

Reference: 16/00361/FUL	Site: 6 Tennyson Avenue Grays Essex RM17 5RG
Ward: Grays Thurrock	Proposal: Conversion of existing 5 bedroom house to 3 one bedroom apartments

Plan Number(s):		
Reference	Name	Received
1197 01 P1	Existing Elevations, Floor Plans & Location Plan	14 March 2016
1197 02 P2	Proposed Elevations, Floor Plans & Location Plan	14 March 2016

The application is also accompanied by: Design and Access Statement	
Applicant: Mr & Mrs Sherriff	Validated: 14 March 2016 Date of expiry: 27 May 2016 (time extension)
Recommendation: To refuse	

This application has been called-in to Planning Committee by Members to consider the application in relation to local planning policy.

1.0 DESCRIPTION OF PROPOSAL

- 1.1 This application seeks planning permission for the redevelopment of the existing 5 bedroom house into 3 x 1 bedroom apartments with shared landscaped and parking spaces.

- 1.2 The only changes proposed are the removal of the rear garage door and the replacement of the 'up and over' front garage door with a roller shutter door and the provision of two roof lights in the front roof slope and two roof lights in the rear roof slope.

- 1.3 A shared amenity area of 72sq.m. is proposed to the rear of the building for the 3 flats. Four parking spaces would be provided to the rear of the property, accessed

through the existing garage which is shown to be made open. There would also be two parking spaces provided to the front of the property. A refuse storage area is proposed to the front of the site.

- 1.4 The building to the rear, which was previously constructed as an annexe is to remain with no changes. Amenity space for this building already exists.

2.0 SITE DESCRIPTION

- 2.1 The site is located to the eastern end of Tennyson Avenue adjacent to Piggs Corner Residential Home. The site presently comprises a 5 bedroom house which has been extended. There is also a self-contained family annex at the rear of the garden.

3.0 RELEVANT HISTORY

Reference	Description	Decision
06/00037/FUL	Two storey side and rear extension and ground floor rear extension.	Approved
11/00343/HHA	Detached two bedroom family annexe in rear garden	Approved
12/00537/NMA	Removal of window from bedroom to bathroom, and move skylight from bathroom to bedroom	Approved

4.0 CONSULTATIONS AND REPRESENTATIONS

- 4.1 Detailed below is a summary of the consultation responses received. The full version of each consultation response can be viewed on the Council’s website via public access at the following link:

www.thurrock.gov.uk/planning

PUBLICITY:

- 4.2 The application has been advertised by way of neighbour letters and a site notice. Thirteen objections have been received raising the following concerns:

- Impact on character of the area;
- Accessibility;
- Increased traffic;
- Usability of the parking spaces;
- Overlooking;
- Increased noise and disturbance;
- Annexe building – use was conditioned for family only;
- Intensification of the site;
- Precedent;
- Proximity to Piggs Corner Residential Home;

HIGHWAYS:

4.3 No objection.

ENVIRONMENTAL HEALTH:

4.4 No objection subject to conditions.

5.0 POLICY CONTEXTNational Planning Policy Framework

5.1 The NPPF was published on 27th March 2012. Paragraph 13 of the Framework sets out a presumption in favour of sustainable development. Paragraph 196 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

5.2 The following headings and content of the NPPF are relevant to the consideration of the current proposals.

1. Building a strong, competitive economy
6. Delivering a wide choice of high quality homes
7. Requiring good design

Planning Practice Guidance (PPG)

5.3 In March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPF was launched. PPG contains 42 subject areas, with each area containing several sub-topics. Those of particular relevance to the determination of this planning application comprise:

- Design;
- Planning obligations and;
- The use of planning conditions.

Local Planning PolicyThurrock Local Development Framework

5.4 The Council adopted the "Core Strategy and Policies for the Management of Development Plan Document" in December 2011. The following Core Strategy policies apply to the proposals:

Thematic Policies:

- CSTP22 Thurrock Design
- CSTP23: Thurrock Character and Distinctiveness²

Policies for the Management of Development:

- PMD1: Minimising Pollution and Impacts on Amenity²
- PMD2: Design and Layout²
- PMD8: Parking Standards³
- PMD12: Sustainable Housing and Locations

[Footnote: 1 New Policy inserted by the Focused Review of the LDF Core Strategy. 2 Wording of LDF-CS Policy and forward amended either in part or in full by the Focused Review of the LDF Core Strategy. 3 Wording of forward to LDF-CS Policy amended either in part or in full by the Focused Review of the LDF Core Strategy].

Focused Review of the LDF Core Strategy

- 5.5 This Review was commenced in late 2012 with the purpose to ensure that the Core Strategy and the process by which it was arrived at are not fundamentally at odds with the NPPF. There are instances where policies and supporting text are recommended for revision to ensure consistency with the NPPF. The Review was submitted to the Planning Inspectorate for independent examination in August 2013. An Examination in Public took place in April 2014. The Inspector concluded that the amendments were sound subject to recommended changes. Thurrock Council adopted the Core Strategy and Policies for Management of Development Focused Review: Consistency with National Planning Policy Framework on 28 January 2015.

