



Policy SAT 8 requires shopfronts to be designed to complement the style and proportions of the affected building, and to those adjoining it. It is considered that the proposal would be complementary to the existing building and adjacent units such that the proposal is in accordance with the policy. With respect to the impact on the Conservation Area it is noted that the Conservation Areas Adviser considers the aluminium shopfront would have little or no significant impact on the character and appearance of the CA.

It is considered that the proposed shopfront would be an appropriate replacement for a shopfront within this central location and Conservation Area.

**Representations:**

RAYLEIGH TOWN COUNCIL - Object to the application as it is in the conservation area and does not conform to SAT 8.

ECC HIGHWAYS - De minimis.

ECC HISTORIC BUILDINGS/CONSERVATION AREAS - While the shop is in a conservation area, the existing shopfront appears to be of relatively modern origin and is of little architectural merit. I would not be opposed to its replacement and I consider that the proposed aluminium shopfront would have little or no significant impact on the character and appearance of the CA.

APPROVE

- 1 SC4B – Time Limits Full Standard
- 2 The external facing materials (including for windows and doors) to be used in the construction of the development hereby permitted shall be those materials specified on the application form date stamped 15th December 2011 submitted in relation to the development hereby permitted, unless alternative materials are proposed. Where alternative materials are to be used, no development shall commence before details of those alternative external facing (including windows and doors) to be used in the development have been submitted to and approved in writing by the Local Planning Authority. Where materials other than those materials specified on the application form date stamped 15th December 2011 are agreed in writing by the Local Planning Authority, the materials agreed shall be those used in the development hereby permitted.

## Relevant Development Plan Policies and Proposals:

SAT8, of the Rochford District Council Adopted Replacement Local Plan as saved by Direction of the Secretary of State for Communities and Local Government in exercise of the power conferred by paragraph 1(3) of schedule 8 to the Planning and Compulsory Purchase Act 2004. (5th June 2009)

CP2 of the Rochford District Council Core Strategy 2011

The local Ward Member(s) for the above application is/are Cllr A Priest Cllr. Mrs M J Webster

---

Application No :	11/00626/FUL	Zoning: Residential
Parish :	Rayleigh Town Council	
Ward :	Grange	
Location :	12 Eastcheap Rayleigh Essex	
Proposal :	Demolish Existing Dwelling and Construct Two Detached Two/Three Bedroomed Bungalows on Rear Part of the Site with Access from Eastcheap	

### NOTES

This application was reported on Weekly List No. 1114 for the week ending 23rd December 2011 but was withdrawn from consideration by officers following further representations regarding the site dimensions at the rear.

In response to officers questions of clarification of the site size and ownership the applicant has revised the block plan on 16th January 2012 to show a fence and land at the rear of the plot adjacent Willow Close not part of the application, and to revise the position of the red line ownership on the western boundary, again at the rear of the plot.

The application is presented again with revisions to the previous report taking into account the new information shown on the revised block plan and measurements taken by officers on the site.

Planning permission is sought to demolish the existing dwelling and construct two detached two/three bed roomed bungalows on the rear part of the site with access from Eastcheap.

The site to which this application relates is located within the residential envelope of Rayleigh. The plot is located 35m east of the junction with Willow Drive on the northern side of Eastcheap. The existing dwelling on site was constructed in approximately 1924 and is located within a plot of about 0.1425ha.

The plot extends from Eastcheap at the southern boundary almost to Willow Close on the northern boundary. The site has recently been cleared and close boarded fencing erected on the north, east and western boundaries. The original bungalow has also now been demolished.

The street scene of Eastcheap presents predominately bungalows and chalet style properties. This is also the case in Willow Drive and Willow Close. Immediately adjoining the site to the west no. 14 Eastcheap is a bungalow and to the east No. 10 Eastcheap is a house.

#### Relevant Planning history

##### Site of No. 12 Eastcheap

###### Application No. 09/00356/FUL

Demolish existing dwelling and construct one detached six bed roomed house to front of site and two detached four bed roomed houses at rear. Construct access drive, turning area and detached garages and parking area.

