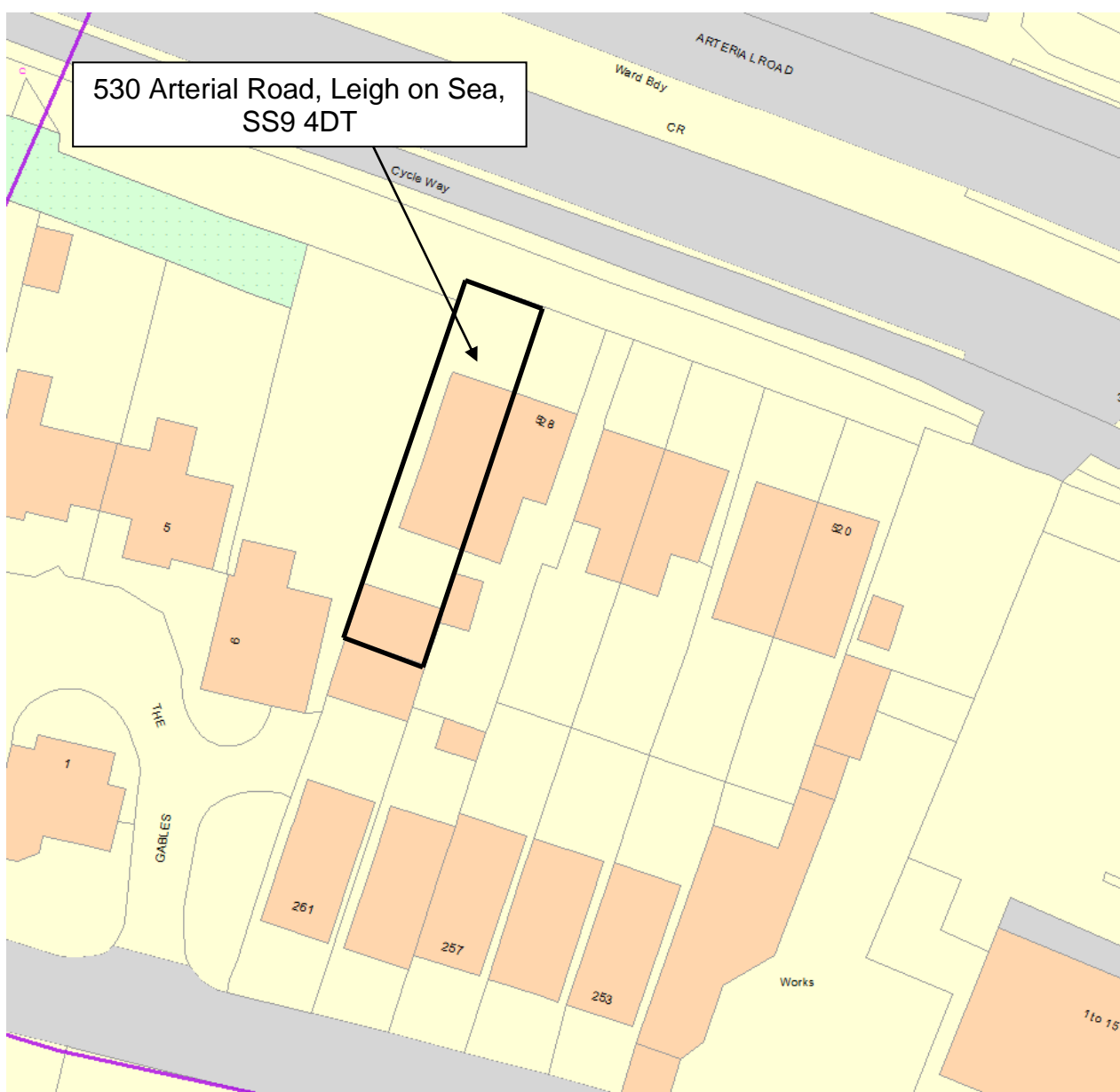


<b>Reference:</b>	21/00050/UNAU_B
<b>Ward:</b>	Belfairs
<b>Breaches of Control</b>	Rear extension not in accordance with plans approved under planning permission reference 18/02173/FULH
<b>Address:</b>	530 Arterial Road, Leigh on Sea, Essex, SS9 4DT
<b>Case Opened:</b>	15 <sup>th</sup> January 2021
<b>Case Officer:</b>	Steve Jones
<b>Recommendation:</b>	<b>AUTHORISE ENFORCEMENT ACTION</b>



## **1 Site location and description**

- 1.1 The property is a two-storey, semi-detached house on the southern side of the A127 Southend Arterial Road. The surrounding area is residential in character, comprising a mix of dwelling types, sizes and layouts. The site is not within a conservation area or a flood zone and is not subject to any site-specific planning policy designations.

## **2 Lawful Planning Use**

- 2.1 The lawful planning use is as a dwelling within Use Class C3 of the Town and Country Planning Use Classes Order 1987(as amended).

