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**Chief Executive**

## AGENDA

**Committee:** DEVELOPMENT CONTROL

**Date and Time:** Tuesday 1<sup>st</sup> August 2017 at 7.30 p.m.

**Venue:** Council Chamber

**N.B. This meeting will be webcast live on the internet.**

**Membership:** Councillors Hart (Chairman), Smith (Vice Chairman), Acott, Anderson, Bayley, Blackwell, Cole, Mrs King, Mumford, Sharp, Taylor, Varker and Walter.

Canvey Island Town Councillors : Greig and Tucker

**Officers attending:** Rob Davis – Planning Development and Enforcement Manager  
Kim Fisher - Special Projects Officer  
Fiona Wilson – Head of Legal Services

**Enquiries:** Cheryl Salmon, ext. 2454

### PART I (Business to be taken in public)

**1. Apologies**

**2. Members' Interests**

**3. Minutes**

A copy of the Minutes of the meeting held on 4<sup>th</sup> July 2017 is attached.

**4. Public Speakers**

The Chairman will announce the names of those persons who wish to speak in support /objection under Agenda Item No. 5 (if any).

## 5. Deposited Plans

The reports are attached.

	<b>Application No</b>	<b>Address</b>	<b>Page No</b>
1	17/0555/FUL	Land adjacent to 81 May Avenue, Canvey Island (Canvey Island South Ward)	1
2.	17/0283/FUL	4 Thundersley Church Road, Thundersley, Benfleet (St. Peter's Ward)	8

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## AGENDA ITEM NO. 3

### DEVELOPMENT CONTROL COMMITTEE

4<sup>th</sup> JULY 2017

**PRESENT:** Councillors Hart (Chairman), Smith (Vice-Chairman), Acott, Bayley, Blackwell, Cole, Mrs King, Mumford, Sharp, Taylor, Varker and Walter.

Councillors Ladzrie, Riley and Sach also attended.

Apologies for absence were received from Councillors Anderson, Walter and Canvey Island Town Councillor Greig.

#### 4. MEMBERS' INTERESTS

Councillor Blackwell declared a Disclosable Pecuniary Interest in Agenda Item 5(3) as shown under Minute No. 6(c) as the applicant was his brother and left the Chamber during consideration of this item.

#### 5. MINUTES

The Minutes of the meeting held on 6<sup>th</sup> June 2017 were taken as read and signed as correct.

#### 6. DEPOSITED PLANS

**(a) 17/0299/FUL – LAND ADJACENT AND TO THE REAR OF FOREST HOUSE, CATHERINE ROAD, BENFLEET (BOYCE WARD) - 6NO. DETACHED DWELLINGS WITH GARAGES, ACCESS ROAD AND ASSOCIATED AMENITY SPACE - JP AND MJ GATRELL PARTNERSHIP**

The application sought permission for the erection of six houses on this undeveloped site. It was considered that this would be an unacceptable development due to the site being located in the Green Belt and also because of the impact on local ecology. The application was therefore recommended for refusal.

The application was presented to the Committee at the request of Councillor Hart.

The Planning Officer explained to the Committee that the ecological appraisal that had been submitted acknowledged that tree clearance had taken place on the site in 2016 but that an assessment for this application was on the basis of its current state (February 2017). It drew the conclusion that the development

could proceed with minimal impacts to wildlife and habitats, provided that various mitigation measures were followed. However this approach was considered flawed as the trees had been removed without the necessary licence from the Forestry Commission, and the site was subject to a restocking notice. In time, the site was therefore capable of returning to woodland.

It was also reported that the local badger group had submitted a representation which stated that active badger setts were interfered with when the tree clearance took place. However the applicant's ecological appraisal, which had been prepared by a qualified ecologist who had full access to the site, had not found any evidence of badger setts.

Mr Thornton, a local resident, spoke in objection to the application.

Ms Wrayton, a representative of the applicant, spoke in support of the application.

