

<b>Reference:</b>	24/00629/FULH	
<b>Application Type:</b>	Full Application - Householder	
<b>Ward:</b>	Belfairs	
<b>Proposal:</b>	Erect single storey rear extension with roof lantern (amended proposal) (retrospective)	
<b>Address:</b>	6 The Gables, Eastwood, Essex, SS9 4DU	
<b>Applicant:</b>	Mr Ryan Hamilton	
<b>Agent:</b>	Mr Danny Knott of DK Buildings designs	
<b>Consultation Expiry:</b>	23 <sup>rd</sup> May 2024	
<b>Expiry Date:</b>	1 <sup>st</sup> July 2024	
<b>Case Officer:</b>	Gabriella Fairley	
<b>Plan Nos:</b>	4065-12-1 (Rev B), 4065-12-2 (Rev B), 4065-12-3 (Rev B)	
<b>Recommendation:</b>	<b>GRANT PLANNING PERMISSION</b> subject to conditions	



## **1 Site and Surroundings**

- 1.1. The site is occupied by a two-storey detached dwelling on the north side of The Gables which is a cul-de-sac. The area is residential in character. To the north of the site is Arterial Road (A127). The rear (north) elevation of No 6 The Gables has an offset relationship with the rear (south) elevation of No 530 Arterial Road to its north.
- 1.2. The site is not within a conservation area or subject to any site-specific planning policy designations.

## **2 The Proposal**

- 2.1. Planning permission is sought retrospectively to erect a single storey rear extension with a flat roof containing a roof lantern and with a parapet wall to the flanks, some 5.5m deep, 3.5m high to the top of the parapet wall, 3.9m high to the roof lantern and 6m wide. It is finished in face brick to match the existing. A set of bifold doors are to the rear. A conservatory was removed to enable the development.
- 2.2. This application has been submitted following an enforcement investigation. In 2023, a prior approval under reference 23/00129/GPDE was granted for a single storey rear extension, some 5.35m deep and a maximum height of 3m. A single storey rear extension has been erected as described above. It exceeds the agreed prior approval dimensions and is not otherwise permitted development so requires planning permission in its own right.
- 2.3. An application for a single storey rear extension and a first-floor rear extension was previously submitted under reference 23/01944/FULH and refused for the reason set out in paragraph 3.1 below. This amended application differs from the previously refused application in that a proposed first-floor rear extension has been removed.

## **3 Relevant Planning History**

- 3.1. 23/01944/FULH - Erect single storey rear extension with roof lantern and first floor rear extension (part-retrospective). Refused (21.02.24) (the 2023 planning application)

Reason for refusal:

*“The proposed development would, by reason of its size, form, scale and poor design lack subservience to the main dwelling, creating bulky, incongruous and contrived additions to the rear of the site, resulting in significant harm to the character and appearance of the site and the rear garden scene more widely. This is unacceptable and contrary to the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009).”*

- 3.2. 23/00129/GPDE - Erect single storey rear extension, projecting 5.35m beyond the existing rear wall of the dwelling, 3m high to eaves and with a maximum height of 3m. Granted (22.02.2023) (the “2023 Prior Approval”).
- 3.3. 23/00193/UNAU\_B – Extension over height. Enforcement investigation ongoing.

## **4 Representation Summary**

### **Public Consultation**

- 4.1. Five (5) neighbouring properties were notified of the application by letter. A site notice was

displayed. One letter of objection has been received and the comments are summarised below:

- No opposition to the general extension, concern lies with the wall outside the kitchen door.
- Loss of light
- Height of the extension.

**[Officer comment:** These concerns are noted and those that represent material planning considerations have been taken into account in the assessment of the application. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case.]

## **5 Procedural matters**

- 5.1. This application is presented to the Development Control Committee because it was called in by Cllr Dear.

## **6 Planning Policy Summary**

- 6.1. The National Planning Policy Framework (NPPF) (2023)
- 6.2. Planning Practice Guidance (PPG) (2024)
- 6.3. National Design Guide (NDG) (2021)
- 6.4. Core Strategy (2007): Policies KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance).
- 6.5. Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), DM15 (Sustainable Transport Management).
- 6.6. The Southend-on-Sea Design and Townscape Guide (2009)
- 6.7. Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 6.8. Town and Country Planning Act 1990: Section 90A, Schedule 7A (Biodiversity Net Gain)

## **7 Appraisal**

### **Principle of Development**

- 7.1. The principle of extending and altering an existing dwelling is considered acceptable and policy compliant, subject to the development appropriately addressing the relevant detailed planning considerations.

### **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. Policy DM1 and the Southend-on-Sea Design and Townscape Guide provide further details on how this can be achieved.

