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AGENDA

Committee: DEVELOPMENT CONTROL

Date and Time: Tuesday 2nd June 2015 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),
Anderson, Blackwell, Cole, Cross, Mrs Govier, Mrs King,
Sharp, Varker, Mrs Wass, N. Watson and Wood

Canvey Island Town Councillors : Greig and Tucker

Officers attending: Steve Rogers – Head of Regeneration and Neighbourhoods
Fiona Wilson – Head of Legal Services
Kim Fisher – Chief Development Control Officer

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 14th April 2015 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

Report of the Head of Regeneration and Neighbourhoods is attached.

| | Application No. | Address | Page |
|----|------------------------|--|-------------|
| 1. | 15/0092/FUL | 230 Church Road, Benfleet, Essex, SS7 4PL (St Peter's Ward) | 1 |
| 2. | 15/0116/FUL | 157 Benfleet Road, Benfleet, Essex, SS7 1QG (Boyce Ward) | 11 |

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DEVELOPMENT CONTROL COMMITTEE

14TH APRIL 2015

PRESENT: Councillors Hart (Chairman), Smith (Vice-Chairman), Anderson, Blackwell, Burch, Cole, Cross, Mrs King, Ladzrie, Varker, Mrs Wass, N. Watson, Wood and Canvey Island Town Councillors Acott and Greig.

Councillors Dick, Hurrell, Letchford and Riley also attended.

35. MEMBERS' INTERESTS

Councillor Anderson declared an interest in Agenda Item No. 5(3) as shown under Minute 37(c).

Councillor Smith declared an interest in Agenda Item No. 5(3) as shown under Minute 37(f).

36. MINUTES

The Minutes of the meeting held on 3rd March 2015 were taken as read and signed as correct.

37. DEPOSITED PLANS

A APPLICATIONS

- (a) 15/0058/ADV – WATERSIDE FARM SPORTS CENTRE, SOMNES AVENUE, CANVEY ISLAND, ESSEX (CANVEY ISLAND WEST WARD) – INSTALLATION OF A NEW WELCOME SIGN – CASTLE POINT BOROUGH COUNCIL**

Advertisement consent was sought for the installation of a new welcome sign adjacent to the main vehicular access to the Waterside Farm Sports Centre. Whilst prominently sited, it was not considered that the sign would have a negative impact on the appearance of the built and natural environment or result in an adverse impact on public amenity or highway safety. The proposal was consequently considered to satisfactorily conform to all relevant planning policy and guidance and was therefore recommended for approval.

The application was presented to the Committee because the applicant was Castle Point Borough Council which had a legal interest in the property.

Resolved – That the application be approved.

(b) 15/0110/ADV – WATERSIDE FARM SPORTS CENTRE, SOMNES AVENUE, CANVEY ISLAND, ESSEX (CANVEY ISLAND WEST WARD) – FASCIA SIGN TO CAFÉ – CASTLE POINT BOROUGH COUNCIL

Advertisement consent was sought for the installation of a fascia sign for the cafe at Waterside Farm Sports Centre. The proposed sign was unlikely to have an appreciable impact on the appearance and design of the Sports Centre building and would not have a negative impact on the character and appearance of the built and natural environment. Furthermore the proposal would not result in an adverse impact on public amenity or highway safety. The proposal was consequently considered to satisfactorily conform to all relevant planning policy and guidance and was therefore recommended for approval.

The application was presented to the Committee because the applicant was Castle Point Borough Council which had a legal interest in the property.

Resolved – That the application be approved.

(c) 15/0117/FULCLC – OPPOSITE 27 FIRST AVENUE, CANVEY ISLAND, ESSEX (CANVEY ISLAND CENTRAL WARD) – FORMATION OF PARKING AREA FOR COMMUNITY BUS – CASTLE POINT BOROUGH COUNCIL

(Councillor Anderson declared a non-pecuniary interest in the above item as a member of the Big Lottery).

The application sought to provide a parking area for a community bus. No robust reasons for refusal could be identified and the proposal was therefore recommended for approval.

The application was presented to the Committee as the Council was both the applicant and landowner. The application had been submitted on behalf of the Canvey Big Local Lottery.

During the debate on this item, Members expressed their willingness to consider use of the parking area by other community bus operators.

Resolved – That the application be approved subject to conditions as set out in the Planning Officer's report, and that applications from other community bus operators to use the parking area be considered.

(d) 15/0134/FUL – REAR OF MORRISONS LOCAL HILTON ROAD, CANVEY ISLAND, ESSEX (CANVEY ISLAND WINTER GARDENS WARD) – 2 NO. 4 BED DETACHED HOUSES AND 2 NO. 3 BED LINK DETACHED CHALETs – MR MARK SMITH

Mr Burry spoke in support of the application.

Town Councillor Peter Greig spoke in objection to the application.