Draft Site Specific Allocations and Policies DPD

- 5.6 This Consultation Draft "Issues and Options" DPD was subject to consultation commencing during 2012. The Draft Site Specific Allocations DPD 'Further Issues and Options' was the subject of a further round of consultation during 2013. The application site has no allocation within either of these draft documents. The Planning Inspectorate is advising local authorities not to continue to progress their Site Allocation Plans towards examination where their previously adopted Core Strategy is no longer in compliance with the NPPF. This is the situation for the Borough. Thurrock Core Strategy Position Statement and Approval for the Preparation of a New Local Plan for Thurrock
- 5.7 The above report was considered at the February meeting 2014 of the Cabinet. The report highlighted issues arising from growth targets, contextual changes, impacts of recent economic change on the delivery of new housing to meet the Borough's Housing Needs and ensuring consistency with Government Policy. The report questioned the ability of the Core Strategy Focused Review and the Core Strategy 'Broad Locations & Strategic Sites' to ensure that the Core Strategy is up-to-date and consistent with Government Policy and recommended the 'parking' of these

processes in favour of a more wholesale review. Members resolved that the Council undertake a full review of Core Strategy and prepare a new Local Plan.

6.0 ASSESSMENT

6.1 The principal issues to be considered in this case are:

1. Plan designation and principle of development
2. Design and relationship of development with surroundings
3. Access and parking
4. Infrastructure Improvements and Affordable Housing

1. PLAN DESIGNATION AND PRINCIPLE OF DEVELOPMENT

6.2 The site is within a residential area in Grays and presently comprises a single dwellinghouse with an annexe. Therefore, the principle of further residential use of this site could be acceptable subject to other policy criteria being met.

2. DESIGN AND RELATIONSHIP OF DEVELOPMENT WITH SURROUNDINGS

6.3 Policy PMD1 of the Core Strategy states that development will not be permitted where it would have an unacceptable impact on the amenity of neighbouring occupiers.

6.4 Policy PMD2 of the Core Strategy requires that all design proposals should respond to the sensitivity of the site and its surroundings and must contribute positively to the character of the area in which it is proposed and should seek to contribute positively to local views, townscape, heritage assets and natural features and contribute to the creation of a positive sense of place.

6.5 Policy CSTP22 of the Core Strategy indicates that development proposals must demonstrate high quality design founded on a thorough understanding of, and positive response to, the local context.

6.6 Whilst there are limited changes the building itself which would not be harmful, the effect of the departure from the predominant family housing in the area would negatively affect the character of the area. This is due to the intensification in use of the site and the effect this increased activity would have to the surrounding area. Accordingly, the proposed development is considered to be contrary to Policies PMD2 and CSTP22 of the Core Strategy and the relevant criteria in the NPPF.

6.7 The proposed flats all exceed the minimum internal floor standards required in Annex 2 of the Local Plan.

6.8 The development would make provision for communal amenity space for the future occupiers of the flats. On the basis that 3 x 1 bedroom flats are proposed a minimum of 75sqm of usable private amenity space should be provided to meet policy. Whilst the plans indicate a marginally substandard area of 72sq.m., it is not

considered that a reason for refusal could be substantiated given the only marginal gap in provision.

- 6.9 There is a building to the rear of the site which was approved as a family annexe with a condition stating it would only be used in conjunction with the main house. This was because the creation of two separate dwellings on the site was considered to be undesirable. This building has been termed a “bungalow” within the Design and Access statement. This further compounds the concerns over the intensification in use of the site.
- 6.10 Given the proposed use is for an increase to four separate residential properties, the proposal would result in an increased use of the land which would impact the surrounding area due to the increase of one household into four within the site. There would be an increase in noise, traffic and general activity. Therefore the proposal contravenes Core Strategy Policy PMD1.
- 6.11 In addition, the introduction of a primary unit of accommodation to the end of the garden of the original dwelling is out of character with the surroundings. The proposal therefore fails to demonstrate a thorough understanding of the local context, contrary to Core Strategy policies PMD2 and CSTP22.
- 6.12 The proposal includes the introduction of a kitchen at first floor level in a room that was previously a bedroom on the side with the adjoining semi-detached property No 8 Tennyson Avenue. This would introduce increased activity in a room that was previously a bedroom. Part (v) of Annex 2 of the Local Plan states that “*where the property is situated close to the common boundary with another dwelling, there shall be no overlooking to the rear gardens of that neighbour from first floor kitchen/dining or main living areas*”. The provision of a kitchen on the side with the shared boundary would be contrary to that part of the Annex and would result in a loss of privacy and amenity to the adjoining occupiers.

