

Reference:	22/00633/FUL
Application Type:	Full Application
Ward:	Chalkwell
Proposal:	Enlarged windows to side and rear elevations (retrospective)
Address:	Rose Martha Court, 64 Leigh Road, Leigh-on-Sea
Applicant:	Runwood Homes
Agent:	Mr Barry Mullen of Connect Space
Consultation Expiry:	14th April 2022
Expiry Date:	6th June 2022
Case Officer:	Kara Elliott
Plan Nos:	PA01, PA02, PA02A, PA03
Recommendation:	GRANT PLANNING PERMISSION subject to conditions



1 The Site

- 1.1 The application relates to Rose Martha Court, a two-storey residential care home, which, according to publicly available information, provides personal and nursing care for up to 76 people aged 65 and over in one adapted building.
- 1.2 The building is some 72m deep and is located to the south of Leigh Road within a residential area. The rear and one small southern flank elevation subject of this application are located to the west of the building and are adjacent to the rear gardens of dwellings on the east side of Beach Avenue.
- 1.3 The openings subject of this application all serve bedrooms of the care home and contain white uPVC windows.

2 The Proposal

- 2.1 The application seeks planning permission to enlarge five existing white uPVC windows on the rear (western) elevation of the building (three at ground floor and two at first floor). The windows would each increase in size from approximately 900mm by 1300mm to 1250mm by 1900mm; an increase of 350mm in width and 600mm in height. The new windows would be white uPVC to match the existing and of the same casement design. Also on this elevation, two existing window openings, one at first and one at ground floor level, have been infilled and two new openings with windows of similar design as those windows described above have been created.
- 2.2 On the southern flank elevation, a first floor existing window opening has been infilled with the elevation made good to match the existing external wall. An enlarged window has been installed in the centre of this elevation matching those installed at the rear elevation, measuring 1250mm x 1900mm.
- 2.3 The application is retrospective in nature and stems from an enforcement investigation.

3 Relevant Planning History

- 3.1 Whilst there are numerous planning applications dated in the nineties and eighties, the most relevant planning history for the application site is listed below:

Reference Number	Description of Development	Outcome [Date]
22/00795/FUL	Install hardie plank cladding and render panels to part of existing brickwork to front facing and side elevations and demolish part of existing boundary wall/railings and replace with ball top metal railings to north elevation	Pending Consideration

4 Representation Summary

- 4.1 The application has been referred to Development Control Committee by Councillor J Courtenay.

Public Consultation

4.2 Forty-five (45) neighbouring properties were notified by letter and a site notice was displayed. One letter of representation has been received which makes the following objections:

- Loss of neighbour amenity from overlooking and a loss of privacy.

4.3 Officer comment: The comments in the representation have been taken into consideration in the assessment of the application but have not been 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 Core Strategy (2007) Policies KP2 (Development Principles), CP3 (Transport and Accessibility) and CP4 (Environment and Urban Renaissance)

5.3 Development Management Document (2015): Policy DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), DM9 (Specialist Residential Accommodation), and DM15 (Sustainable Transport Management)

5.4 The Design & Townscape Guide (2009)

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

5.6 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2021)

6 Planning Considerations

6.1 The development has not increased the need for parking nor reduced the current off-street parking provision. The development is not CIL liable as it has not created any new floorspace. The key considerations in relation to this application are therefore the principle of the development, design and impact on character and appearance and impact on residential amenity.

7 Appraisal

Principle of Development

7.1 Policy DM9 of the Development Management Document states that a compassionate, strong, and sustainable community responds to the needs of all residents, including those who are considered to be most vulnerable. It is therefore important that the residents of Southend have access to housing that meets their specific needs. This may include specialist residential accommodation, comprising extra care and supported accommodation, as well as residential facilities, such as the application site, Rose Martha Court.

7.2 The principle of altering the building to provide facilities in association with residential care accommodation is considered acceptable. Other material planning considerations are discussed below.

Design and Impact on the Character of the Area

- 7.3 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.
- 7.4 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.
- 7.5 The development consists of fenestration amendments to existing openings at the building and would not be visible from any public vistas. It is considered that the development is modest in appearance and the design and use of materials, including their colour (white uPVC) assimilates satisfactorily with the existing building. Whilst the installed windows have altered to some extent the originally uniform pattern of openings on the elevations in question, the resulting impact on the appearance of the building is not considered to have caused any significant degree of harm to local character.
- 7.6 On balance, it is considered that the development has not demonstrably harmed the character and appearance of the site, the streetscene or the wider surrounding area. It is therefore acceptable and policy compliant in the above regards.

Impact on Residential Amenity

- 7.7 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.
- 7.8 In terms of impact on nearby residential properties, the rear elevation of Rose Martha Court is some 11.75m from the rear boundaries of dwellings within Beach Avenue and the nearest rear elevations of those neighbouring dwellings are some 28.7m away from the rear elevation of Rose Martha Court.
- 7.9 Due to these separation distances and given that most openings are existing or have replaced existing openings in similar locations, it is not considered that the development, including its increase in the size of the openings concerned, results in any significant harm to the amenity of neighbouring occupiers in any relevant regard including a perceived or actual loss of privacy, and overlooking.
- 7.10 The development is therefore acceptable and policy compliant in regard to impacts on neighbour amenity.

Equality and Diversity

- 7.11 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.

Other Matters

- 7.12 The development is not found to result in any significant parking or highways impacts, it is therefore acceptable and policy compliant in these regards.
- 7.13 The development equates to less than 100sqm of new floorspace. As such, the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and no charge is payable.

8 Conclusion

- 8.1 For the reasons outlined above the development is found to be, on balance, 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.

9 Recommendation

9.1 GRANT PLANNING PERMISSION subject to the following conditions:

- 01 **The development hereby permitted shall be retained in accordance with the following approved plans: PA01, PA02, PA02A, PA03.**

Reason: To ensure that the development is carried out in accordance with the provisions of the Development Plan.

- 02 **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 in 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 proposed extension(s) to your property 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 CIL.**
- 2. You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may 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.**