During discussion Members indicated that they concurred with the Planning Officer's view that the proposal constituted an inappropriate form of development.

In response to the applicant's submission that the absence of a five-year housing land supply represented a very special circumstance, a Member stated work on the Council's five-year housing plan was taking place. It was also noted that in a recent appeal decision from the Secretary of State relating to a new housing development on land south of Jotmans Lane (CPT/122/13/OUT) this, together with other considerations weighing in favour of the scheme, was not thought to outweigh the harm to the Green Belt.

With regard to the applicant's submission that the site was geographically well associated with an existing settlement, whilst it was recognised by Members that the frontage of this site could be viewed as previously developed land the proposal would encroach a lot further than this into a woodland area which was not previously developed land and this did not constitute very special circumstances which would justify that the application should be exceptionally permitted.

During discussion the Committee also expressed its dismay at the removal of trees on the site without the necessary permission and requested assurance that measures were being put in place to prevent this happening again. The Planning Officer explained that the unauthorised removal of trees was a matter for the Forestry Commission but that Planning officers were working closely with the Commission to address this issue.

A Member stated that he felt that Essex Badger Protection Group should be a regular consultee on planning applications of this nature as they held a record of every badger sett in the borough.

Following discussion it was therefore:

**Resolved** – That the application be refused for the following reasons:

1. The proposed development is situated within an area of Green Belt as defined in the Council's Adopted Local Plan, where inappropriate development is allowed only in very special circumstances. The proposal constitutes an inappropriate form of development which, if allowed, would be likely to have an adverse impact on the character, openness and strategic function of the Green Belt. The applicant has failed to demonstrate any very special circumstances to justify why the proposal might exceptionally be permitted and the proposal is therefore contrary to Government guidance as contained in the National Planning Policy Framework.
2. The applicant's assessment of the ecological impact of the development has not taken into account the tree replanting notice issued by the Forestry Commission following the loss of woodland arising from unlicensed tree felling. It therefore does not represent a sound basis on which to judge the ecological impact of the proposal. Accordingly it has not been demonstrated that the development would not result in significant harm to the ecology of the area in accordance with Government guidance as set out in the National Planning Policy Framework.

(Following the decision the Committee stated that in light of the unauthorised tree clearance on this site it felt there would be benefit in regular meetings between the Council and both the Essex Badger Protection Group and the Forestry Commission. It was also requested that an increase in Tree Preservation Orders in this area be investigated to protect the current woodland and that the Leader of the Council be requested to allocate additional resources to this project if it was considered necessary.)

**(b) 17/0333/FUL – FOREST HOUSE, CATHERINE ROAD, BENFLEET (BOYCE WARD) - SECOND FLOOR EXTENSION TO CREATE 2NO APARTMENTS INCLUDING FRONT EXTENSION TO FORM NEW LOBBY AND STAIRWELL AND OTHER EXTERNAL ALTERATIONS - MR E JAKOB**

The Planning Officer reported that although the latest scheme provided an acceptable level of parking provision and would not result in any unacceptable loss of privacy to neighbours its design was considered to be out of character with its surroundings. The proposal was also unacceptable in Green Belt policy terms. The application was therefore recommended for refusal.

The application was presented to the Committee in view of the site's planning history and consideration of earlier schemes by the Committee.

The Planning Officer drew the Committee's attention to an updated recommendation which suggested an additional reason for refusal be added to the decision should the Committee be minded to refuse the application.

Mr Salmon, a representative of the applicant, spoke in support of the application.

During discussion Members commented that the design of the proposal was poor and represented too much development within the existing footprint. Whilst the Committee was not generally opposed to re-development of the site this proposal was not considered acceptable due to its disproportionate and inappropriate enlargement of the original building which would have an adverse impact on the Green Belt and would be detrimental to the appearance and character of the area. The Committee also agreed with the Planning Officer that the provision of an entrance door for all six flats in the location shown would lead to visual intrusion and loss of privacy to the occupiers of flat 1.