3. ACCESS AND PARKING

- 6.13 The proposal would increase the use of the existing crossover. There has been no objection to the proposed extension of the crossover by the Council’s Highways Officer.
- 6.14 Policy PMD2 of the Core Strategy indicates that all development should allow safe and easy access while meeting appropriate standards. The proposal offers the required number of parking spaces in the Draft Thurrock Parking Standards 2012. There are six parking spaces proposed on the plan.
- 6.15 However, four of the parking spaces which are proposed in what is the present rear garden of the property are slightly deficient in length (4.8m compared to the 5m required). Additionally, the layout of these parking spaces would result in vehicles manoeuvring in and around the area recognised as private garden area in close proximity to the private amenity space of 8 Tennyson Avenue. As a result of the introduction of activity not normally seen in residential gardens the proposal is

considered to be detrimental to the privacy and amenity of the occupiers of No 8 Tennyson Avenue. Therefore, it is not considered these four parking spaces in the rear garden are acceptable due to the layout and effect on the amenity of the occupiers of 8 Tennyson Avenue contrary to Core Strategy Policies PMD1 and PMD2.

4. INFRASTRUCTURE IMPROVEMENTS AND AFFORDABLE HOUSING

- 6.16 Policy PMD16 of the Core Strategy indicates that where needs would arise as a result of development; the Council will seek to secure planning obligations under Section 106 of the Town and Country Planning Act 1990 and any other relevant guidance. The proposal is for a small scale development and no infrastructure requirements have been identified arising from this development at this time. Accordingly, it is not considered necessary for an s.106 contribution in this instance.

7.0 CONCLUSIONS AND REASON(S) FOR REFUSAL

- 7.1 The application site lies within a residential area with no formal allocation. Therefore the principle of residential development is considered to be acceptable.
- 7.2 Concern however exists in relation to the intensification of use of the site within this predominantly family housing area. The four proposed parking spaces within the present rear garden of the property would cause unacceptable harm to the amenities of 8 Tennyson Avenue, as the parking spaces are adjacent to the fence of their rear garden. The intensified use of the site would be contrary to Policies PMD1 and PMD2 of the Core Strategy.
- 7.3 The overall design of the proposed development would also be unacceptable, leading to a significant increase in households at the site. Whilst there are limited changes externally to the building, there would be a considerable increase in general activity. This would be to the detriment of the character and amenities of the area and failing to achieve a high standard of layout contrary to Core Strategy Policies PMD2 and CSTP22 of the Core Strategy and the relevant criteria in the NPPF.

8.0 RECOMMENDATION

- 8.1 Refuse for the following reason(s):

Reason(s):

1. Policy PMD1 of the Core Strategy states that development will not be permitted where it would have an unacceptable impact on neighbouring properties amenity.

Policy PMD2 of the Core Strategy requires that all design proposals should respond to the sensitivity of the site and its surroundings and must contribute positively to the character of the area in which it is proposed and should seek to contribute positively to local views, townscape, heritage assets and natural features and contribute to the creation of a positive sense of place.

Policy CSTP22 of the Core Strategy indicates that development proposals must demonstrate high quality design founded on a thorough understanding of, and positive response to, the local context.

Part (v) of Annexe 2 of the Thurrock Borough Local Plan 1997 states that “where the property is situated close to the common boundary with another dwelling, there shall be no overlooking to the rear gardens of that neighbour from first floor kitchen/dining or main living areas”.

Section 7 of the NPPF sets out the need for new development to deliver good design. Paragraph 57 specifies that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Paragraph 61 states that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic consideration.

The proposal would result in four separate dwellings on the site; three in the main building and a fourth in the rear garden, using the existing structure which was previously constructed as an annexe.

- i) The result of the intensification of use would be departure from the predominant family housing in the area which would negatively affect the character of the area to the detriment of the character of the area contrary to policies PMD2 and CSTP22 of the Core Strategy and the relevant criteria in the NPPF
- ii) The use of the building to the rear of the site as a separate dwelling would introduce a primary use to the end of the garden of the original dwelling which is entirely out of character with the surrounding pattern of development resulting in an intensive use of the site, symptomatic of the overdevelopment which would be harmful to the character, appearance and amenities of the area and local context, contrary to Core Strategy policies PMD2 and CSTP22.
- iii) The proposal to use part of the area to the rear of the building for four parking spaces would result in vehicles parking and manoeuvring in an area previously used as garden, directly adjacent to the garden of No 8 Tennyson Avenue. The vehicle movements and associated activity would be detrimental to the privacy and amenities presently enjoyed by the occupiers of No 8 Tennyson Avenue contrary to Policies PMD1, PMD2 and CSTP22 of the Core Strategy.
- iv) The proposal to locate a kitchen on the first floor on the side with No 8 Tennyson Avenue would result in overlooking of the private garden area of No 8 to the detriment of the privacy and amenity of the occupiers therein, contrary to Annexe 2 of the Local Plan.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

www.thurrock.gov.uk/planning