## **3 Relevant Planning History**

- 3.1 21/02115/FULH (the “2021 Application”) - Erect first floor rear extension, alter elevations – Refused

*Reason: The proposal is considered on balance, and having attached significant weight to the basis and findings of the earlier refusal for first floor development (18/01374/FULH), that the first floor extension is out of keeping with the character and appearance of the existing dwelling and the wider area by reason of its excessive depth and resultant scale and bulk.*

- 3.2 18/02173/FULH (the “2018 Permission”) - Erect first floor rear extension, alter roof to existing single storey rear extension and install window to side elevation (Amended Proposal) - Granted

- 3.3 18/01374/FULH - Erect first floor rear extension and alter roof to single storey rear extension (Amended Proposal) – Refused

*Reason: The proposed development is considered to be out of keeping with the character and appearance of the existing dwelling and the wider area by reason of its unacceptable size, depth and scale and, by virtue of its height, depth and siting on the boundary, would result in demonstrable harm to the amenity of the occupiers of No.528 Arterial Road by way of way of overshadowing, loss of light and outlook and an increased sense of enclosure.*

- 3.4 18/00056/FULH - Erect first floor rear extension – Refused

*Reason: The proposed rear extension would, by reason of its detailed design and position, be an incongruous and inappropriate addition, harming the appearance of the host dwelling and detracting from the visual amenities of the residential surroundings and rear garden scene. The proposal is therefore unacceptable*

- 3.5 13/00558/FULH - Erect first floor rear extension – Refused

*Reason: The proposed two storey rear extension is excessive in depth and therefore fails to successfully integrate with the existing dwelling, furthermore it would result in a form of development which is overbearing and cause unreasonable overshadowing of the neighbouring property at No. 528 Arterial Road and overlooking of the rear of No. 6 The Gables to the detriment of the amenities of*

*the adjoining residents and character of the area*

**4. The alleged planning breach, harm caused and efforts to resolve breach to date**

- 4.1 The initial complaint alleged that the first floor rear extension was not built in accordance with the plans approved under the 2018 Permission in that the pitched gable roof overhung the neighbouring property at No 528 and was therefore outside of the site plan.
- 4.2 During a staff site visit on 9 March 2021, it was found that the first floor rear extension extended some 4.14m from the rear wall of the original house. The approved plans show a first floor rear extension projecting some 3.5m from the original building; a difference of some 0.6m. There are also some differences in the rear fenestration.
- 4.3 Consequently, the extension is materially different from the planning approval and, in the absence of any planning permission for this different development being in place, it is unauthorised.
- 4.4 In order to remedy the breach of planning control the property owner was advised by staff to remove the unauthorised development in its entirety or build out the development so that it conformed to the 2018 Permission. Alternatively, they were advised that they could submit a retrospective planning application to the Local Planning Authority seeking to retain some of the current development 'as is'. He was informed that the roof overhang would not be acceptable and any amended design should sit wholly within the application site boundary.
- 4.5 In October 2021, the 2021 Application was received seeking to 'Erect first floor rear extension, alter elevations'. This was part retrospective in nature but sought to retain the rear extension 'as is' apart from addressing the issue of the roof overhang into the neighbouring property.
- 4.6 This application was refused on 8 December 2021 on the basis that it was 'considered on balance, and having attached significant weight to the basis and findings of the earlier refusal for first floor development (18/01374/FULH), that the first floor extension is out of keeping with the character and appearance of the existing dwelling and the wider area by reason of its excessive depth and resultant scale and bulk.' A copy of the officer's report for the 2021 Application is appended to this report at Appendix 'A'. A copy of the officer's report for the 2018 Permission is attached at Appendix 'B'. The officer's report relating to the refused application 18/01374/FULH is attached at Appendix 'C'.
- 4.7 It is understood that an agent has been engaged to appeal the 2021 decision but the Local Planning Authority are not yet in possession of any formal notification that an appeal has been received by the Planning Inspectorate.

**5. Policy Considerations:**

- 5.1 The relevant policies are fully set out in the attached officers' reports.

## **6. Recommendation**

- 6.1 Given the nature and harmful impact of the identified breach and the owner's failure to regularise the unauthorised development it is considered necessary and proportionate for enforcement action to be taken by the Local Planning Authority.
- 6.2 Members are recommended to AUTHORISE ENFORCEMENT ACTION to:
- a) Remove the unauthorised first floor rear extension in its entirety OR
  - b) Reposition and amend the extension so that it fully complies with the plans approved under planning permission 18/02173/FULH
  - c) remove from site all materials resulting from compliance with a) OR b) above
- 6.3 The authorised enforcement action to include (if/as necessary) the service of an Enforcement Notice under Section 172 of the Act and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice.
- 6.4 When serving an Enforcement Notice the Local Planning Authority must ensure a reasonable time for compliance. In this case a compliance period of 3 months is considered reasonable for the demolition of the unauthorised rear extension or 6 months for its modification to fully comply with the 2018 Permission.
- 6.5 Taking enforcement action in this case may amount to an interference with the owners' and/or occupiers' Human Rights. However, it is necessary for the Local Planning Authority to balance the rights of the owners and/or occupiers against its legitimate aims to regulate and control land within its area. In this particular case it is considered reasonable, expedient, proportionate and in the public interest to pursue enforcement action on the grounds set out in the formal recommendation.

## **7. Equality and Diversity Issues**

- 7.1 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, the planning breaches 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.