The application sought to use part of the site of the former Silver Jubilee Public House to provide four single family dwellinghouses. The proposal was considered to be unacceptable, particularly in comparison to the previous scheme as it would introduce unnecessary disturbance to existing residents, provide a poor living environment for new residents, create a dangerous access point and result in an unduly prominent form of development, to the detriment of the street scene. The application was therefore recommended for refusal.

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

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

1. The proposed dwelling on plot 1, due to its proximity to Hilton Road, would be an unduly prominent and obtrusive feature in the street scene, to the detriment of the visual amenity of the area, contrary to Policy EC2 of the adopted Local Plan, RDG3 of the Council's Residential Design Guidance and Government guidance in the National Planning Policy Framework.
2. The proposed vehicular access to plots 2 to 4, by reason of its proximity to the eastern boundary of the site, would lead to undue disturbance and loss of amenity to existing residential properties to the east of the site, contrary to Policy EC2 of the adopted Local Plan, RDG12 of the Council's Residential Design Guidance and Government guidance in the National Planning Policy Framework.
3. Occupiers of the proposed development, by reason of the proximity of the dwellings to the western boundary of the site, would be likely to experience undue noise and disturbance from activity associated with the operation of the adjacent food store, particularly vehicular activity. The proposal would therefore fail to provide the high quality of residential development sought by the National Planning Policy Framework.

4. The proposal fails to provide an appropriate sight splay on the eastern side of the proposed access road and this feature, coupled with the poor relationship created between the proposed access road and the adjacent lay-by, which places pedestrians in a driver's blind spot, fails to achieve safe and convenient access to the site, contrary to Policy EC2 of the adopted Local Plan and Government guidance as contained in the National Planning Policy Framework.

B. CERTIFICATES OF PROPOSED AND EXISTING LAWFUL USE OR DEVELOPMENT

(e) 15/0023/CLP – FIVE ACRES GREAT BURCHES ROAD, THUNDERSLEY, BENFLEET, ESSEX (ST PETER'S WARD)

Mr Wallis, the agent for the applicant, spoke in support of the application.

The proposal sought a determination as to the need for planning permission for a single storey, 'L' shaped, detached, part pitched roof, part flat roofed outbuilding. The building would provide a garage, sun lounge and storage room. The applicants considered that the proposal satisfied the requirements of Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 and did not therefore require the further formal consent of the Planning Authority.

Presentation of the application to the Development Control Committee had been requested by Councillor Dick.

The Planning Officer reported that the use of the proposed building had been imprecisely defined but did refer to the inclusion of a sun lounge. Such provision was considered to be primary accommodation, the inclusion of which removed the building from consideration under Class E.

Furthermore, whilst the applicant had sought to demonstrate that the proposed development could meet the conditions and limitations attached to Class E, the applicant had not made the case that the building was, or would be, reasonably required for specifically identified purposes, incidental to the enjoyment of the dwellinghouse as such. The proposed development could not therefore be determined to constitute permitted development under Class E and it was recommended that the Certificate of Lawfulness in respect of the outbuilding be refused.

Resolved - That the Certificate of Lawfulness in respect of the outbuilding be refused for the following reason:

By virtue of the provisions of Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 and Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 and the Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014, it is concluded that the proposed detached outbuilding includes primary living accommodation, in the form of a sun lounge and that the applicant has not demonstrated (on the balance of probability) that the proposed building, as illustrated on the submitted plans 14.2692/P201 Rev A, 14.2692/P202 Rev D, 14.2692/P204 Rev C and 14.2692/P203 Rev B 2nd June 2014 and received by the Planning Authority on 6th February 2015, is reasonably required for purposes incidental to the enjoyment of the dwellinghouse as such and does not therefore constitute permitted development'

(f) 15/0075/CLE – REAR OF 37 THE DALE, THUNDERSLEY, BENFLEET, ESSEX (BOYCE WARD) – USE OF LAND AS GARDEN – MR A DRAPER

Councillor Smith declared a non-pecuniary interest in the above item as he knew the applicant).

Confirmation was sought that the use of the application site as a garden was lawful. The application for a Certificate of Lawfulness had been made on the basis that the use had commenced more than ten years before the date that the application had been made. The application had been received by the Planning Authority on 28th January 2015; therefore the relevant period that the use must be shown to be continuous from was 28th January 2005.

The applicant had stated that the use had begun on 31st December 1979 and had submitted evidence to this effect. A list of the items of evidence received was set out in detail in the report together with the Planning Officer's evaluation of each item. It was stated that the evidence as submitted must demonstrate that on the balance of probability the statement made by the applicant in respect of the use of the land was true.