Following discussion it was:

**Resolved** – That the application be refused for the following reasons:

1. The proposed development is situated within an area of Green Belt as defined in the Council's Adopted Local Plan where inappropriate development is only permitted in very special circumstances. The proposal, together with the previous extension, represents a disproportionate and inappropriate enlargement of the original building which, if allowed, would have an adverse impact on the openness, character, appearance and strategic function of the Green Belt. No very special circumstances have been shown to exist and the proposal is therefore contrary to guidance as set out in the National Planning Policy Framework.
2. The proposed extension of the building would result in an excessively tall and poorly proportioned structure, with a bulky, obtrusive roof, out of character with surrounding buildings and detrimental to the appearance and character of the area, contrary to Policy EC2 of the Adopted Local Plan, RDG7 and RDG8 of the Council's Residential Design Guidance and guidance in the National Planning Policy Framework.
3. The proposed front stair enclosure would appear as a discordant modern intervention on a building of otherwise traditional appearance, out of character with both the host building and surrounding dwellings, to the detriment of the visual amenity and character of the area and contrary to Policy EC2 of the Adopted Local Plan and RDG8 of the Council's Residential Design Guidance.
4. The provision of the entrance door for all six flats in the location shown would lead to an unacceptable level of pedestrian traffic in close proximity to the front kitchen windows of flat 1, leading to visual intrusion and loss of privacy to occupiers of that flat contrary to RDG5 of the Council's Residential Guidance.

(c) **17/0379/FUL – 25 MARINE APPROACH, CANVEY ISLAND (CANVEY ISLAND SOUTH WARD) - GARAGE CONVERSION TO GAMES ROOM AND STORE. PROPOSED CAR PORT AND STORE - MR ROGER BLACKWELL**

(Councillor Blackwell left the Chamber during consideration of this item).

The application sought permission for the conversion of the property's integral garage to habitable accommodation and the erection of a new car port and store structure in the front garden.

The proposal was consistent with the Council's adopted policies and design guidance and it was therefore recommended that planning permission be granted.

The application was presented to Committee because the applicant was a relative of Councillor Blackwell.

Following consideration of the application the Committee:

**Resolved** – That the application be approved subject to the conditions as set out in the Planning Officer's report.

Chairman

## ITEM 1

**Application Number:** 17/0555/FUL  
**Address:** Land Adj 81 May Avenue Canvey Island Essex  
(Canvey Island South)  
**Description of Development:** Erection of detached dormer bungalow  
**Applicant:** Mr Dean Bullock  
**Case Officer:** Mr Keith Zammit  
**Expiry Date:** 22.08.2017

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### Summary

The application seeks permission for the provision of a single dwelling on part of a larger site that has previously been refused permission for two. It is considered that this scheme overcomes the reasons why the previous appeal was dismissed and does not raise any significant new issues. The proposal is therefore recommended for APPROVAL.

The application is presented to the committee as the previous scheme for development was a committee item (July 2016).

### Site Visit

It is not considered necessary for members to visit the site prior to the determination of the application.

### Introduction

The application relates to a piece of land known as Voorne Avenue, which consists of a grassed area located between Handel Road and May Avenue. It has a width of approximately 11m. There is a footpath running along the southern side of the area, linking the two roads, but there are bollards preventing vehicles being driven over or parked on the land.

In May Avenue there is a chalet to the north of this site and a bungalow to the south. In Handel Road, there is a bungalow to the north of this site and a house to the south.

### The Proposal

Permission is sought for the erection of a detached dormer bungalow with front gable fronting May Avenue. It has two bedrooms and a bathroom at first floor and an open plan lounge/kitchen and car port parking.

The proposed ridge height of the dwelling is 7.2m.

The proposed external materials are grey concrete interlocking roof tiles, grey UPVC windows and doors, Istock yellow stock brick and grey weatherboarding.

### Supplementary Documentation

The application is accompanied by a covering letter and Flood Risk Statement with appendices which are available to view on the Council's website.