<b>Reference:</b>	21/02115/FULH
<b>Ward:</b>	Belfairs
<b>Proposal:</b>	Erect first floor rear extension, alter elevations (Part-Retrospective)
<b>Address:</b>	530 Arterial Road Leigh-on-sea Essex SS9 4DT
<b>Applicant:</b>	Mike Peach
<b>Agent:</b>	Mr James Collinson of Design Spec.
<b>Consultation Expiry:</b>	17.11.2021
<b>Expiry Date:</b>	15.12.2021
<b>Case Officer:</b>	Oliver Hart
<b>Plan Nos:</b>	<b>././ Revision 01</b>
<b>Recommendation:</b>	<b>REFUSE PLANNING PERMISSION</b>

## 1 Site and Surroundings

- 1.1 The application property is a two-storey semi-detached house located on the southern side of the A127 Southend Arterial Road. The application dwelling is one of a pair of similar dwellings; the other being No. 528 which is the neighbouring property to the east, and which has a similar architectural style and materials as the application dwelling.
- 1.2 The original site would have stretched from the A127 back to Eastwood Old Road to the south. However, the site, similar to No. 528, has been subdivided to allow the construction of a dwelling facing onto Eastwood Old Road (now named 261 Eastwood Old Road).
- 1.3 It maintains a relatively large rear garden, with high evergreen hedging along the west boundary, which adjoins the rear garden of no.6 The Gables.
- 1.4 There is an existing single storey extension approximately 5.6m in depth, occupying the full width of the dwelling and with a mono-pitch roof sloping upwards towards the boundary with No.528 Arterial Road. At the boundary the peak of the roof meets the peak of a mono-pitch roof on a rear projection at No.528 Arterial Road.

## 2 The Proposal

- 2.1 Planning permission is sought to erect a first-floor rear extension and to alter the roof form of the existing single storey rear extension.

- 2.2 The development applied for has already commenced such that the application is retrospective in nature and has been submitted under the provisions of S.73A of the Town and Country Planning Act 1990 as amended. The extension is hip roofed and measures some 4.1m deep, 5.3m wide and 7.5m in maximum height (when measured from ground level). The existing single storey extension currently has a mono-pitch roof sloping upwards towards the boundary with No.528 Arterial Road. Whilst yet to be carried out, this is proposed to be replaced with a mono-pitch roof which would adjoin the first-floor rear extension.
- 2.3 Submission of the application follows an enforcement investigation of the site for failure to build a previously approved development at the site in accordance with those approved plans. This is in relation to planning application 18/02173/FULH for a first-floor rear extension 3.5m deep, 8.15m in maximum height and 5.3m. The previous proposal was also hip roofed in nature. Consequently, the development has been built some 0.6m deeper.
- 2.4 Proposed finishing materials would remain unchanged- render to exterior walls.

### **3 Relevant Planning History**

- 3.1 18/02173/FULH- Erect first floor rear extension, alter roof to existing single storey rear extension and install window to side elevation (Amended Proposal)- Granted
- 3.2 18/01374/FULH- Erect first floor rear extension and alter roof to single storey rear extension (Amended Proposal)- Refused
- 3.3 18/00056/FULH- Erect first floor rear extension- Refused
- 3.4 13/00558/FULH- Erect first floor rear extension- Refused

### **4 Representation Summary**

#### **Public Consultation**

- 4.1 17no. neighbours were notified of the application and 2no. letters of objection and 7no. letters of support have been received.

#### **Summary of objections:**

- The proposals include an old Location Plan.
- Proposal retrospective in nature.
- In breach of 45 degree angle. Concerns around loss of light.
- Existing build has damaged neighbouring property significantly.

**[Officer Comment]** The issues raised so far as they relate to relevant material planning considerations have been taken into account in the determination of the proposal. Other than as reflected in the recommendation at Section 9 of this report, the points raised are not found to justify refusing planning permission in the circumstances of this case.

The issue of the location plan was not found to prejudice assessment of the application. Damage caused to neighbouring properties as a result of the build do not constitute material planning considerations and are covered under separate legislation and civil law.

## **5 Planning Policy Summary**

- 5.1 National Planning Policy Framework (NPPF), (2021).
- 5.2 Core Strategy (2007), CP4 (Environment & Urban Renaissance) KP1 (Spatial Strategy) and KP2 (Development Principles)
- 5.3 Development Management Document (2015) Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land) and DM15 (Sustainable Transport Management)
- 5.4 Design & Townscape Guide (2009).
- 5.5 Community Infrastructure Levy Charging Schedule

## **6 Planning Considerations**

- 6.1 The proposal would not increase the need for parking nor reduce the current off-site parking provision. The key considerations in relation to this application are therefore the principle of the development, design and impact on the character of the streetscene, impact on residential amenity and CIL (Community Infrastructure Levy) contributions. The previous applications for development at the site carry significant weight in the assessment of the current proposal as the policy context has not materially altered in the relevant respects in the interim.

## **7 Appraisal**

### **Principle of Development**

- 7.1 The dwelling is located within a residential area and consistent with the basis of the previous permission, an extension to the property is considered acceptable in principle. Other material planning considerations are discussed below.

### **Design and Impact on the Character of the Area**

- 7.2 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.
- 7.3 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.

7.4 As noted, there have been a number of applications made at 530 Arterial Road for development involving a first-floor rear extension. The nature of the decisions issued for each of the developments proposed were as follows:

<b>Application</b>	<b>Proposal</b>	<b>Dimensions and roof form of FF extension</b>	<b>Outcome</b>	<b>Reasons</b>
13/00558/FULH	First floor rear extension	H 8.5m D 10m, ridge level with main roof ridge, gable ended roof	Refused	Design, excessive depth, failure to integrate successfully with host dwelling and detrimental neighbour amenity impact
18/00056/FULH	First floor rear extension	L shaped plan, 1.5 m deep on 528's boundary then 1.8m step in to total rearward depth 3.3m. Flat roofed	Refused	Design, position, inappropriate and incongruous feature  Bulk & depth not harmful to residential amenity
18/01374/FULH	First floor rear extension and alter roof to single storey rear extension	4.3 m D, 8m H with 0.3m set down from main roof ridge. Hip ended.	Refused	Depth, height, scale harmful to appearance of the host dwelling and surroundings.  Bulk & depth not harmful to residential amenity
18/02173/FULH	First floor rear extension and alter roof to single storey rear extension	3.5m D 8.15m H set down 0.3m below main roof ridge. Hip ended	Approved	N/A
21/02115/FULH Current proposal	First floor rear extension and alter roof to single storey rear extension	4.1m D, 7.6m H set down 0.9m from main roof ridge. Hip ended.	N/A	N/A