Following assessment of the evidence the Planning Officer concluded that it was clear that the land the subject of the application was currently used for garden purposes. It was also considered, on the basis of the evidence provided that at least part of the site had been used for garden purposes for in excess of ten years. However, insufficient precise and unambiguous evidence had been submitted to demonstrate that all of the land within the application site had been used for garden purposes for the requisite period. In particular it was not considered that sufficient evidence had been provided to demonstrate that on the balance of probability, the land to the south of the boundary created east-west across the site, adjacent to the telephone box has been used as a garden for the requisite period

Following debate, it was -

Resolved – That the Certificate of Lawfulness is issued in respect of the use of the land as a garden as Members are satisfied from their personal knowledge that the area has been in use as a garden for 10 years.

Chairman

ITEM 1

| | |
|------------------------------------|--|
| Application Number: | 15/0092/FUL |
| Address: | 230 Church Road Benfleet Essex SS7 4PL (St Peter's Ward) |
| Description of Development: | Demolition of an existing bungalow and construction of 8 flats and associated parking |
| Applicant: | Castle Point Development Ltd |
| Case Officer: | Mrs Ishita Sheth |
| Expiry Date: | 29.04.2015 |

Summary

The proposal seeks to demolish the existing dwelling on site and provide 8 No. one bedroomed flats.

It is considered that the proposal would provide a poor form of development with inadequate, inconvenient and dominant parking, inadequate refuse/recycling storage and a poor and cramped setting.

Whilst there is a recognised need for housing within the Borough, this is insufficient to set aside the significant inadequacies with the proposal. The proposal would result in substandard form of development which resulted in detriment to highway safety, the visual amenity of the area and the amenities expected by the future occupiers of the flats.

The proposal is therefore recommended for REFUSAL.

Officers have attempted to engage with the applicant in securing a reduced scheme on the site which might achieve a more favourable recommendation; however the applicant wishes to pursue the current proposal.

Site Visit

It is considered appropriate for Members to visit the site prior to determination of the application.

Introduction

The application relates to a site located on the southern side of Church Road, some 23.5m west of its junction with Kents Hill Road North. The site is regular in shape, having a frontage to Church Road of approximately 24.3m and a maximum depth of 47m.

The site is currently occupied by a detached chalet bungalow with rear and side dormers.

The surrounding forms of development are characterised by a mix of commercial and residential uses in predominately single storey and two-storey forms. A detached bungalow is located to the west of the application site; a semi-detached house is located to the east of the application site. Commercial uses located within an area allocated for employment purposes are located to the north of the application site.

The Proposal

The proposal seeks to demolish the existing detached chalet and provide a two storey, pitched roofed, block of flats with three gabled features and four bay windows to the front elevation.

The proposed block would have a width of some 22.3m, a depth of some 15m and a maximum height of some 8.3m.

The proposed block would provide eight 1-bedroomed flats.

Eight car parking spaces are provided to the front of the proposed block and amenity area is provided to the rear with the ground floor flats having individual gardens and a further communal garden provided to the rear for occupiers of the first floor flats.

Supplementary Documentation

There are no supporting statements or other documentation submitted with the application.

Planning History

CPT/562/13/FUL – Demolition of existing bungalow and construction of 10 No. One bed flats with associated parking and landscaping. Refused on 23rd December 2013 for the following reasons:

1. The proposed development, by reason of its design, height and mass would result in a building of undue scale and prominence, out of character with, and detrimental to, the visual amenity and character of the surrounding area, contrary to Policies EC2, H13 and H17 of the adopted Local Plan.
2. The proposed front dormers by reason of their scale and appearance represents poor design which would result in an unattractive and obtrusive feature in the roofspace and would fail to promote local distinctiveness contrary to RDG7 of the Residential Design Guidance and National Guidance as contained within the National Planning Policy Framework.
3. The proposal by reason of its depth, mass and bulk would create an overdominant and visually intrusive form of development which, if implemented, would result in significant detriment to the residential amenity the occupiers of the immediate neighbouring properties should reasonably expect to enjoy, contrary to RDG3 of the Residential Design Guidance.
4. The proposal fails to demonstrate the provision of adequate safe and convenient on-site parking provision for the proposed flats and if implemented it is considered that the proposal could result in an increase in on-street parking to the detriment of local amenity, highway safety and traffic flows in Church Road contrary to Policy T8 of the adopted Local Plan or unsafe manoeuvring within the site and adjacent highway, to the detriment of highway safety, contrary to Policy EC2 of the adopted Local Plan.
5. The proposal fails to provide adequate amenity space for the proposed flats and would result in a substandard form of development to the detriment of the future occupiers of the flats contrary to Policy H17 of the Council's Adopted Local Plan and RDG6 of the Residential Design Guidance.

