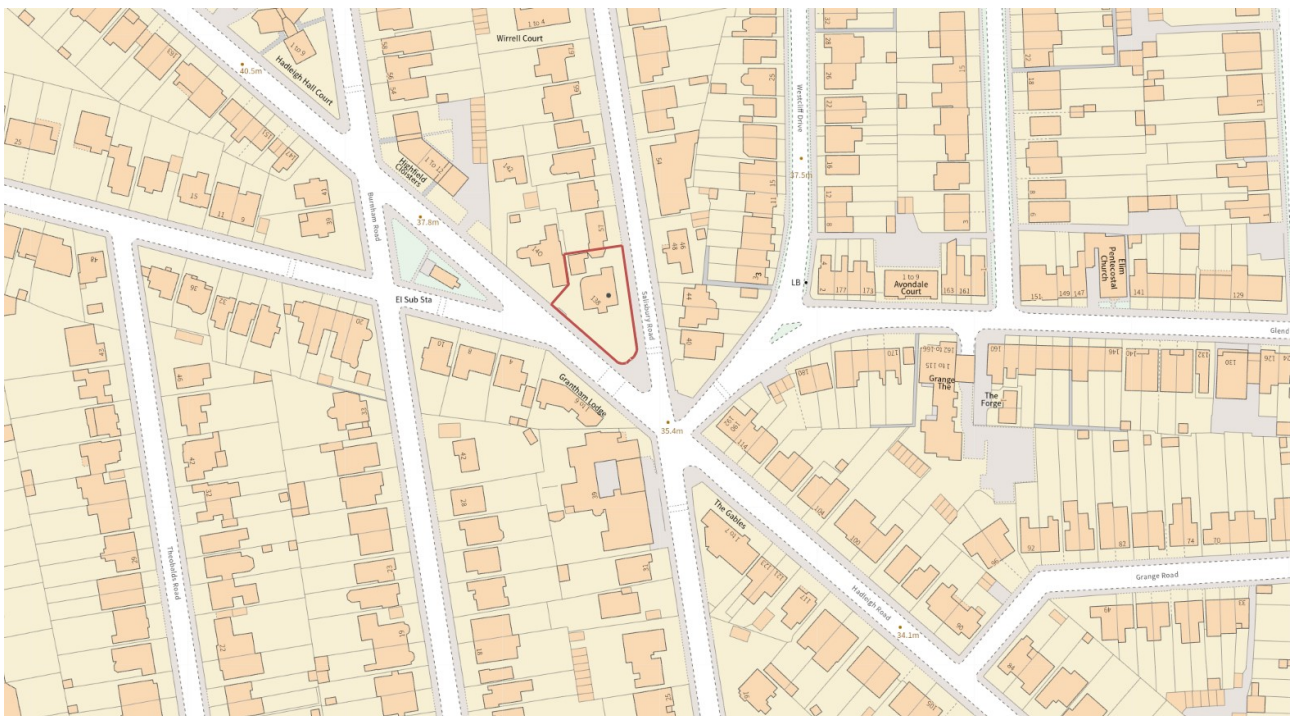


Reference:	23/00462/FULH	
Application Type:	Full Application- Householder	
Ward:	West Leigh	
Proposal:	Demolish existing detached garage and erect garage with mezzanine level gym incorporating single storey link to dwellinghouse (Amended Proposal)	
Address:	138 Hadleigh Road, Leigh-On-Sea, Essex, SS9 2LZ	
Applicant:	Mr And Mrs G Day	
Agent:	Metson Architects Ltd.	
Consultation Expiry:	21.04.2023	
Expiry Date:	02.06.2023	
Case Officer:	Oliver Hart	
Plan Nos:	2015-X00; 2015-X01; 2015-X02; 2304-TP-01	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 Site and Surroundings

- 1.1 The application site is occupied by a two-storey detached dwellinghouse, on the junction of Hadleigh Road and Salisbury Road. A detached double garage is positioned to the north-west of the main dwelling visible from Hadleigh Road.
- 1.2 The surrounding area is residential in character, comprising two storey semi-detached and detached dwellinghouses as well as some two storey flatted blocks.
- 1.3 The site does not contain a listed building and is not within a conservation area or a flood zone.