Permission refused 20th August 2009 for reasons of overdevelopment, not in keeping with the street scene, scale mass and bulk of the proposed houses detracting from Willow Close and Eastcheap.

Appeal dismissed 31st March 2010.

###### Application no. 10/00579/FUL

Demolish existing dwelling and construct one detached four bed roomed chalet to front onto Eastcheap and two detached three bed roomed chalets at rear of site with access drive from Eastcheap, turning area and detached garage.

Permission granted on 30th December 2010

###### Application no. 11/00395/FUL

Demolish existing dwelling and construct one Detached 4 bed roomed chalet style house with integral garage to plot fronting Eastcheap. Permission granted 14th September 2011.

###### Application No. 11/00399/FUL

Demolish the existing dwelling and construct one detached three bed roomed chalet with integral garage and one 4 bed roomed detached chalet with integral garage on plots 1 and 2 on land to the rear of no. 12, with access from Eastcheap. Permission granted 15th September 2011

Of further relevance is the history of the adjoining property to the east (R/O no. 10):

###### Application No. 90/00233/OUT

Outline application to erect detached 5 bed chalet with integral - Permission Granted

Application No. 93/00207/FUL

One pair of semi detached houses with integral garages - Permission Refused

Application No. F/0024/94/ROC

Two detached houses linked by integral garages - Permission Granted

Application No. 10/00335/FUL

Erect four bed roomed bungalow with double garage and forecourt car parking. Construct new vehicular crossover from Willow Close. Erect brick piers and access gates. Permission granted 9th August 2010.

## THE PROPOSAL

The proposal in this latest application is to demolish the existing dwelling (no.12 Eastcheap) and construct two detached two/three bed roomed bungalows with access from Eastcheap. It should be noted that the original bungalow (no.12) has already been demolished and the new dwelling the subject of planning permission 11/00395/FUL set out in the history above is under construction .

The site is located within an area annotated as existing residential development. The use of the site for residential purposes as proposed is therefore the most appropriate use in planning terms. Policy H1 of the Core Strategy specifies that in order to protect the character of existing settlements the Council will resist the intensification of smaller sites within residential areas. Limited infilling will be considered acceptable, provided it relates well to the existing street pattern, density and character of the locality. Although this proposal does intensify the site/area, given the history of the site and that a similar development has an extant planning permission; it is not thought reasonable now to object to the application on the basis of intensification.

The three previous applications 09/00356/FUL, 10/00579/FUL and 10/00399/FUL and the Inspector's findings of the appeal for 09/00356/FUL are a material consideration to be given weight in the assessment of this application. In dismissing the appeal the Inspector considered the redevelopment to be acceptable in principle but refused permission due to the scale and bulk of the detached dwelling fronting Eastcheap in relation to the property at no.10. The Inspector noted that the two properties to the rear of the site were to a different design than those properties in Willow Drive/Close and the relationship between the new and existing was less than ideal because the dwellings would not be an integral part of the Close even though they would be next to it. Notwithstanding this he considered that the separation of the dwellings and the more open aspect of the area would reduce the impact of the dwellings on the street and that these concerns did not warrant refusing the application. The principle of the development of three dwellings on this site has already been accepted by the Council.

A key consideration considered in the previous application (11/00399/FUL) was the width of the site and its capability to accommodate two detached dwellings. The report on 11/00399/FUL concluded the width of the site at the point of construction to be 18.55 metres. Since the dwellings proposed in that application were only 18.35 metres wide including an allowance for side separation, the previous proposal was considered to be acceptable. The Council's policies require a width of 18.5 metres to accommodate two detached properties. However, in the neighbour consultation response reported in detail for that application, it was pointed out by the agent acting for the owner of no.10 that at the end of the site nearest Willow Close the site was only 17.65 metres wide. This point was not specifically referenced in the report since it was not material to the determination of the application, though it was suggested the plot width remained at 18.55 metres from the proposed point of construction to the rear boundary. That being the case, the dimension suggested in the report for the width of the end of the plot, though not material to the decision, varied to the dimension mentioned by the neighbour objector.