6. The proposed first floor layout, due to the provision of windows in the side elevations, would be likely to lead to detrimental overlooking of the adjacent properties to the west at No. 236 Church Road and to the east No. 228 Church Road, leading to loss of privacy and amenity, contrary to RDG5 of the Residential Design Guidance.
7. The proposed layout of the flats at ground and first floor level results in the kitchen area served by only a high level window. By virtue of minimal access to natural light and ventilation to this area, it is considered that the proposal would result in the creation of an oppressive and depressing internal living environment and a poor form of accommodation contrary to Policy EC2 of the adopted Local Plan and Government Guidance as contained in NPPF.
8. The proposal has failed to demonstrate the provision of adequate refuse and recycling facilities to cater for the occupiers of the proposed development resulting in a poor form of development contrary to Policy H17 of the Council's Adopted Local Plan and RDG13 of the Residential Design Guidance.
9. The proposal by reason of the proposed vehicular access into the rear of the site, would, if implemented, result in the generation of increased noise and general disturbance in close proximity to the adjoining property to the east No. 236 Church Road and to the neighbouring dwellings to the rear, to the detriment of the residential amenity of these occupiers, contrary to EC3 of the Council's Adopted Local Plan and Government guidance as contained in paragraph 64 of the National Planning Policy Framework (NPPF).
10. The proposed car parking area to the front of the block of flats, by virtue of its proximity to the living area and bedroom windows of the proposed ground floor flat towards the front of the site to the western side, would be likely to result in undue noise and disturbance to the occupiers of that property, contrary to Policy EC3 of the Council's Adopted Local Plan and Government guidance as contained in paragraph 64 of the National Planning Policy Framework (NPPF).

Local Plan Allocation

Residential

Relevant Policies and Government Guidance

National

National Planning Policy Framework (NPPF)

Castle Point Borough Council Adopted Local Plan 1998

- o EC2 Design
- o EC3 Residential Amenity
- o H13 Location of Development
- o H17 Housing Development – Design and Layout
- o T8 Car Parking Standards

Residential Design Guidance

- o RDG3 Building Lines
- o RDG5 Privacy and Living Conditions

-
- o RDG6 Amenity Space
 - o RDG7 Roof Development
 - o RDG12 Parking and Access
 - o RDG13 Refuse and Recycling Storage

Consultation

Essex County Council – Highway

Does not wish to raise an objection subject to conditions

Refuse and Recycling Officer

This application currently advises that there are to be 4 separate bin areas, this is not suitable. Flat developments like this should have one area to contain the communal bins. The area needs to be large enough to accommodate the following bins, allowing each bin to be removed independently and outward opening doors.

1x 1100 litre bin for refuse

1x 1100 litre bin for pink sack recycling 1x 240 litre bin for food waste 1x 240 litre bin for glass

Concerns about the positions of the bin areas - these should be positioned so that the bins can be removed and pushed down a path a minimum of 1250mm wide, without obstruction or kerb.

Public Consultation

No responses have been received

Comments on Consultation Responses

The conditions recommended by the Highway Authority can be attached to any consent granted.

The issues raised by the Refuse and Recycling Officer will be addressed in the evaluation of the proposal.

Evaluation of Proposal

Principle

Policy H13 of the adopted Local Plan is concerned with the appropriate location of flats and similar accommodation and requires that such development should not adversely affect the amenity of the adjoining residents. Policy H13 states that proposals for flats should be located on, or near, a main road.

Church Road is a main road, and there are two blocks of flats fronting Church Road, some 67m west of the current application site. The principle of flats has therefore already been established in this general area. No objection is therefore raised to the principle of the provision of flats in this location.

Policy H13 also requires proposals not to adversely affect the amenity of adjoining residents or the character of the area by reason of traffic generation and have an adverse effect on the character or appearance of the area. Such schemes must also provide appropriate building lines, setting and space around the building, car parking, access, amenity space and landscaping

provision as well as accord with all other appropriate policies in the Local Plan. These matters will be discussed in the following sections.

Design

Policy EC2 requires a high standard of design in all proposals for new buildings. In particular regard is to be had to the scale, density, siting, design, layout and external materials of any development, which should be appropriate to its setting and which should not harm the character of its surroundings.

Local Plan Policy H17 states that in assessing design aspects of the proposals for housing, the Local Planning Authority will have regard to its adopted Residential Design Guidance.

RDG7 states that the roof design of any development should be compatible with the host dwelling, as well as being informed by the prevailing character of the area and surrounding forms of roof development. The roof either built as new or extended or altered, should be proportionate to the remainder of the dwelling but must not be top heavy, or appear prominent or dominant.

The proposed building is of a design compatible with the character of the surrounding area. The proposed height of the building is greater than the properties within the immediate vicinity of the application site; the bungalow at No. 228 Church Road, to the west of the application site having a maximum height of some 4.9m and the semi-detached house at No. 236 located to the east of the application site having a maximum height of some 7.6m. This height is generally characteristic of the area, with the exception of the dwelling at No. 226, some 10m to the west of the site, which is some 8m in height. In the context created by the dwellings in the immediate vicinity it is not considered that an objection to the proposal based on the height of the building could be sustained on appeal. No objection is therefore raised to the proposal under Policy EC2 of the Council's Adopted Local Plan and RDG7 of the Residential Design Guidance.