2 The Proposal

- 2.1 Planning permission is sought to demolish the existing detached double garage and to erect a two-storey detached garage/store building with mezzanine level gym area. A single storey link to the main dwellinghouse is also shown.
- 2.2 The existing detached double garage is hip roofed and some 5.8m in maximum height (2.4m to eaves), 5.6m wide and 7.4m deep. The replacement detached garage would be positioned in broadly the same location as the existing with a larger footprint and increased ridge and eaves heights; 8.75m wide, 7.45m deep, 6.3m in maximum height and 3.2m high to eaves.
- 2.3 The main roof of the garage would retain the existing hipped design, a small area of flat roof is shown to the west flank elevation and a ground floor gabled projection is proposed to the east flank elevation. Finishing materials are shown as face-brick and roof tiles to match the existing.
- 2.4 The proposed 'link' element would allow for sheltered access/egress direct from the main dwelling to the proposed garage. It would be flat roofed and some 2.4m deep, 1.4m wide and 2.8m high with glazed elements to its east and west flank elevations.
- 2.5 This application is an amended proposal following a recently approved application at the application site for development of a similar nature (ref. 22/01102/FULH). The only notable difference is the addition of the glazed link. All other elements, including the dimensions and exterior appearance of the replacement garage remain unchanged.

3 Relevant Planning History

- 3.1 22/01102/FULH- Demolish existing detached garage and erect two storey detached garage with mezzanine level gym- Granted.
- 3.2 21/00675/FULH- Demolish existing detached garage and erect two storey detached garage with mezzanine level gym- Refused.
- 3.3 21/01604/FULH- Demolish existing detached garage and erect two storey detached garage with mezzanine level gym (Amended proposal) - Refused. Appeal Dismissed.

4 Representation Summary

Call-in request

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

Public Consultation

- 4.2 35No neighbours were notified of the application. 2No letters of representation from one address have been received. Summary of comments;

- Concerns about the potential future use of the garage as habitable accommodation
- Queries as to whether the garage would constitute a separate building despite proposed link to the main dwellinghouse.

[Officer Comment:] The comments have been taken into consideration and the relevant planning matters raised are discussed in subsequent sections of the report. The objecting points raised by the representations have been taken into account in the assessment of the proposal but are not found to represent justifiable reasons for recommending refusal of the planning application in the circumstances of this case. A condition is recommended to be imposed to restrict use of the garage to incidental activities only.

Leigh Town Council

- 4.3 Objection raised. Concerns raised with size, scale design and siting of the replacement garage. Concerns also raised with regards to its impact on the amenity of No. 57 Salisbury Road.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2021)
- 5.2 Core Strategy (2007): CP3 (Transport and Accessibility), CP4 (Environment & Urban Renaissance) 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 Southend-on-Sea Design and 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 previous planning permission granted under reference 22/01102/FULH (the “2022 Permission”) is a consideration of significant weight in the consideration of this application, particularly given the similarities between this proposal and the permitted scheme. The officer’s report for the 2022 Permission is appended to this report as Appendix 1.
- 6.2 Consistent with the findings of the 2022 Permission, it is not considered that the proposal would have any significant highway implications as it does not increase the need for

parking nor reduce the current off-site parking provision. The development is also found to be acceptable in principle terms and is not liable for a CIL charge. The key considerations are therefore the design and impact on the character of the area and the impact on residential amenity.