### Planning History

July 2016 – permission refused for erection of two detached dormer bungalows and relocation of footpath (16/0336/FUL) for the following reasons:



1. The proposed development would result in a loss of an attractive area of greensward, to the detriment of the character and amenity of the area, contrary to Policy EC2 of the Council's Adopted Local Plan and Government advice as expressed in the National Planning Policy Framework.
2. The proposed dwellings, by reason of their height and proximity to the bungalows at 42 Handel Road and 83 May Avenue, would be likely to result in undue dominance of those dwellings, to the detriment of the amenity of the occupiers of those bungalows, contrary to Policy EC2 of the Council's Adopted Local Plan and Government advice as expressed in the National Planning Policy Framework.
3. Inadequate information has been submitted to satisfactorily demonstrate how surface water run-off from the proposed dwellings and hardsurfaces is to be managed without increasing the risk of flooding elsewhere, contrary to Government guidance as contained in the National Policy Planning Framework.

An appeal was made against this refusal of permission. The inspector did not agree with the Council about the loss of greensward or lack of information about surface water drainage, the latter being capable of being dealt with by way of a planning condition.

He did, however, go on to dismiss the appeal on the basis of its impact on 42 Handel Road, specifically the loss of outlook for these occupiers from the presence of a bedroom window in the flank wall of that bungalow, and a loss of privacy arising from the relocation of the footpath due to people passing close to, and being able to look into, the bedroom window.

## **Relevant Government Guidance and Local Plan Policies**

### National Planning Policy Framework

Section 7 – Requiring good design

Section 10 – Meeting the challenge of climate change, flooding and coastal change

### Adopted Local Plan

EC2 Design

T8 Parking standards

### Residential Design Guidance

RDG1 – Plot size

RDG2 – Space around dwellings

RDG3 – Building lines

RDG5 – Privacy and living conditions

RDG6 – Amenity space

RDG7 – Roof development

RDG8 – Detailing

RDG12 – Parking and access

## **Consultation**

### Highways

To be reported

### Canvey Town Council

To be reported

## Environment Agency

To be reported

### **Public Consultation**

Comments have been received that cover the following points:

- o Don't want every spare piece of land built on
- o Plans are ugly
- o More on-street parking in an already stressed area
- o Land is a public right of way
- o Loss of drainage and increased risk of flooding
- o Dominate neighbouring properties
- o Alleyway that will be created may become a location for antisocial behaviour
- o Narrow plot
- o Narrow parking area
- o Dwelling on blind bend, increase highway risk
- o Conflict with EC7, loss of amenity
- o Overlooking and spoil view
- o Alley will become a dumping ground
- o Inconvenienced by dust, dirt, noise during construction

### **Comments on Consultation Responses**

Construction works are temporary in nature and not a material reason for refusing permission. There is no right to a view across neighbouring land. The Highway authority has previously confirmed that there is only a right of way across the path and not the grass. No objection to the previous application on the basis of its impact on the footpath was made by the Council or the Inspector at appeal.

Other material planning issues raised are discussed below.

### **Evaluation of Proposal**

Following the previous appeal decision, there can be no objection to the proposal on the basis of loss of greensward area or a lack of information about surface water drainage, as the inspector ruled that the former did not amount to a valid reason for refusal following his assessment of the locality, and the latter was suitable to be dealt with by way of a planning condition.

The design of the proposed dwelling is unchanged so neither can there be any objection on design grounds.

The omission of the eastern dwelling facing Handel Road leaving only the western one facing May Avenue and the retention of the footpath in its current location obviate the concerns relating to the loss of privacy and to outlook from 42 Handel Road, which were the only reasons for identified by the previous appeal inspector for dismissing the appeal.

The main issue for consideration as part of this application is whether the amended siting of the dwelling alters its impact on adjacent residents.

The retention of the footpath in its current location means that the proposed dwelling would be sited closer to the northern boundary of the site and thus closer to 81 May Avenue. There is a window in the flank wall of this property at first floor level and a door at ground floor level.