RDG3 states that within the existing built up area all new development should be informed by the prevailing building lines to the public realm it faces, however, it must not repeat poor forms of development.

The proposed block of flats would not project forward of the front wall of the neighbouring dwellings to the east and west Nos. 236 and 228 Church Road. It would however sit significantly deeper on the plot. The desire to accommodate flats on this site will of necessity require the provision of parking at the front of the site. Appropriate accommodation of such parking will therefore demand that the building be set back and to this extent it would disrupt the building line that exists on this part of Church Road. It is not however considered that this disruption would necessarily be harmful. Appropriately landscaped and surfaced, it is considered that the setting of the building could positively contribute to the attractive spacious character which exists on this part of Church Road. The disruption of the building line is not therefore seen as a robust objection to the proposal.

The setting of the building relative to its side boundaries is however more problematic. RDG2 states that the space around new development should be informed by the prevailing character of space around dwellings. Where there is a distinct character of development which creates an exceptionally strong pattern development must not result in disruption to this pattern.

RDG2 continues: *'In the case of buildings containing flatsa space equivalent to 25% of the width of the properties should be provided'.*

The proposed building has a width of 22.2m and should therefore be provided with isolation space equivalent to 5.05m. The proposal seeks to provide just 1m of isolation space to each side boundary. This is inconsistent with the guidance and produces a building which unduly dominates its plot, presenting a feature of mean and cramped appearance.

Consideration of the street scene shows that in this location two storey dwellings of more than single dwelling width tend to have the first floors set at least 2.5m from side boundaries. This creates an attractive spacious character which would be marred by the proposed development which seeks to provide first floor accommodation to within 1m of the side boundaries. The proposed development would therefore be inconsistent with the character of the area, to the detriment of the character of the area. An objection is raised accordingly.

Impact on Neighbours

RDG3 also states that any development which would result in excessive overshadowing or dominance to any elevation of an adjoining property will be refused.

The proposal provides an 8.3m high building which would extend some 5.5m beyond the rear wall of No. 236, 1m from the eastern boundary. This level of projection is considered significant and likely to detract from the outlook of the dwelling to the east but given the relative orientation of the properties it is not considered that the proposal will result in such undue dominance or overshadowing to No. 236 Church Road, that a refusal on this basis could be successfully sustained on appeal.

The proposed building would project some 2m beyond the rear wall of the dwelling at No. 228 Church Road. This level of projection is not considered excessive and is unlikely to give rise to dominance or undue overshadowing. No objection is therefore raised to the proposal under this element of RDG3 of the Residential Design Guidance.

All other dwellings are considered too remote from the site to suffer overdominance or overshadowing from the proposal.

RDG5 deals with privacy and living conditions. A distance of 9m is required to be provided between first floor windows and the boundary of the site.

The proposed first floor windows in the front elevation would overlook the highway and would not result in any issues in respect of loss of privacy and overlooking.

The proposed first floor windows in the rear elevation achieve a distance of some 22-27m. These would therefore be in compliance with the requirement and no objection is therefore raised on this basis.

Windows are also proposed in the side elevations at first floor level. These windows do not provide adequate isolation spaces to the side boundaries and could result in issues of privacy and overlooking. Where such circumstances arise, consideration is given to whether a condition can be attached to any consent granted to retain these windows as obscure glazed and fixed shut to mitigate the issues of privacy and overlooking.

The windows in the side elevations serve landing areas. These areas are unlikely to be occupied for any length of time and their obscure glazing and fixing would not adversely impact on the living

environment created within the flats and would mitigate any issues in respect of privacy and overlooking. Subject to such a condition, no objection is raised to the proposal under RDG5.

Parking and Access Implications

Policy EC2 states that all proposals need to ensure that all modes of movement are made safe and convenient.

RDG12 provides design guidance for parking in residential areas and states that the provision of all forms of parking must not dominate the public realm. It states that all parking provision should be sited so as not to have an adverse impact on visual or residential amenity.

Access to all forms of development must be safe and convenient for all users, and the design, size, orientation and location of parking spaces should enable the spaces to be utilised conveniently and must not deter vehicles from using them.

Where the provision of in-curtilage surface parking for dwellings is visible in the public realm it should be interspersed and mitigated with suitable landscaping and boundary treatment.

Policy T8 of the current Local Plan requires off-street parking to be provided in accordance with the County Parking Standards Design and Good Practice September 2009 which is consistent with paragraph 39 of the NPPF. The standards require one space for each one bedroomed dwelling and 0.25 visitor spaces for each dwelling.