For this latest application further efforts have been made to confirm that the applicant has submitted the correct ownership certificate information and to revisit the plot dimensions. The site has a width of 18.5m to the Eastcheap frontage, though this dimension is not relevant to the acceptability of the site to accommodate two bungalows. At the point of construction measurements confirm the site to be 18.5 metres wide, the same dimension as quoted in the previous application, That being the case, and considering the bungalows have a total width of 18.3 metres including side separation, the proposal is acceptable in planning terms.

In the report for 11/00399/FUL, it was suggested, as explained above, that the plot width remained the same from the point of construction to the rear fence boundary. However, the revised block plan submitted by the applicant on 16 January 2012 now shows a width of 18 metres along the rear boundary, which confirms the measurements taken by officers and shows that the site does narrow slightly from the point of construction to the rear fence where the width is measured to be 18 metres.

The site stops short of the Willow Close boundary due to a strip of land outside the applicants control and not part of the application site. The applicant has also revised the block plan to annotate the existence of this strip of land outside the application site.

This application seeks permission for just the two detached bungalows to the rear of the site.

The two dwellings proposed are identical with maximum widths of 8.15m by a maximum depth of 19.4m. The bungalows will reach a ridge height of 4.9m. The integral garages are to be sited on the plot boundaries; however in all other respects the bungalows maintain a 1m isolation distance to the side boundaries. In contrast to that approved under application 11/00399/FUL the dwellings are to almost the same width, but to a greater depth by 3.4m. The height of the properties has been lowered by 1.6m.

In contrast to the previously approved application the properties have been sited 1m closer to the rear boundary. Given the increase in depth the properties will also be located 1m closer to the rear garden of the dwelling approved at the front of the site. Given the siting that has already been approved for 2 storey properties, it is not thought that this slight repositioning would be objectionable.

The bungalows now proposed are to an entirely different design to those chalets previously approved. The bungalows are to a significantly deep plan at 19.4m, with a modest height hipped roof extended over this elongated form. It is considered that although to an extended depth, given what could be built on site under application 11/00399/FUL the proposed properties with a reduced ridge height and bungalow form, although deep, are thought to be acceptable. It is not thought that the dwellings are to a design or form such they would detrimentally harm the appearance of the site or the wider street, or give rise to any greater impact on the neighbouring properties in contrast to those previously approved, such it would be justified to refuse planning permission on this basis.

The dwellings being to the extended depth rely on side fenestration. Given that all windows are at ground floor level, it is not thought that any unreasonable overlooking would result to the neighbouring property at no. 10 or to the rear gardens of the properties on Willow Drive. A Boundary treatment between the two proposed properties would offset any possible overlooking. It is thought reasonable given the nature of the rooms, that the bathroom and en-suite windows are conditioned to be obscure glazed and non opening above a height of 1.7m.

Given the slight correction to rear garden plot width the garden areas would be reduced to 100 square metres but still complying with the guidance set out in SPD 2. Officers however consider it necessary to secure the garden size required by way of a condition requiring the depth of garden to be 12m from the main rear wall of the dwellings proposed excluding the rear projection.

The application has been accompanied by proposed materials to be agreed at this stage. The applicant proposes Desimple Medium surrey brick and Redland double pantile brown brindle roof tile. The windows and doors are to be white uPVC. The above materials are considered to be acceptable to this site and within the wider street.

The application form also specifies that close boarded fencing is to be used for the site boundaries and Bradstone brindle brick paviors for the front driveway. These are both considered to be acceptable in terms of appearance. The application form does specify that a soak away is proposed to drain surface water, however it is considered reasonable to condition that the front driveway material be porous or drain to an area within the site.

## SATISFACTORY MEANS OF ACCESS

The two dwellings would be accessed as previously agreed via a new private drive which would run along the western boundary of the site, the rear garden boundary of the dwellings fronting Willow Drive. The width of the access would be 4m. The driveway leads to a turning area to a width of approximately 18.5m and a depth of 9m.