The planning authority holds no records of this property however from its external design it appears that these openings are not a primary light source to a habitable room. Furthermore, a high fence runs along the side boundary of the dwelling which will mitigate the effect of the proposal on the privacy and outlook of the occupiers.

The proposed dwelling has been designed so as not to have any primary windows in the side elevations at first floor level therefore it would not be likely to lead to overlooking of the adjacent sites. The rear garden is short at approximately 7m, where normally 9m is required to prevent undue overlooking from first floor rear windows. However, in this instance the windows overlook a grassed area.

Moreover, the rear dormer window, set back some 7.8m from the boundary, serves a bathroom, which is a room that requires a high level of privacy and could be conditioned as obscure glazed without detriment to the living conditions of the occupiers.

Two roof lights are also proposed on the rear elevation however these are set back from the rear boundary of the site by some 9m and located well above head height.

Whilst recent appeal decisions indicate that the future development of adjoining undeveloped land is not a justification for applying restrictive conditions to a proposal, in this particular instance, given the history of the site and likelihood of future submissions on the land to the rear of the application site it is considered that an obscure glazing condition in respect of the rear first floor bathroom window is appropriate. The applicant has agreed to this and provided amended plans accordingly.

The proposal makes adequate parking provision for two cars. It is noted that the width of the car port parking area would be approximately 2.9m rather than 3m as would normally be required, but it is not considered that this deficiency would be so great as to prejudice its use for parking purposes. No objection is therefore raised on the basis of parking provision.

The proposal provides some 65 square metres of private amenity, which exceeds the minimum required and is adequate for the size of accommodation proposed.

Following discussions with the applicant the proposal has been amended to provide a high fence around only the rear and flank boundary of the dwelling until level with the front of the neighbour's garage. The fence would then drop down to 0.9m in height as it approaches May Avenue.

This would not look out of place in the context of the area and the provision of a lower fence towards the front part of the flank boundary of the site would help to retain some degree of openness for users of the footpath.

## **Conclusion**

This amended scheme for the provision of only a single property overcomes the previous reasons for dismissal and does not raise any new issues.

The revised application is consistent with the previous submission in respect of flood risk matters however a condition is necessary on any grant of permission requiring the applicant to demonstrate that the building can withstand the water pressures that may act upon it in a flood event.

A condition is also needed to require approval of details of surface water disposal, as insufficient details have been provided. It is also necessary to impose a condition requiring enactment of the Flood Response Plan contained within the Flood Risk Statement, and to require the finished floor levels of the dwellings to be provided no lower than the heights shown, so that occupiers are not at unacceptable risk from flooding.

In view of the constrained nature of the plot, it is considered reasonable to withdraw permitted development rights for extensions or outbuildings to be erected, as the uncontrolled erection of such structures could lead to loss of amenity to adjacent residents, or an unacceptable diminution in outdoor amenity space provision.

Conditions are also needed to require the dwelling to be built in accordance with the approved materials to ensure a satisfactory appearance, and to require the provision and retention of the parking area, in order that the proposal does not unreasonably add to on-street parking in the locality.

Finally, it is necessary to require the side window serving the stairs to be obscure glazed and with limited opening to ensure that unacceptable overlooking of the property to the south does not occur.

I have taken all other matters raised by interested parties into consideration, but none are sufficient to outweigh the considerations that led to the recommendation.

### **My Recommendation is Approval with the following conditions**

1 The development hereby permitted shall be begun on or before the expiration of three years beginning with the date of this permission.

REASON: This condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2 Prior to construction of the development above raft level, a scheme prepared by a qualified structural engineer demonstrating the ability of the proposed structure to withstand the hydrostatic and hydrodynamic pressures likely to be acting on the building in a 1 in 200 year and 1 in 1000 year flood event shall be submitted to the local planning authority.

REASON: To ensure the ability of the approved building to withstand the effects of flooding in the interests of the safety of the future occupiers of the site.