The proposal would require a minimum of eight spaces for the occupiers and two for visitors to the flats, resulting in a need for ten new spaces.

The proposal seeks to provide 8 car parking spaces to the front of the proposed block.

The proposal is therefore deficient in the parking provision by some 2 spaces. However, given that the site is located on a public transport route and in close proximity to local shopping and educational facilities, it is not considered that a reason for refusal based on inadequate visitor parking would be supported on appeal.

The proposed parking spaces are shown to the front of the proposed block. Six of these are located parallel to the highway and two are located perpendicular to the highway at either end of the site frontage. Out of the six parallel parking spaces, concerns are raised in respect of the two located closest to the highway.

It is considered that the location of these parking spaces is such that they would be awkward to access and would require manoeuvring in close proximity to the access to the site in order to allow exit in forward gear. Such manoeuvring would be likely to prevent other vehicles attempting to access the site and could result in vehicles waiting on the highway, to the detriment of traffic flows on this busy local distributor.

Furthermore location of the parking spaces in such close proximity to the highway boundary precludes the provision of a visibility sight splay. The proposal therefore represents a potential danger to pedestrians on the adjoining footway. .

The parking spaces provided perpendicular to the highway are considered to represent an even greater threat to local pedestrians. By virtue of the layout of the proposed car parking area neither

space is provided with any sight splays. Egress from these spaces would place vehicles in potential conflict with pedestrians on the adjoining footway. The proposed parking layout does not therefore represent a safe and convenient layout and an objection is raised accordingly.

The proposed parking layout results in the entire frontage of the site being used for parking purposes, resulting in a car dominated frontage to the detriment of the public realm.

Whilst it is recognised that other dwellings along Church Road have hardsurfaced frontages, these are more limited in size and as a consequence of serving a lesser quantum of development are considered unlikely to be occupied to the level envisaged in the proposed scheme. It is not considered that the hardsurfaced frontage of adjoining properties creates a precedent for the wholesale hardsurfacing of the front of the application site.

RDG12 clearly states that communal areas of parking must incorporate elements of suitable landscaping, in order to soften their impact. The proposal includes the provision of short lengths of hedging along the eastern and western boundaries. This is insufficient to soften the impact of the parking area on the street scene. An objection is therefore raised accordingly.

Whilst it is noted that the Highways Authority has raised no objection to the proposal on the basis of highway safety, this is insufficient to outweigh the Planning Authority's concerns in this matter.

Residential Amenity

Policy EC3 is concerned with residential amenity. It states that development proposals which would have a significant adverse effect upon the residential amenity of the surrounding area by reason of traffic, noise, fumes or other forms of disturbance will be refused.

This is generally consistent with paragraph 120 of the NPPF which requires development to be appropriate for its location and to take into account the effects of the development on general amenity. Paragraph 123 of the NPPF requires development to be designed in order to avoid noise giving rise to significant adverse impacts on health and quality of life.

It should be noted that the proposed flats at ground floor level have bedroom windows located in the front elevation. The proposed parking area to the front of the proposed block is located directly to the front of these windows in close proximity to the proposed residential units. It is considered that such an arrangement could result in undue noise disturbance to the occupiers of these properties. However it is noted that the spaces closest to the building are allocated to the flats closest to the spaces. Under these circumstances it is considered that the occupiers of the flats would have an element of control over vehicular activity in close proximity to their flats. Under these circumstances it is not considered that an objection based on disturbance of occupiers could be sustained on appeal.

Other Matters

RDG6 states that amenity space should cater for all the outdoor needs of all occupiers and that development involving flats require an amenity space of 8m² per habitable room, with a minimum of 25m². This area must be a useable shape, provide safe and convenient access for all, be orientated to provide good levels of daylight throughout the day and should not be steeply sloping.

The proposal seeks to provide 8 one bedroomed flats, each with two habitable rooms. These would require some 200m² of amenity area.

The proposal seeks to provide individual amenity areas of some 38-50m² to the ground floor flats rear of the proposed block. A communal garden is also proposed to the rear of these gardens, having an area of some 412m². The proposal therefore provides adequate amenity area for the development proposed. No objection is therefore raised to the proposal under RDG6.

RDG13 requires all forms of residential development to be provided with safe, adequate and suitable means of refuse and recycling storage for all occupiers.

The provision of refuse and recycling facilities taking the form of free standing structures must make a positive contribution to the streetscape, and must be of a design, material, scale, roof pitch and detailing which integrates with or complements the dwelling. All communal waste collection points and waste storage facilities should be provided with suitable landscaping and screening. Access to and from waste collection points and storage facilities must be clear, flat and unobstructed.