Design and Impact on the Character of the Area

- 6.3 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.
- 6.4 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.
- 6.5 Paragraph 358 of The Design and Townscape Guide states: *“Detached garages and other ancillary buildings within the grounds of an existing building should be designed to complement the character of the associated building. As with all new buildings they should embrace the design principles set out in this document. Garages in particular should be set back from the pavement to allow room to pull up without causing obstruction.”*
- 6.6 The replacement garage remains unchanged from the previously approved design, found to be acceptable when the 2022 Permission was granted, save for the provision of a glazed link to its south-east elevation. The glazed link is of limited size and scale and owing to its position, views would not be readily available from the public realm. To this end, its visual impact is considered to be modest and acceptable. The proposed glazing to either flank elevation mitigates against the additional scale and bulk of the ‘link’ when the development is viewed as a whole.
- 6.7 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 character and appearance of the site, the streetscene and the area more widely. The proposal is therefore considered to be acceptable and policy compliant in the above regards.

Impact on Residential Amenity

- 6.8 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies that development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Further advice on how to achieve this is set out in the Council’s Design and Townscape Guide.
- 6.9 The replacement garage remains unchanged from the previously approved scheme, found to be acceptable in amenity impact terms when the 2022 Permission was granted, save for the provision of a glazed link to its south-east elevation. Owing to the position of this ‘link’, it would be significantly removed from any neighbouring dwelling that bounds the site, including Nos 140 Hadleigh Road to the north-west and 57 Salisbury Road to the north.

- 6.10 In line with the previous assessment, the impact of the replacement garage on the neighbouring properties' amenity remains acceptable in all relevant regards and in line with the findings for the 2022 Permission. It is recommended that a condition be imposed restricting the future use of the garage to remain for incidental activities only. On this basis, the proposal is therefore acceptable and policy compliant in the above regards.

Equality and Diversity Issues

- 6.11 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.

7 Conclusion

- 7.1 Having regard to all material considerations assessed above including the basis of the approved 2022 application, it is considered that subject to compliance with the attached conditions, the proposal would be acceptable and compliant with the objectives of the relevant national and local planning policies and guidance. This application is therefore recommended for approval, subject to conditions.

8 Recommendation

8.1 Members are recommended to:

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: 2015-X00; 2015-X01; 2015-X02; 2304-TP-01**

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

- 03 Before the development hereby approved is occupied the materials used on the external surfaces of the development must match those used on the external surfaces of the existing dwelling. This applies unless differences are shown on submitted plans.**

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 in line with the provisions of the Development Management Document (2015) policy DM1.

- 04** The development hereby permitted shall not be occupied at any time other than for purposes wholly incidental to the residential use of the dwelling known as 138 Hadleigh Road and shall not be used for any other purposes including as an independent dwelling or as ancillary residential accommodation.

Reason: To ensure a satisfactory standard of accommodation and to protect the amenities of existing and proposed occupiers, to protect the privacy and environment of people in neighbouring residential properties, and to prevent additional parking demand which cannot be met within the application site, in accordance with the Core Strategy (2007) policies KP2, CP3 and CP4, the Development Management Document (2015) policies DM1, DM3, DM8 and 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 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 proposed extension(s) to your property equates to less than 100sqm of new floorspace the development would benefit from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge would be 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 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.

APPENDIX 1
Officer’s report for the 2022 Permission

Reference:	22/01102/FULH
Application type:	Full Application - Householder
Ward:	West Leigh
Proposal:	Demolish existing detached garage and erect two storey detached garage with mezzanine level gym
Address:	138 Hadleigh Road, Leigh-On-Sea, Essex, SS9 2LZ
Applicant:	Mr And Mrs G Day
Agent:	Metson Architects Ltd.
Consultation Expiry:	16.06.2022
Expiry Date:	18.07.2022
Case Officer:	Oliver Hart
Plan Nos:	2015-X00; 2015-TP-301
Recommendation:	GRANT PLANNING PERMISSION subject to conditions

1 Site and Surroundings

- 1.1 The subject property is a two-storey detached dwellinghouse. The site is a corner property located on the junction of Hadleigh Road and Salisbury Road close to its junction with Western Road. A detached double garage is within the north-west of the property visible from Hadleigh Road.
- 1.2 The surrounding area is residential in character, comprising two storey semi-detached and detached dwellinghouses as well as some two storey flatted blocks.
- 1.3 The site does not contain a listed building and is not located within a conservation area or a flood zone.