3 The development shall be constructed in accordance with such details as may be approved pursuant to condition 2.

REASON: To ensure the ability of the approved building to withstand the effects of flooding in the interest of the safety of the future occupiers of the site.

4 Prior to occupation of the dwelling, details of the means of surface water disposal shall be submitted to and approved in writing by the local planning authority, with reference to accurately scaled plans.

REASON: To ensure that hazards from surface water flooding are not exacerbated and because the details submitted were insufficient for consideration of this aspect of the proposal.

5 Any such surface water drainage system as may be approved in relation to condition 4 shall be installed in accordance with the approved details and thereafter maintained at all times that the dwelling is occupied.

REASON: To ensure the continued operation of the system to prevent exacerbation of hazards from surface water flooding.

6 Upon occupation of the dwelling, the approved Flood Response Plan shall be enacted and thereafter maintained at all times that the dwelling is occupied. Any revisions to the plan shall be submitted to and approved in writing by the local planning authority.

REASON: In order to ensure the appropriate protection of occupiers of the building in the event of a flood.

7 Finished ground floor level shall be set no lower than 2.310m above Ordnance Datum.

REASON: To reduce the risk of flooding to the proposed development and future occupants.

8 Finished first floor level shall be set no lower than 4.932m above Ordnance Datum.

REASON: To reduce the risk of flooding to the proposed development and future occupants.

9 No development of the type specified in Classes A, B, and C of Part 1 of the Second Schedule to the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or the equivalent provisions of any statutory instrument revoking, amending or re-enacting that Order) shall be carried out without the express permission of the local planning authority.

REASON: In view of the constrained nature of the site, the local planning authority is of the opinion that the uncontrolled exercise of such rights could lead to loss of amenity to adjacent residents by way of obtrusiveness, dominance or overlooking or an unacceptable diminution in the amount of amenity space on the site.

10 The development shall be treated in accordance with the Materials Specification prepared by Contour Architectural Designs received by the local planning authority on 27th June 2017.

REASON: In the interest of the visual amenity and character of the area.

11 Prior to occupation of the dwelling, the car port parking shall be provided and made available for use, together with properly constructed vehicular access to the highway.

REASON: To ensure the availability of off-street parking in the interest of highway safety.

12 The car port shall be retained as an open structure for the purpose of vehicle parking and not enclosed by any doors, windows, walls or other means of enclosure.

REASON: To ensure the retention of adequate off-street parking facilities in the interest of highway safety.

13 The proposed first floor side window serving the stairs and rear first floor window serving the bathroom shall be:

(i) obscure-glazed, and

(ii) non-opening, unless the parts of the window which can be opened are more than 1.7m above the floor level adjacent to the window (such distance to be measured at the centre of the window)

and retained as such thereafter.

REASON: To prevent overlooking and loss of privacy to adjacent residents.

### **Informatives**

1 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.

## ITEM 2

**Application Number:** 17/0283/FUL  
**Address:** 4 Thundersley Church Road Thundersley Benfleet  
Essex SS7 3ES  
(St Peter's)  
**Description of Development:** Loft conversion with hip to gable extensions and front  
and rear dormers  
**Applicant:** Miss Drogman And Mr Sheldon  
**Case Officer:** Mrs Sophie Adams  
**Expiry Date:** 08.08.2017

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### Summary

The applicant seeks planning permission for the conversion of the loft space with hip to gable roof extension and front and rear dormers.

With the exception of the provision of amenity space the proposal is consistent with the Council's adopted policies and design guidance. It is recommended that planning permission be GRANTED

This application is presented to committee as Councillor Andrew Sheldon is the applicant.

### Site Visit

It is not considered necessary to visit the site prior to the determination of the proposal.

### Introduction

The application dwelling, a detached hipped roofed two bedroomed bungalow, sits on the southern side of Thundersley Church Road at its junction with Spencer Road. The dwelling has been previously extended with a flat roofed single storey rear extension.