At its furthest point No.14 Eastcheap is located 4.4m from the shared boundary, reducing to 3m towards the rear. The access would run the length of the entire plot of No. 14 and along the rear boundary of No. 2 Willow Drive. The parking to plot 1 would be to the end of the rear garden of no. 4 Willow Drive. The rear garden of No.10 Eastcheap would also be affected as the proposed turning area and parking for plot 2 is sited within immediate proximity to the shared boundary with No. 10.

Vehicles serving two dwellings passing up and down this driveway within close proximity to No. 14 (house and garden) and the rear garden of Nos. 2 and 4 Willow Drive would cause some noise, vibration and disturbance detracting from the existing quiet situation. However a similar arrangement exists at the site of No. 6a Eastcheap but serving only one dwelling; furthermore this arrangement has already been considered acceptable by way of the approval of application 10/00579/FUL and 11/00399/FUL. Given the good separation within the site of No. 14 to the side boundary with the access and the access being located at the end of the adjoining gardens to dwellings fronting Willow Drive over a length of some 18 or so metres, there would be sufficient separation between the access and the adjoining dwellings such that the level of disturbance would not be unacceptable as concluded on the earlier applications.

## PARKING

In accordance with the parking standards 'Design and Good Practice' (2009), the dwellings should be served by a minimum of two off street parking spaces to dimensions of 2.9m x 5.5m. In order to be classed as parking spaces garages must have internal dimensions of 3m x 7m. The site plan indicates an area in front of the dwellings which would be sufficient to provide the required levels of parking. At the necessary dimensions. Plot 2 could in fact provide three off street spaces. The integral garages do not meet the size dimensions in order to be classed as a parking space, but given that the adequate off street parking provision can be met on site regardless, this is not thought to be an issue. The plans suggest that the study area could also be a possible third bedroom. Even if this was to be used as a bedroom, sufficient on site parking could be achieved in accordance with the parking standards policy. The number of bedrooms has in fact decreased upon that previously approved under application 11/00399/FUL, with the same no. of spaces available.

Given that the site has adequate off street parking provision and that the site is within immediate proximity to a regular bus route along Downhall Road and within walking distance of Rayleigh train station, it would seem unreasonable to condition that the integral garages not be converted to habitable accommodation. Furthermore there is a parking restriction on Eastcheap between 11am and 12pm Monday to Friday; such that on street parking all day would not be possible.

The Highways Authority raises no objections to the proposal in terms of the level of parking.

Given that the dwellings do not front a highway, it may be that front extensions could be added as permitted development. Any front extension to these properties would reduce off street parking availability. It is considered reasonable therefore to condition that the parking areas in front of the dwellings be retained and used only for the purposes of parking, in order to retain an adequate amount of off street parking.

#### PLOT WIDTH

Given the concerns resulting from the consideration of the previous application 11/00399/FUL, and reiterated in neighbour representations for this application, further commentary is provided regarding the plot width of the application site. The revised block plan now shows the width at the back of the site to be 18m agreeing with measurements taken on site by officers. The width of the site is divided so as to provide two plots each with at least 1m to the side boundaries, the width at the point of construction being 18.5 metres. Integral garages are sited on the boundary in accord with the Council's standards.

The applicant was requested to mark out the position of the two proposed bungalows on the site. Officers then measured these footprints and concluded that they correspond to the dimensions of the proposed bungalows as shown on the elevations/floor plan drawings. Furthermore the marking out showed that at least 1m side isolation distances are kept to side boundaries. This exercise has established that the bungalows as proposed can fit within the width of the site as per the Council's guidance in SPD2..

Each bungalow would have a maximum width of 8.15m where the integral garage features to the design. This reduces by 1 metre for the remainder of the bungalow width. The face of the building therefore requires the greater width of each bungalow and a 2 metre isolation space between the outside walls of the two bungalows proposed. This equates to a necessary width required of 18.3m. At the face of the bungalows a width of 18.5m exists and slightly in excess of the minimum required for the bungalows to fit the site.

Both dwellings therefore fit the site width in existence at the position they would occupy within the site. For clarity and to alert the applicant given the importance of the issue raised Officers recommend a condition is placed to the grant of consent which specifies that a 1m isolation space should be achieved to all side boundaries, other than for the garages, to ensure that the properties are constructed with the distances to the boundary as shown on the plans and as shown marked out on the site.