2 The Proposal

- 2.1 Planning permission is sought to demolish the existing detached double garage and to erect a two-storey detached garage/store building with mezzanine level gym area.
- 2.2 The existing detached double garage is hip roofed and measures some 5.8m in maximum height (2.4m to eaves), 5.6m wide and 7.4m deep. The replacement detached garage would be positioned in broadly the same location as the existing with a larger footprint and increased ridge and eaves heights; 8.75m wide, 7.45m deep, 6.3m in maximum height and 3.2m high to eaves.

- 2.3 The garages main roof would retain the existing hipped design, a small area of flat roof is shown to the west flank elevation and a ground floor gabled projection is proposed to the east flank elevation. Finishing materials are shown as face-brick and roof tiles to match the existing.
- 2.4 This application has been submitted following a number of previously refused applications for development of a similar nature. This application differs from the previous refusal (21/01604/FULH) by replacing the previously proposed main front gable with a traditional hipped roof akin to the existing and removing glazing from the main front elevation. All other elements of the proposal remain unchanged.

3 Relevant Planning History

- 3.1 21/00675/FULH- Demolish existing detached garage and erect two storey detached garage with mezzanine level gym- Refused
- 3.2 21/01604/FULH- Demolish existing detached garage and erect two storey detached garage with mezzanine level gym (Amended proposal)- Refused. Appeal Dismissed. Reasons for refusal.

01 The proposed two storey detached double garage would, by reason of its size, design, scale and siting not appear subservient to, nor would it integrate satisfactorily with, the existing dwelling and given its siting, would result in an incongruous and overly prominent form of development materially out of character with and harmful to the character and appearance of the site, the streetscene and wider surrounding area. This would be unacceptable and contrary to the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and guidance contained within the Design and Townscape Guide (2009).

02 The proposed two storey detached double garage would, by reason of its design, height, position and depth along the rear boundary of No.57 Salisbury Road, appear as an overly dominant and oppressive addition resulting in an unacceptable sense of enclosure and loss of outlook significantly harmful to the amenity of the neighbouring occupiers. This is unacceptable and contrary to the National Planning Policy Framework (2019), Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) policies DM1 and DM3 and the advice contained with the Design and Townscape Guide (2009).

- 3.3 Whilst the above reasons relate to design/character and neighbour amenity impacts, the appeal was dismissed for reasons solely in relation to its design/character impact. The planning history of the site is material planning consideration of significant weight.

4 Representation Summary

Public Consultation

- 4.1 37no. neighbours were notified of the application. No letters of representation have been received.

Leigh Town Council

- 4.2 Objection raised. Concerns raised with size, scale design and siting of the replacement garage. Concerns also raised with regards to its impact on the amenity of No. 57 Salisbury Road.

5 Planning Policy Summary

- 5.1 National Planning Policy Framework (NPPF) (2021).
- 5.2 Core Strategy (2007): CP3 (Transport and Accessibility), CP4 (Environment & Urban Renaissance) 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 (CIL) Charging Schedule (2015)
- 5.6 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2021)

6 Planning Considerations

- 6.1 Consistent with the assessment of the previously refused application, it is not considered that the proposal would have any significant highway implications as it does not increase the on-site parking requirements when assessed against the Council’s minimum parking standards. The development is also found to be acceptable in principle and not liable for CIL. The key considerations are therefore the design and impact on the character of the area, the impact on residential amenity and CIL. Also of relevance are the previous refusals including the Appeal decision which are considered to hold significant weight in the assessment of the current proposal.

7 Appraisal

Design and Impact on the Character of the Area

- 7.1 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.
- 7.2 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.
- 7.3 Paragraph 358 of The Design and Townscape Guide states: *“Detached garages and other ancillary buildings within the grounds of an existing building should be designed to complement the character of the associated building. As with all new buildings they should embrace the design principles set out in this document.*

Garages in particular should be set back from the pavement to allow room to pull up without causing obstruction.”