The property is located in a mixed street scene of semi-detached and detached bungalows, chalets and houses which are different in style and character.

### The Proposal

The applicant seeks permission for the enlargement of the dwelling's hipped roof by the formation of two gable ends and the addition of two pitched roof front dormers and one flat roofed dormer across the rear elevation. The works proposed would provide the dwelling with two additional bedrooms, a second bathroom and a study.

During the course of the application amended plans have been sought and received to rearrange the upper floor accommodation.

### Supplementary Documentation

There is no supplementary documentation for this application.

### Planning History

None of relevance

## **Relevant Policies and Government Guidance**

The site is allocated for residential purposes on the proposals map accompanying the Adopted Local Plan. The following policies and guidance are of relevance:

### National Planning Policy Framework March 2012

Core Planning Principles  
Section 7 – Requiring good design

### Local Plan (Adopted November 1998)

Policy EC2 - Design  
Policy H17 - Housing Development – Design and Layout  
Policy T8 - Car Parking Standards

### Residential Design Guidance (Adopted January 2013)

RDG5	Privacy and Living Conditions
RDG6	Amenity Space
RDG7	Roof Development
RDG8	Detailing
RDG12	Parking and Access

Essex County Parking Standards September 2009 (Adopted June 2010)

## **Consultation**

No statutory consultations undertaken

## **Public Consultation**

One response received from surrounding residents supporting the application.

## **Evaluation of Proposal**

The main issues with this application is its design, impact on neighbours and whether it would provide adequate amenity space and parking for the occupiers of the development.

### Design

Policy EC2 of the Local Plan seeks a high standard of design in all new buildings. This is consistent with paragraphs 56 to 58 of the NPPF.

Policy H17 states that in assessing the design aspects of proposals for housing, the Local Planning Authority will have regard to its Supplementary Planning Guidance. The Council has adopted the Residential Design Guidance (RDG) and this guidance is considered to be in compliance with section 7 the NPPF.



RDG7 states that the roof of a dwelling, either built as new or extended or altered, should be proportionate to the remainder of the dwelling and not be top heavy, prominent or dominant. Proposals for any form of roof development which results in the detrimental disruption or loss of symmetry to a pair or group of dwellings, both in respect of the roof planes and/or roofscape will be refused.

RDG8 requires the provision of detailing elements for all developments to be consistent with the overall architectural approach of the dwelling, creating well-proportioned and balanced properties.

The proposal would alter the profile of the roof form of the detached dwelling from a hip to gable end at both sides of the dwelling. The application dwelling sits alone within a mixed street scene of detached and semi-detached houses, chalets and bungalows. The proposed alteration to the roof profile will therefore not result in detrimental disruption to a pair or group of dwellings.

The scale of the proposed pitched roofed front dormers are proportionate to the size of the roofscape within which they site and aligned to the existing ground floor fenestration. Substantial roof verges are retained below, above and to the sides of the front dormers to ensure they appear as ancillary feature on the dwelling.

The proposed flat roofed rear dormer is more rudimentary in design terms. The fenestration is slightly misaligned and the limited roof verge retained above the dormer makes the dormer appear somewhat top heavy. However, the impact of this part of the proposal is limited to the rear gardens of adjacent residents and there are several flat roofed dormers visible within this street scene of a similar nature. Consequently the proposed rear dormer would result in limited harm.

The applicant intends to provide white cladding to the walls of the dormers. This is not an unusual external facing material within this street scene. No objection is raised to the design and detailing of the proposal.

### Impact on neighbours

RDG5 deals with privacy and overlooking. A distance of 9m should be provided between first floor windows and the boundaries of the site.

The front dormer windows overlook the highway and give rise to no privacy issues. The three windows within the rear dormer are shown located a minimum of some 7m, 9m and 11.4m respectively. The window with an isolation distance below 9m overlooks the adjacent neighbour to the south.