7.5 The table compares this current proposal with the basis of decision made on relevant previous submissions. It highlights that the development as built on site and for which regularisation is sought (albeit 0.1m deeper) is most similar to planning application 18/01374/FULH which was found unacceptably harmful due to its significant depth and resultant scale and bulk. It was found to be



disproportionate to the size and scale of the host dwelling and was also considered to give rise to material harm to the character and appearance of the wider rear garden area. This is considered to hold significant weight in the assessment of the current proposal as it was determined within materially the same national and local planning policy context insofar as the material factors are concerned.

- 7.6 The development approved in 2019 (18/02173/FULH) had been materially reduced in depth (some 0.5m) from that earlier refusal (18/02173/FULH) and following this revision, was found, on balance, to appear sufficiently subservient in scale and bulk to the host dwelling.
- 7.7 Having regard to the above, it is considered that the first floor extension as proposed, which is 0.1m shallower than that built on site, by virtue of its significant size, scale, bulk and depth of projection appears disproportionate to the size and scale of the original dwelling, failing to achieve an appropriate degree of subservience and resulting in a detrimental impact to visual amenity and to the character and appearance of the existing dwelling and the wider area. As part of this balanced assessment account is taken of the lower ridge height proposed when compared to the 2018 refused scheme. The proposal is contrary to the above noted policies and guidance.
- 7.8 On this basis, the development is considered to be unacceptable and contrary to policy.

#### **Impact on Residential Amenity.**

- 7.9 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.
- 7.10 The application dwelling adjoins No.528 Arterial Road. The first-floor part of the development projects beyond the first-floor rear wall of this neighbouring property by some 4m. Due to the existence of its own existing extension, ground floor windows at No.528 would not be affected significantly by the proposal. There are also first floor windows to the rear elevation of this neighbouring dwelling. The window in closest proximity to the application site serves a bathroom, which is a non-habitable room, the protection of light for which can be afforded only limited weight as part of balanced assessment. The extension has a dominant effect on the rear garden setting of No 528. Noting the scale and position of No 528's extension and depth of the rear garden it is considered that any resultant sense of enclosure does not reach a significantly harmful degree to justify a refusal reason on direct residential amenity impacts alone. This balanced assessment recognises that there is a degree of overlap when assessing amenity impacts and the harm caused through impacts of a development which is too large for its rear garden setting, as identified in the previous section of this report. This assessment attaches significant weight to the basis of harm identified in the 2018 refusal (18/01374/FULH) and the comparatively small difference in depth of the first-floor extension and resultant impact now involved. The proposal is therefore

considered, on balance, to be acceptable and policy compliant in regards to direct impacts on residential amenity.

- 7.11 Altering the roof of the single storey rear extension at No 530 would not significantly impact on the light, outlook, sense of enclosure, or privacy of No 532 due to the location and scale of this proposal and also the existence of the extension at No 532.
- 7.12 The distance to the boundary with No.6 The Gables and the design of the extensions is considered such that it would preclude any material impact, by way of loss of light, outlook, overlooking or loss of privacy arising from the extensions to occupiers of that property. The proposal is therefore considered to be acceptable and policy compliant in these regards.
- 7.13 The 14m length of garden to the rear boundary with No.261 Eastwood Old Road is considered such that it would be sufficient to preclude any significant loss of light, outlook, overlooking or loss of privacy resulting from the first- floor rear extension.
- 7.14 The proposal is therefore considered, on balance, to be acceptable and policy compliant in the above regards.

### **Community Infrastructure Levy**

- 7.15 The proposed 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 Having regard to all material considerations assessed above, it is considered on balance, and having attached significant weight to the basis and findings of the earlier refusal for first floor development (18/01374/FULH), that the first floor extension is out of keeping with the character and appearance of the existing dwelling and the wider area by reason of its excessive depth and resultant scale and bulk. Refusal is therefore recommended on this basis.

## **9 Recommendation**

**REFUSE PLANNING PERMISSION for the following reason:**

- 01 The first floor rear extension would, by reason of its excessive depth and resultant scale and bulk, appear as a dominant and disproportionate addition that is out of keeping with and harmful to the character and appearance of the existing dwelling and the wider area. This is unacceptable and contrary to the National Planning Policy Framework (2021), Southend Core Strategy (2007) policies KP2 and CP4, Southend Development Management Document (2015) policies DM1 and DM3 and the advice contained with the Southend Design and Townscape Guide (2009).**

**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.**

**01     Informatives**

**The applicant is reminded that the development on site remains unauthorised. Failure to remedy this may result in the council considering the expediency of enforcement action to seek to remedy the currently identified harm.**

Appendix 'B' – Officers Report for approved application Ref 18/02173/FULH

<b>Reference:</b>	18/02173/FULH
<b>Ward:</b>	Belfairs
<b>Proposal:</b>	Erect first floor rear extension, alter roof to existing single storey rear extension and install window to side elevation (Amended Proposal)
<b>Address:</b>	530 Arterial Road, Leigh-On-Sea, Essex, SS9 4DT
<b>Applicant:</b>	Mr Michael Peach
<b>Agent:</b>	Mrs Charlotte Taylor
<b>Consultation Expiry:</b>	30.01.2019
<b>Expiry Date:</b>	04.03.2019
<b>Case Officer:</b>	Oliver Hart
<b>Plan Nos:</b>	Location Plan, Site Plan, 1711/1-4
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION subject to conditions</b>