- 7.4. The development is contained within the rear of the site which contains a partly staggered arrangement of dwellings. There are no rear extensions of this size and scale within the rear scene or the site's immediate vicinity. In assessing the refused 2023 application, which included the same sized single storey rear extension, it was found that it would be significant in depth and height and lacking subservience to the main dwelling. That factor, but also primarily the form and incongruous design and appearance of the associated first floor additions then proposed, contributed to an overall finding of harm to character and thereby caused refusal.
- 7.5. The extension is not a subservient feature mainly due to its scale. Its design and form are otherwise considered acceptable. The extension is a dominant feature in this rear setting and has an impact on the prevailing character. However, the main rear elevation of the immediately neighbouring dwelling No 5 The Gables, with which there is an existing off set relationship, projects some 1.7m further than the extension. No 5's flank wall therefore forms a backdrop in views of the extension when seen from the east. Due to the offset relationships which typify the pattern of this residential development and in which, for example the extension sits some 8.5m behind the rear elevation of No 261 Eastwood Old Road it is not considered that the dominance of the extension causes significant harm notwithstanding it has been found to lack subservience to the host dwelling.
- 7.6. Furthermore, when undertaking this assessment of the development's impact weight has been attached to the 2023 Prior Approval, which was for a single storey rear extension some 5.35m deep and a maximum 3m high. On the basis of available records, the 2023 Prior Approval was granted in February 2023 before the any extension works commenced. The development in place is some 0.5m higher to the parapet top, and 0.15m deeper than the development given prior approval.
- 7.7. Overall and as the development no longer includes any first-floor element it is considered that the design, size, siting, and scale of the development, albeit dominant, are such that it would not result in significant harm to the character and appearance of the site, the street scene and the area more widely. The development is therefore considered to be acceptable and compliant with the relevant policies in these regards.

### **Amenity Impacts**

- 7.8. 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.
- 7.9. The extension is sited along the shared boundary with No. 5 The Gables. No. 5 is set further back (south) into the site than No. 6 and the extension is some 1.7m shallower than the rear elevation of No. 5. No. 5 contains a door in the flank elevation facing the site. This door, on the balance of probability, serves a non-habitable room (kitchen) and is not the sole source of light for this room, as there is a window on the rear elevation which serves this kitchen. Accordingly, only very limited weight can be given to resultant light and outlook impacts on the secondary kitchen door. Taking these factors into consideration, the development does not result in any significantly harmful amenity impacts on this neighbouring property in any relevant regard. This conclusion is consistent with the basis of decision for the 2023 application which was not refused on amenity impact grounds including for any impact on No

5's flank door.

- 7.10. The extension is sited a minimum of 2m from the shared boundary with No. 530 Arterial Road which increases northwards due to the splayed boundary and some 4m from their closest flank elevation. The rear wall of the extension is some 2.2m from the rear elevation at No. 530 but off set rather than directly behind. It is not considered that this causes any material loss of light, outlook, or sense of enclosure for No 530 allowing for the mitigating effect of reasonable boundary treatment. Furthermore, this relationship was not the basis of refusal for the 2023 planning application. Taking into consideration the separations involved in this development and attaching due weight to the comparable impacts of the scheme which obtained prior approval resulting in an extension in this same broad position, it is considered that the relationship does not cause a significantly harmful impact on No 530's privacy. The amenity impacts are therefore acceptable in that regard.
- 7.11. Due to the relationships and separation distances involved, it is considered that the development does not have any significantly harmful amenity impacts on any other neighbouring properties in any relevant regard.
- 7.12. The development is therefore considered to be acceptable and compliant with the relevant policies in terms of its amenity impacts.

### **Traffic and Transportation Issues**

- 7.13. Paragraph 115 of the NPPF states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.
- 7.14. Taking into account the nature of the development, it is considered that it does not result in any significant harm to the parking availability in the area or highway safety.
- 7.15. The development's impact on highway and pedestrian safety, as well as the highway network, is therefore considered to be acceptable and policy compliant.

### **Other Matters**

- 7.16. This application is exempt from Biodiversity Net Gain requirements as it is householder development.
- 7.17. The development equates to less than 100sqm of new floorspace and therefore benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable.

### **Equality and Diversity Issues**

- 7.18. The Equality Act 2010 (as amended) imposes important duties on public authorities in the exercise of their functions and specifically introduced a Public Sector Equality Duty. Under this duty, public organisations are required to have due regard for the need to eliminate unlawful discrimination, harassment, and victimisation, and must advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. Officers have in considering this application and preparing this report had careful regard to the requirements of the Equalities Act 2010 (as amended). They have concluded that the decision recommended will not conflict with the Council's statutory duties under this legislation.

### **Conclusion**

7.19. For the reasons outlined above, the development is found to be 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. The reason for refusal of the 2023 application has been overcome.

## **8 Recommendation**

8.1. **GRANT PLANNING PERMISSION** subject to the following conditions:

**01 The development shall be undertaken / retained in accordance with the following approved plans: 4065-12-1 (Rev B), 4065-12-2 (Rev B), 4065-12-3 (Rev B).**

**Reason: To ensure the development accords with the consent sought, has an acceptable design and complies with Policy DM1 of the Development Management Document (2015).**

**02 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 property. This applies unless differences are shown on the drawings hereby approved or are required by other conditions on this permission.**

**Reason: To ensure the development accords with the consent sought, has an acceptable design and complies with Policy DM1 of the Development Management Document (2015).**

**03 The roof of the development hereby approved shall not be used as a balcony, roof garden or terrace or for any other purpose at any time without planning permission first being granted. The roof can however be used for the purposes of maintenance or to escape in the event of an emergency.**

**Reason: To ensure the development has an acceptable design and protects the amenities of neighbouring occupiers in accordance with Policy DM1 of the Development Management Document (2015).**

## **INFORMATIVES**

1. You are advised that as the development equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See [www.southend.gov.uk/cil](http://www.southend.gov.uk/cil) for further details about the Levy.

2. You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council will seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the city.

## **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.**