However, the upper floor layout has been amended during the course of the application, and as a result this window is now shown to serve a bathroom. A bathroom is a room that would expect a degree of privacy, and therefore any adverse harm can be overcome by use of a condition requiring it to be obscure glazed and fixed shut below a height of 1.7m above finished floor level. Subject to such a condition and a restriction on any further additional upper floor rear windows no objection is raised to the proposal in respect of guidance RDG5.

### Parking and Amenity Space

RDG6 requires appropriate amounts of outdoor amenity space to be provided, in proportion to the size of the dwelling, with 15m<sup>2</sup> per habitable room.

The proposal would increase the number of habitable rooms from five to eight, resulting in a need for an amenity space of 120m<sup>2</sup>. The dwelling benefits from a rear amenity space of some 70m<sup>2</sup> which is fragmented in part and a triangular shape. Given these characteristics the amenity space is considered severely deficient.

RDG6 does state that a reduction in amenity space may be considered if the development is within immediate proximity to safe and convenient high quality public open space. However, in this case, there is no high quality public open space within the immediate proximity to the application site.

An objection should therefore be raised to the proposal on the basis of inadequate amenity space. However, there is additional space that could be incorporated into the garden as private amenity between the side of the dwelling and its southern boundary should the applicant choose to do so. This would increase the amenity area to some 95m<sup>2</sup>.

Whilst this is still below the requisite garden requirement it significantly exceeds the minimum permitted by RDG5. Furthermore, it is considered that the garden, notwithstanding its fragmented form, would still be capable of providing for the outdoor needs of the occupiers in a meaningful way. Given the above it is considered that a reason for refusal on the basis of a lack of amenity space would be difficult to sustain on appeal.

However, given the limited size of the garden it is considered appropriate to remove permitted development rights to extend the dwelling further.

Policy T8 of the Local Plan requires the provision of parking in accordance with adopted standards. This is consistent with paragraph 39 of the NPPF which requires local planning authorities to set such standards reflecting local circumstances.

The adopted standards require the provision of a minimum of two parking spaces for properties with two or more bedrooms.

The proposal increases the number of bedrooms from two to four, however this does not result in a requirement for any additional parking provision to be made. Consequently the proposal raises no parking implications.

## **Conclusion**

The design of the dwelling is acceptable in terms of the Council's Residential Design Guidance and would have no detrimental impact on the amenity of neighbours or character of the streetscene. It is therefore recommended that planning permission be granted.

I have taken all other matters raised by interested parties into consideration, but none are sufficient to outweigh the considerations that led to the recommendation.

## **My Recommendation is Approval with the following conditions**

1 The development hereby permitted shall be begun on or before the expiration of three years beginning with the date of this permission.

REASON: This condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2 The external surfaces of the development hereby approved shall be treated in accordance with the approved schedule of materials from which there shall be no departure without the prior formal consent of the Local Planning Authority.

REASON: To ensure a satisfactory form of development in sympathy with the existing development and the character of the surrounding area.

3 The upper-floor rear window serving the bathroom, as shown on the approved drawing number 3243-04, received on 17th July 2017, shall be -

(i) obscure-glazed to at least level 3 on the Pilkington Scale (or such equivalent as may be agreed in writing with the local planning authority); and

(ii) non-opening, unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed

and retained as such thereafter.

REASON: In order to protect the privacy of the occupiers of the adjoining properties.

4 No first floor windows, roof lights or other openings shall be installed on the rear elevation of the dwelling other than those shown on the approved plans 3243-04 Revision B received on 18th July 2017, without the prior written consent of the Local Planning Authority.

REASON: In the interests of protecting the privacy of adjacent occupiers.

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, no development of the type specified in Class A of Part 1 of the Second Schedule to that Order (or the equivalent provisions of any statutory instrument revoking, amending or re-enacting that Order) shall be carried out without the formal consent of the Local Planning Authority.

REASON: In order to ensure an adequate level of residential amenity for occupiers of the site and adjacent properties.

## **Informatives**

1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application and negotiating acceptable amendments to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for a revised scheme, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