## 1 The Proposal

- 1.1 Planning permission is sought to erect a first floor rear extension and alter the roof form of the existing single storey rear extension.
- 1.2 The proposed first floor extension would have a maximum depth of 3.5m, a height of 8.15m (when measured from ground level) and would extend the width of the dwelling, approximately 5.3m. It would have a hipped roof which would extend from approximately 0.3m below the ridgeline of the original dwelling. The extension would accommodate a bedroom and a bathroom and the exterior of the extension would be finished in cavity render, concrete tiles and white UPVC windows to match the existing dwelling.
- 1.3 The existing single storey extension currently has a monopitch roof sloping upwards towards the boundary with No.528 Arterial Road. This is proposed to be replaced with a monopitch roof which would adjoin the first floor rear extension.
- 1.4 This is an amended proposal following refusal for a similar scheme under application ref. 18/01374/FULH for the '*erection of a first floor rear extension and alter roof form to single storey rear extension.*' This was for a hipped roofed first floor rear extension which projected some 4.3m beyond the original rear wall of the application dwelling. This was refused for the following reason:

*“The proposed first floor rear extension would, by reason of its excessive depth, height and resulting scale, appear as a dominant and disproportionate addition that is out of keeping with and harmful to the character and appearance of the existing dwelling and the wider area. This is unacceptable and contrary to the National Planning Policy Framework, Southend Core Strategy (2007) policies KP2 and CP4, Southend Development Management Document (2015) policies DM1 and DM3 and the advice contained with the Southend Design and Townscape Guide (2009).”*

## **2 Site and Surroundings**

- 2.1 The application property is a two storey semi-detached house located on the southern side of the A127 Southend Arterial Road. The application dwelling is one of a pair of similar dwellings; the other being No. 528 which is the neighbouring property to the east, and which has similar architectural style and materials as the application dwelling.
- 2.2 The original site would have stretched from the A127 back to Eastwood Old Road to the south. However the site, similar to No. 528, has been subdivided to allow the construction of a dwelling facing onto Eastwood Old Road (now named 261 Eastwood Old Road).
- 2.3 It maintains a relatively large rear garden, with high evergreen hedging along the west boundary, which adjoins the rear garden of no.6 The Gables.
- 2.4 As previously noted, there is an existing single storey extension measuring approximately 6m in depth, occupying the full width of the dwelling and with a monopitch roof sloping upwards towards the boundary with no.528 Arterial Road. At the boundary the peak of the roof meets the peak of a monopitch roof on a rear projection at no.528 Arterial Road.
- 2.5 The surrounding area is residential in character, comprising a mix of dwelling types, sizes and layouts.
- 2.6 The A127 Arterial Road is a classified road.

## **3 Planning Considerations**

- 3.1 The key considerations in relation to this application are the principle of the development, design and impact on the character of the area and impact on residential amenity and CIL.

## **4 Appraisal**

### **Principle of Development**

**National Planning Policy Framework (2018), Policies KP1, KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and guidance contained within the Design and Townscape Guide (2009)**

- 4.1 The proposal is considered in the context of the NPPF, Core Strategy (2007) Policies KP2 and CP4 and Policy DM1 of the Development Management Document. These policies and guidance support extensions to properties in most cases but require that such alterations and extensions respect the existing character and appearance of the building. The dwelling is located within a residential area where extensions and alterations to this property are considered acceptable in principle. Therefore, the principle of extending the dwelling is acceptable subject to the detailed design considerations below.

**Design and Impact on the Character of the Area**

**National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and guidance contained within the Design and Townscape Guide (2009)**

- 4.2 It should be noted that good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF (National Planning Policy Framework), in Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management Document. The Design and Townscape Guide also states that; *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”*
- 4.3 Paragraph 124 of the NPPF (2018) states that; *“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.”*
- 4.4 The importance of good design is further reflected in policies KP2 and CP4 of the Core Strategy (2007). Policy KP2 states that new development should *“respect the character and scale of the existing neighbourhood where appropriate and secure improvements to the urban environment through quality design”*. Policy CP4 of the Core Strategy furthers this understanding, requiring that development proposals *“maintain and enhance the amenities, appeal and character of residential areas, securing good relationships with existing development and respecting the scale and nature of that development”*.
- 4.5 Policy DM1 of the Development Management Document (2015) states that all development should *“add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape*

*and/or landscape setting, use, and detailed design features”.*

- 4.6 The surrounding area is characterised by two storey dwellings of a similar size and scale with single storey rear projections. The proposed extension is to the rear elevation of the first floor and would be visible from Eastwood Old Road, which adjoins the rear boundary. The proposal has been reduced in depth by some 0.8m from the scheme that was previously refused. This reduction in the overall depth of the first floor rear extension down to 3.5m is such that it is considered to now appear suitably subservient in scale and bulk to the host dwelling. The use of matching materials, including block cavity render and roof tiles further ensures the development would appear unified and consistent in its appearance and helps alleviate any design concerns. On this basis, it is considered that the amended first floor rear extension has overcome the previous reason for refusal and would now maintain both the character and appearance of the host dwelling and, on balance, the character and appearance of the streetscene and the visual amenities of the surrounding area.
- 4.7 The proposed mono-pitch roof form sloping downwards towards the rear boundary of the application dwelling would continue to be acceptable, maintaining the character of the original dwellinghouse and the wider rear garden scene to an acceptable degree.

