality of life and equality of access for all. 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.
- 8.16 Taking into consideration the nature of the proposal, which would not impact the existing provision of off-street parking at the site, the proposal would not result in any significant harm to the parking availability, highway safety or the road network in the area. The proposal's impact on highway and pedestrian safety is therefore considered to be acceptable and policy compliant.

## **Community Infrastructure Levy (CIL)**

- 8.17 The development equates to less than 100sqm of new floorspace and therefore 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**

- 8.18 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**

- 8.19 The proposal is found to be acceptable and policy compliant in terms of design and impact on character and appearance of the area, impact on neighbours' amenity and impact on highways. 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.

## **9 Recommendation**

**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 shall only be undertaken in accordance with the following approved plans: Location plan, Proposed 3D Views, 02 (Rev A), 03 (Rev A), 04 (Rev A), 05 (Rev A), 06 (Rev A), 07 (Rev A), 08 (Rev A).**

**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 Before the development hereby approved is occupied the materials used on the external surfaces of the development must be rendered to match the render used on the external surfaces of the original dwelling element of the existing property.**

**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).**

### **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.**

**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.**