The proposal seeks to provide bin stores to the front of the proposed block, along the eastern and western boundaries of the application site. The Refuse and Recycling Officer has commented that the bin stores need to be located in one area only and of specific sizes. This is not accommodated within the current scheme and represents an objection to the proposal.

No specific details have been provided in respect of the design or materials to be used on the bin stores or the enclosure or landscaping to the proposed bin stores. An objection is therefore raised under RDG13 of the Residential Design Guidance.

Conclusion

The proposal would provide a poor form of development with inadequate setting resulting in a development of mean and cramped proportions and inconsistent with the character and appearance of the area, inconvenient, potentially dangerous and dominant parking and inadequate and inappropriate refuse/recycling facilities.

Whilst there is a need for housing within the Borough, this is insufficient to set aside the significant inadequacies with the proposal. The proposal would result in substandard form of development which resulted in detriment to highway safety and the visual amenity and character of the area.

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 **Refusal** for the following reasons:

- 1 The proposal fails to demonstrate the provision of safe and convenient on-site parking provision for the proposed flats and if implemented it is considered that the proposal would result in increased manoeuvring within the site, in close proximity to the main access to the site, to the potential detriment of highway safety and traffic flows on the adjoining Church Road, contrary to Policy EC2 of the adopted Local Plan and Government guidance as contained in the National Planning Policy Framework.
- 2 The proposal has failed to demonstrate the provision of appropriate and adequate refuse and recycling facilities to cater for the occupiers of the proposed development resulting in a poor

form of development contrary to Policy H17 of the Council's Adopted Local Plan and RDG13 of the Residential Design Guidance.

- 3 The proposed development, by virtue of the car parking arrangement presents an unattractive and car dominated frontage to Church Road, to the detriment of the character and appearance of the area, contrary to Policy EC2 of the Council's Adopted Local Plan and RDG12 of the Residential Design Guidance.
- 4 The proposed parking spaces provided perpendicular to the highway are not provided with adequate sight splays. As such it is considered that vehicles exiting these spaces would represent a danger to local pedestrians contrary to Policy EC2 of the Council's Adopted Local Plan and RDG12 of the Residential Design Guidance.
- 5 The proposed development, by virtue of the proximity of the building to the side boundaries, represents overdevelopment of the site, resulting in a building of mean and cramped appearance, in a poor setting, out of character with, and detrimental to the more open and spacious setting of adjoining dwellings. As such the proposal is considered to represent a poor form of development, contrary to Policy EC2 of the adopted Local Plan, RDG2 of the adopted Residential Design Guidance and Government guidance as contained in the National Planning Policy Framework.

Informatives

- 1 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.

ITEM 2

| | |
|------------------------------------|--|
| Application Number: | 15/0116/FUL |
| Address: | 157 Benfleet Road Thundersley Benfleet Essex SS7 1QG (Boyce Ward) |
| Description of Development: | Roof extension and balcony to rear |
| Applicant: | DAP Architecture |
| Case Officer | Mr Keith Zammit |
| Date of Expiry | 05.06.2015 |

Summary

The proposal is for extensions to a dwelling within the Green Belt. The current scheme seeks to amend an earlier approved proposal for a two storey rear extension by providing further accommodation in an extended roofspace.

Assessment of the scheme has revealed that the extensions would lead to a disproportionate enlargement of the dwelling, contrary to Green Belt policy. It is therefore recommended that permission be REFUSED.

The application is presented to the Committee at the request of Councillor Norman Smith in order that the effect of the development on the Green Belt and surrounding area may be assessed.

Site Visit

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

Introduction

The application property is a detached two storey house with an attached triple garage and pool room located on the south side of Benfleet Road. It stands on a plot of approximately 0.5ha.

The Proposal

Permission is sought for a revised scheme of extensions to the property to include a roof extension over a previously approved two storey rear extension. It would have a depth of some 6.8m, a width of some 7.7m with a balcony to the rear. The proposed roof is to be covered in standing seam zinc.

Supplementary Documentation

There are no supporting statements or other documentation submitted with the application.

Planning History

June 1990 – outline permission granted for one detached dwellinghouse (CPT/1442/89)

June 1991 – reserved matters approved for one detached five bed roomed house with attached triple garage and swimming pool enclosure

June 2014 – permission granted for two storey rear extension and balcony (14/0008/FUL)

Relevant Government Guidance and Local Plan Policies

National Planning Policy Framework – paragraphs 87-89

Current Local Plan

GB5 – Extensions to dwellings (in the Green Belt)

Residential Design Guidance

RDG7 – Roof development

Consultation

No statutory consultees notified of this application

Public Consultation

No response to neighbour notification

Evaluation of Proposal

The proposal raises no issues of neighbour impact, car parking or amenity space provision. The main issues here are whether the proposal would be of an acceptable design and whether it would have an acceptable impact in terms of Green Belt Policy.