### **Impact on Residential Amenity**

**National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and guidance contained within the Design and Townscape Guide (2009)**

- 4.8 Policy KP2 of the Core Strategy seeks to secure improvements to the urban environment through quality design. Policy CP4 seeks to maintain and enhance the amenities, appeal and character of residential areas.
- 4.9 Policies DM1 and DM3 of the Development Management Document seek to support sustainable development which is appropriate in its setting, and that protects the amenity of the site, immediate neighbours, and surrounding area, having regard to matters including privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.
- 4.10 The Design and Townscape Guide also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments”*.
- 4.11 The application dwelling adjoins No.528 Arterial Road. The extension would project beyond the first floor rear wall of this neighbouring property by some 3.5m. Due to the existence of an existing extension, ground floor windows at No.528 would not be

affected significantly by the proposal, however, there are first floor windows to the rear elevation of this dwelling. The window in closest proximity to the application site serves a bathroom, a secondary window the protection of which is limited. The modest depth of the extension together with its location adjacent to secondary room windows is such that it is not considered to result in an adverse material impact on the residential amenity of the occupants at No.528 by way of overshadowing, a material loss of light and outlook nor an increased sense of enclosure. The proposal is therefore considered to be acceptable and policy compliant in these regards.

- 4.12 The distance to the boundary with No.6 The Gables and the design of the extension is considered such that it would preclude any material impact, by way of loss of light, outlook, overlooking or loss of privacy arising from the extension to occupiers of that property. The proposal is therefore considered to be acceptable and policy compliant in these regards.
- 4.13 The 14m length of garden to the rear boundary with No.261 Eastwood Old Road is considered such that it would be sufficient to preclude any loss of light, outlook, overlooking or loss of privacy resulting from the first floor rear extension. The proposal is therefore considered to be acceptable and policy compliant in these regards.

## **Community Infrastructure Levy**

### **CIL Charging Schedule 2015**

- 4.14 The proposed extensions to the existing property equates to less than 100sqm of new floor space the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

## **5 Conclusion**

- 5.1 Having taken all material planning considerations into account, it is found that the proposal has overcome the previous reason for refusal and, subject to compliance with the attached conditions, would now be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The proposal would, on balance, have an acceptable impact on the character and appearance of the application site, the streetscene and the locality more widely and would have an acceptable impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval subject to conditions.

## **6 Planning Policy Summary**

- 6.1 The National Planning Policy Framework (2018)
- 6.2 Core Strategy (2007) Policies KP2 (Development Principles) and CP4 (Environment



& Urban Renaissance)

6.3 Development Management Document (2015): DM1 (Design Quality), Policy DM3 (Efficient and Effective Use of Land)

6.4 Design & Townscape Guide (2009)

6.5 CIL Charging Schedule 2015

## **7 Representation Summary**

### **Public Consultation**

7.1 5no. neighbours were notified and one letter of objection has been received. Summary of objections:

- Concerns over loss of light to bathroom and bedroom located to the rear of the house.
- Concerns over parking for construction vehicles during the build.

**[Officer Comment]** All relevant planning considerations are assessed within the appraisal section of the report. (Section 4) These concerns are noted and they have been taken into account in the assessment of the application.

## **8 Relevant Planning History**

8.1 18/01374/FULH- Erect first floor rear extension and alter roof to single storey rear extension (Amended Proposal). Refused. 08.11.2018

*Reason: The proposed first floor rear extension would, by reason of its excessive depth, height and resulting scale, appear as a dominant and disproportionate addition that is out of keeping with and harmful to the character and appearance of the existing dwelling and the wider area. This is unacceptable and contrary to the National Planning Policy Framework, Southend Core Strategy (2007) policies KP2 and CP4, Southend Development Management Document (2015) policies DM1 and DM3 and the advice contained within the Southend Design and Townscape Guide (2009).*

8.2 18/00056/FULH- Erect first floor rear extension. Refused. 28.02.2018

*Reason: The proposed rear extension would, by reason of its detailed design and position, be an incongruous and inappropriate addition, harming the appearance of the host dwelling and detracting from the visual amenities of the residential surroundings and rear garden scene. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (NPPF), Southend Core Strategy (2007) Policies KP2 and CP4, Southend Development Management*

*Document (2015) Policies DM1 and DM3 and the advice contained with the Southend Design and Townscape Guide (2009).*

8.3 13/00558/FULH: Erect first floor rear extension. Refused. 08.07.2018

*Reason: The proposed two storey rear extension is excessive in depth and therefore fails to successfully integrate with the existing dwelling, furthermore it would result in a form of development which is overbearing and cause unreasonable overshadowing of the neighbouring property at No. 528 Arterial Road and overlooking of the rear of No. 6 The Gables to the detriment of the amenities of the adjoining residents and character of the area contrary to Policies KP2 and CP4 of the Core Strategy, Policies C11 and H5 of the Borough Local Plan, the Design and Townscape Guide and the NPPF.*

11/00046/FULH: Erect Store to rear (Part Retrospective). Granted. 18.03.2011

07/00715/FUL: Demolish garage and erect chalet bungalow on land at rear and form vehicular access onto Eastwood Old Road. Granted. 19.07.2007

### **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 hereby permitted shall be carried out in accordance with the following approved plans: 1711/1-4**

**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.**

**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 (NPPF), Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) policy DM1, and The Design and Townscape Guide (2009).**

**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.

## **10 Informatives**

- 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](http://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 the 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 borough.