- 7.4 The design of the proposed development with regard to its design/character impact represented a reason for refusal in the previous application. The subsequent appeal was also refused on design and character grounds owing to the size, siting and appearance of the replacement garages front elevation, owing to the prominent main gable feature and extensive degree of glazing. It was considered to compete with the scale of the residence at No 140 where the two buildings adjoin and disrupt the existing hierarchy and complementary architectural composition of the surrounding buildings. It is noted the Inspector did not raise objection in principle to the increased ridge height which he stated ‘would not in itself be excessive’.
- 7.5 The proposed simplification of the front elevation (as viewed from the streetscene) is a positive alteration which significantly reduces the resultant scale and bulk of the replacement garage in comparison to the previous refusal and helps to disguise the presence of a mezzanine floor. Together with the use of matching materials which can be conditioned, it is considered the replacement garage would appear as a suitably subservient and ancillary feature relative to the setting of the host dwelling.
- 7.6 On this basis and, having due regard to the recent Appeal decision and the Inspector’s comments, the replacement garage is considered to, on balance, have overcome the previous reason for refusal. 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 character and appearance of the site, the streetscene and the area more widely. The proposal is therefore considered to be 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 Previously, concerns were raised with respect to the impact of the replacement garage on the amenity of the occupants of No.57 Salisbury Road following the increase in ridge height (approx.0.5m) and position adjoining and spanning approximately the length of the shared boundary. The arrangement of built form along this shared boundary would remain unchanged in the context of this application.
- 7.9 Whilst the ridge height of the replacement garage would be increased, the roof would continue to pitch away from No 57 at a similar angle. In line with the Inspector’s comments, it is considered that the increase in height would, on balance, be of sufficient distant from the boundary so as not to have any significant impact in terms of visual prominence or intrusion, nor would it result in an undue increased sense of enclosure or loss of outlook to the rear of No 57.

- 7.10 In line with previous applications and noting the design is broadly unchanged save for an alteration to the main front roof form, it is not considered the proposed development would result in any significant harm to the amenities of neighbouring occupiers at No.140 Hadleigh Road in any regard. This is in part due to the elevated position of the rooflights and the absence of neighbouring habitable room windows in the adjacent first floor flank elevation.
- 7.11 Having due regard to the basis of the recent Appeal decision and the Inspectors comments, the impact of the proposal with respect to neighbour amenity is considered, on balance, to have overcome the previous reason for refusal which was not sustained on appeal. The proposal is therefore acceptable and policy compliant in the above regards.

Equality and Diversity Issues

- 7.12 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.

8 Conclusion

- 8.1 Having regard to all material considerations assessed above including the basis of the recent Appeal decision, it is considered that subject to compliance with the attached conditions, the proposal would be acceptable and compliant with the objectives of the relevant national and local planning policies and guidance. This application is therefore recommended for approval, subject to conditions.

9 Recommendation

GRANT 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: 2015-X00; 2015-TP-301**

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

- 03 Before the development hereby approved is occupied the materials used on**

the external surfaces of the development must match those used on the external surfaces of the existing dwelling. This applies unless differences are shown on submitted plans.

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) policy KP2 and CP4, Development Management Document (2015) policy DM1, and advice contained in the Design and Townscape Guide (2009).

- 04 The development hereby permitted shall not be occupied at any time other than for purposes wholly incidental to the residential use of the dwelling known as 138 Hadleigh Road and shall not be used for any other purposes including as an independent dwelling or as ancillary residential accommodation.**

Reason: To ensure a satisfactory standard of accommodation and to protect the amenities of existing and proposed occupiers, to protect the privacy and environment of people in neighbouring residential properties, and to prevent additional parking demand which cannot be met within the application site, in accordance with the Core Strategy (2007) policies KP2, CP3 and CP4, the Development Management Document (2015) policies DM1, DM3, DM8 and advice contained within the Southend 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.

Informatives

- 1 You are advised that as the proposed extension(s) to your property equates to less than 100sqm of new floorspace the development would benefit from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge would be 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 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 borough.**