The Council's Residential Design Guidance states at RDG7 that the roof design of any development should be compatible primarily with the dwelling but should also be informed by the prevailing character of the area and surrounding forms of roof development. Features such as dormers should be ancillary within the roofscape and should not dominate it. The materials used for roof development should integrate with or complement primarily the dwelling, but also those present in the surrounding streetscene.

The proposed roof extension would be a flat roofed feature that would be finished in a zinc standing seam roof covering. This would represent a modern intervention to what is otherwise a traditionally designed dwelling. Whilst in design terms the proposed roof extension is considered to be inconsistent with the style and character of the existing dwelling, the roof is located to the rear of the property and would not be highly visible in the street scene. As such it is not considered that a reason for refusal on the basis of this element of the design could be sustained on appeal. No objection is therefore raised to this element of the proposal.

The ground and first floor elements of the rear extension would not raise any design issues not considered previously. Overall, no objection is raised to the proposal on design grounds.

The National Planning Policy Framework (NPPF) states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Local planning authorities should regard the construction of new buildings as inappropriate in Green Belt unless the proposed development falls within one of a number of specified exceptions, which includes the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building.

Policy GB5 of the Local Plan requires proposals for extensions to dwellings to satisfy the following criteria:

- o the scale, character and original form of the existing dwellinghouse shall not be impaired
- o the proposed extension shall not be of undue prominence
- o the proposed extension shall not have an adverse impact on the appearance or character of that part of the Green Belt

- o the proposed extension shall be sympathetic in terms of scale, form, design, height and materials to the existing dwelling and its surroundings
- o a high quality of design will be expected for all extensions
- o the height of any new pitched roof shall harmonise with the lines and form of the original dwelling
- o a minimum side isolation space of 3m shall be maintained between all flank walls of any built structure and the plot boundary

These requirements are consistent with the provisions of paragraph 89 of the NPPF.

The assessment of the proposal in the context of national Green Belt policy centres on whether or not the proposed extension would result in disproportionate additions over and above the size of the original building. The local planning authority has design guidance within Appendix 2 to its Local Plan which states that a reasonable extension to a dwelling is defined as any permitted development rights that the property may have had (based on the permitted development rights for householders as they stood prior to 1st October 2008) plus a further 25m³ to cater for changing family needs. It is noted that the October 2008 changes to householder permitted development rights largely removed the volume limitations placed upon additions to dwellings and replaced them with a series of dimensional criteria designed to limit the impact of extensions on adjacent residents. Whilst the General Permitted Development Order no longer refers to volume, the NPPF requires that an assessment be made of whether proposed extensions would result in disproportionate additions to a dwelling and a volume-based approach is considered reasonable in this assessment.

The property was built pursuant to planning permission granted in the early 1990s with a volume of some 2,267m³. Permitted development rights prior to 1st October 2008 allowed for extensions of 70m³ or 15%, up to a maximum of 115m³. For this property, the 115m³ limit is relevant. With the addition of an extra 25m³ which the local planning authority allows to cater for changing family needs, a figure of 140m³ is reached as a 'reasonable extension' to the dwelling.

The previously agreed extension had a volume of some 158m³. This was marginally over the figure for 'reasonable' extensions.

The proposed roof extension would have a volume of some 90m³ and even taking into account some existing/approved roof volume that would be removed; the proposal would result in aggregate additions to the property totalling some 225m³, 85m³ more than is considered reasonable and proportionate for this property.

The proposed extension is considered to result in disproportionate additions over and above the size of the original building, and thus would not fall within the list of exceptions to inappropriate development as cited at paragraph 89 of the NPPF.

Paragraph 87 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The applicant has not advanced any circumstances that might be considered to amount to the very special circumstances necessary to justify inappropriate development in the Green Belt. An objection is therefore raised to the proposal on the grounds that it would be harmful to the Green Belt by reason of inappropriateness and would harm the openness of this part of the Green Belt, by creating a larger and more massive dwelling.

The proposed extension would not conflict with any of the requirements of Policy GB5. There may be some debate about whether the extension is sympathetic in terms of scale, form, design and materials, however as has been previously stated, a modern intervention is not considered to be so detrimental to the character and appearance of the property or surrounding area in this particular instance, that a reason for refusal on this basis is considered capable of being sustained on appeal.

Conclusion

The proposed development would result in disproportionate additions to an existing dwelling contrary to the aims of maintaining the openness of the Green Belt and protecting it from inappropriate development, as set out in national guidance.

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 **Refusal** for the following reasons:

- 1 The proposed development would result in disproportionate additions over and above the size of the original building, amounting to inappropriate development within the Green Belt. The harm to the Green Belt by reason of inappropriateness, together with the ensuing harm to openness, would not be outweighed by any very special circumstances and the proposal would be contrary to the provisions of the National Planning Policy Framework.

Informatives

- 1 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.