Appendix 'C' – Officers Report for refused application Ref 18/01374/FULH

<b>Reference:</b>	18/01374/FULH
<b>Ward:</b>	Belfairs
<b>Proposal:</b>	Erect first floor rear extension and alter roof to single storey rear extension (Amended Proposal)
<b>Address:</b>	530 Arterial Road, Leigh-On-Sea, Essex, SS9 4DT
<b>Applicant:</b>	Mr Michael Peach
<b>Agent:</b>	Mrs Charlotte Taylor
<b>Consultation Expiry:</b>	10.08.2018
<b>Expiry Date:</b>	08.10.2018
<b>Case Officer:</b>	Oliver Hart
<b>Plan Nos:</b>	Location Plan, Site Plan, 1711/1-3
<b>Recommendation:</b>	<b>REFUSE PLANNING PERMISSION</b>

## **1 The Proposal**

- 1.1 Planning permission is sought to erect a first floor rear extension and alter the roof form of the existing single storey rear extension.
- 1.2 The proposed first floor extension would have a maximum depth of 4.3m, a height of 8m (when measured from ground level) and would extend the width of the dwelling, approximately 5.6m. It would have a hipped roof which would extend from approximately 0.3m below the ridgeline of the original dwelling. The extension would accommodate a bedroom and a bathroom and the exterior of the extension would be finished in cavity render, concrete tiles and white UPVC windows to match the existing dwelling.
- 1.3 The existing single storey extension currently has a monopitch roof sloping upwards towards the boundary with No.528 Arterial Road. This is proposed to be replaced with a monopitch roof which would adjoin the first floor rear extension.
- 1.4 This is an amended proposal following refusal for a similar scheme under application ref. 18/00056/FULH for the 'erection of a first floor rear extension.' This was for a L shaped flat roofed first floor design, which projected between 1.43m and 3.28m beyond the original rear wall of the application dwelling adjacent to No.528 before stepping in 1.85m and extending to a maximum depth of 3.28m. This was refused for the following reason:

*“The proposed rear extension would, by reason of its detailed design and position, be an incongruous and inappropriate addition, harming the appearance of the host dwelling and detracting from the visual amenities of the residential surroundings and rear garden scene. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (NPPF), Southend Core Strategy (2007) Policies KP2 and CP4, Southend Development Management Document (2015) Policies DM1 and DM3 and the advice contained with the Southend Design and Townscape Guide (2009).”*

- 1.5 The application has been called in by Councillor Aylen.

## **2 Site and Surroundings**

- 2.1 The application property is a two storey semi-detached house located on the southern side of the A127 Southend Arterial Road. The application dwelling is one of a pair of similar dwellings; the other being No. 528 which is the neighbouring property to the east, and which has similar architectural style and materials as the application dwelling.
- 2.2 The original site would have stretched from the A127 back to Eastwood Old Road to the south. However the site, similar to No. 528, has been subdivided to allow the construction of a dwelling facing onto Eastwood Old Road (now named 261 Eastwood Old Road).
- 2.3 It maintains a relatively large rear garden, with high evergreen hedging along the west boundary, which adjoins the rear garden of no.6 The Gables.
- 2.4 As previously noted, there is an existing single storey extension measuring approximately 4m in depth, occupying the full width of the dwelling and with a monopitch roof sloping upwards towards the boundary with no.528 Arterial Road. At the boundary the peak of the roof meets the peak of a monopitch roof on a rear projection at no.528 Arterial Road.
- 2.5 The surrounding area is residential in character, comprising a mix of dwelling types, sizes and layouts.
- 2.6 The A127 Arterial Road is a classified road.

## **3 Planning Considerations**

- 3.1 The key considerations in relation to this application are the principle of the development, design and impact on the character of the area and impact on residential amenity.

## **4 Appraisal**

## Principle of Development

**National Planning Policy Framework (2018), Policies KP1, KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and guidance contained within the Design and Townscape Guide (2009)**

- 4.1 The proposal is considered in the context of the NPPF, Core Strategy (2007) Policies KP2 and CP4 and Policy DM1 of the Development Management Document. These policies and guidance support extensions to properties in most cases but require that such alterations and extensions respect the existing character and appearance of the building. The dwelling is located within a residential area where extensions and alterations to this property are considered acceptable in principle. Therefore, the principle of extending the dwelling is acceptable subject to the detailed design considerations below.

## Design and Impact on the Character of the Area

**National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and guidance contained within the Design and Townscape Guide (2009)**

- 4.2 It should be noted that good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF (National Planning Policy Framework), in Policies KP2 and CP4 of the Core Strategy and also in Policy DM1 of the Development Management Document. The Design and Townscape Guide also states that; *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”*
- 4.3 Paragraph 124 of the NPPF (2018) states that; *“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.”*
- 4.4 The importance of good design is further reflected in policies KP2 and CP4 of the Core Strategy (2007). Policy KP2 states that new development should *“respect the character and scale of the existing neighbourhood where appropriate and secure improvements to the urban environment through quality design”*. Policy CP4 of the Core Strategy furthers this understanding, requiring that development proposals *“maintain and enhance the amenities, appeal and character of residential areas, securing good relationships with existing development and respecting the scale and nature of that development”*.
- 4.5 Policy DM1 of the Development Management Document (2015) states that all

development should “*add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features*”.

- 4.6 The surrounding area is characterised by two storey dwellings of a similar size and scale with modest single storey rear projections. The proposed extension is to the rear elevation of the first floor and would be visible from Eastwood Old Road, which adjoins the rear boundary. While attempts have been made to integrate the proposed extension with the existing dwelling, including use of matching materials and a ridge height set below the existing ridgeline, it is considered that the proposed extension by virtue of its excessive scale, bulk and depth of projection would be disproportionate to the size and scale of the original dwelling. This is further compounded by the visibility of the application dwelling from Eastwood Old Road and is considered to result in a detrimental impact to visual amenity and to the character and appearance of the existing dwelling and the wider area. This is contrary to the above noted policies and guidance.
- 4.7 The proposed mono-pitch roof form sloping downwards towards the rear boundary of the application dwelling is considered to be acceptable, maintaining the character of the original dwellinghouse and the wider rear garden scene.
- 4.8 For the reasons set out above, it is considered that the proposed first floor rear extension would be an incongruous addition that is out of keeping with the character and appearance of the application dwelling and the wider surrounding area to the detriment thereof. It would be unacceptable and contrary to Policies KP2 and CP4 of the Core Strategy, Policies DM1 and DM3 of the Development Management Document and guidance contained within the Design and Townscape Guide.

### **Impact on Residential Amenity**

**National Planning Policy Framework (2018), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and guidance contained within the Design and Townscape Guide (2009)**

- 4.9 Policy KP2 of the Core Strategy seeks to secure improvements to the urban environment through quality design. Policy CP4 seeks to maintain and enhance the amenities, appeal and character of residential areas.
- 4.10 Policies DM1 and DM3 of the Development Management Document seek to support sustainable development which is appropriate in its setting, and that protects the amenity of the site, immediate neighbours, and surrounding area, having regard to matters including privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.

- 4.11 The Design and Townscape Guide also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments”*.
- 4.12 The application dwelling adjoins No.528 Arterial Road. The extension would project beyond the first floor rear wall of this neighbouring property by some 4m. Due to the existence of an existing extension, ground floor windows at No.528 would not be affected significantly by the proposal, however, there are first floor windows to the rear elevation of this dwelling. The window in closest proximity to the application site serves a bathroom, a secondary window the protection of which is limited. The depth of the extension together with its location adjacent to secondary room windows is such that it is not considered to result in a significantly harmful impact on the residential amenity of the occupants at No.528 by way of overshadowing, a material loss of light and outlook nor an increased sense of enclosure. The proposal is therefore considered to be acceptable and policy compliant in these regards.
- 4.13 The distance to the boundary with No.6 The Gables and the design of the extension is considered such that it would preclude any material impact, by way of loss of light, outlook, overlooking or loss of privacy arising from the extension to occupiers of that property. The proposal is therefore considered to be acceptable and policy compliant in these regards.
- 4.14 The 14m length of garden to the rear boundary with No.261 Eastwood Old Road is considered such that it would be sufficient to preclude any loss of light, outlook, overlooking or loss of privacy resulting from the first floor rear extension. The proposal is therefore considered to be acceptable and policy compliant in these regards.

## **Community Infrastructure Levy**

### **CIL Charging Schedule 2015**

- 4.15 The proposed extensions to the existing property equates to less than 100sqm of new floor space the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

## **5 Conclusion**

- 5.1 Having taken all material planning considerations into account, it is found that the proposed development would be unacceptable and contrary to the objectives of the relevant development plan policies and guidance. The proposed development is considered to be out of keeping with the character and appearance of the existing dwelling and the wider area by reason of its unacceptable size, depth and scale and, by virtue of its height, depth and siting on the boundary, would result in demonstrable harm to the amenity of the occupiers of No.528 Arterial Road by way



of way of overshadowing, loss of light and outlook and an increased sense of enclosure.

## **6 Planning Policy Summary**

- 6.1 The National Planning Policy Framework (2018)
- 6.2 Core Strategy (2007) Policies KP2 (Development Principles) CP3 (Transport and Accessibility) and CP4 (Environment & Urban Renaissance)
- 6.3 Development Management Document (2015): DM1 (Design Quality), Policy DM3 (Efficient and Effective Use of Land)
- 6.4 Design & Townscape Guide (2009)
- 6.5 CIL Charging Schedule 2015

## **7 Representation Summary**

### **Public Consultation**

- 7.1 Four neighbours were notified and no letters of representation have been received.

## **8 Relevant Planning History**

- 8.1 18/00056/FULH- Erect first floor rear extension. Refused. 28.02.2018

*Reason: The proposed rear extension would, by reason of its detailed design and position, be an incongruous and inappropriate addition, harming the appearance of the host dwelling and detracting from the visual amenities of the residential surroundings and rear garden scene. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (NPPF), Southend Core Strategy (2007) Policies KP2 and CP4, Southend Development Management Document (2015) Policies DM1 and DM3 and the advice contained within the Southend Design and Townscape Guide (2009).*

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8.3 11/00046/FULH: Erect Store to rear (Part Retrospective). Granted. 18.03.2011

07/00715/FUL: Demolish garage and erect chalet bungalow on land at rear and form vehicular access onto Eastwood Old Road. Granted. 19.07.2007

## **Recommendation**

### **REFUSE PLANNING PERMISSION for the following reasons:**

- 01** The proposed first floor rear extension would, by reason of its excessive depth, height and resulting scale, appear as a dominant and disproportionate addition that is out of keeping with and harmful to the character and appearance of the existing dwelling and the wider area. This is unacceptable and contrary to the National Planning Policy Framework, Southend Core Strategy (2007) policies KP2 and CP4, Southend Development Management Document (2015) policies DM1 and DM3 and the advice contained with the Southend Design and Townscape Guide (2009).

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.

## **10 Informatives**

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](http://www.southend.gov.uk/cil) for further details about CIL.