As explained, the width of the plot is of concern in view of representations made by the adjoining neighbour and his representative as can be seen from the neighbour responses. The size of the ransom strip at the rear of the plot and outside the application site set out is not relevant to the determination of the application. The properties front into the site where adequate plot width is available and given the earlier conclusion of the appeal Inspector that two dwellings within the body of the site would be acceptable officers consider that this current application can be recommended for approval.

Furthermore, whilst it is now confirmed the measurements taken by officers at the end of the plot next to the ransom strip now concurs with the measurements provided in the neighbour response, and now shown on the revised block plan, this dimension is not material to the determination of the application. It should also be noted for clarity that the dimension quoted in the neighbour response was taken outside the application site and is therefore different to the dimension taken within the site, though the difference is minimal.

## TREES

Although not submitted with this application, the previous application was supported by an Arboricultural report to consider the impact of the development upon adjoining trees along the site boundaries. Since the submission of this previous application, the site visit has determined that the three trees which were located on the site boundary (but understood to be under the control of adjoining landowners) have been removed. The conditions on the previous consent relation to the trees are therefore no longer relevant.

## **Representations:**

### RAYLEIGH TOWN COUNCIL

The Town Council objects to this application as it considers it to be an overdevelopment of the site and also it is an unacceptable form of backland development.

## ESSEX COUNTY HIGHWAYS

No objections subject to the following conditions being attached to any grant of consent:

1. 1.5m x1.5m pedestrian visibility splay
2. Turning facility to be constructed
3. Private drive shall be constructed to a width of 5m for at least the first 6m within the site
4. Vehicular hard standings to minimum dimensions of 2.9m x 5.5m
5. Dropped kerb
6. The existing vehicular hard standing shall be permanently closed
7. No unbound material within 6m of highway boundary
8. Area within the site for the parking of operatives vehicles and reception and storage of materials
9. Means to prevent the discharge of surface water
10. Developer responsible for the provision and implementation of a Travel Information and Marketing Scheme for sustainable transport

## RDC WOODLANDS

As per previous comments provided for planning applications 11/00395/FUL & 11/00399/FUL

## NEIGHBOURS

Location of respondent: 10 Eastcheap

Summary of Response:

- A Certificate A has been submitted claiming that the land to which the application relates is owned by the applicant. However the land the applicant has recently re fenced is larger than that shown on the submitted block plan and site plans and consequently the application cannot be considered to be valid until the discrepancies are properly addressed.
- The submitted plan shows a kink in the fence on the Western side. It will be observed that the kink is due to the presence of an Oak tree. Against the advice of consultants the tree has been reduced to a stump but nonetheless the tree has always straddled the boundary. Was the permission of the owners of the tree obtained prior to it being cut down?
- The submitted plans still show the kink in the same position, but it has been cleared since a previous site inspection. The fence continued rearwards on the same line up to the tree T4. The tree has always been shown in the curtilage of no. 6 but the new fence now stops at the Ash tree T4 and has not been completed, possibly because if the new fence line were to be contained it would appear to meet the rear wall of the long established garage in the garden of no. 8 Willow Drive in order to achieved the rear width of 19.5m as claimed.

- Completion of the fence may have also been delayed if the owners of the land have raised objections to their tree being reduced to a stump without their consent and some of their garden purloined. However the part of the site proposed for the two bungalow as currently fenced in nevertheless is wider by some 600mm – 1m than that shown on the plans.
- There seems to be an entrenched reluctance for the applicant to submit accurate plans, plans containing relevant dimensions and a survey plan of the land for which planning permission is sought. Perhaps such reluctance is due to the fact that it would seem that if the fence had been erected in the position shown that width would have been insufficient to accommodate the dwelling to the dimensions shown. Hence the need to make the site wider by erecting the fence so as to include the Oak Tree and other land within the gardens of the properties in Willow Drive. Subject to a Certificate being submitted relating to the additional area of land and the owners lawfully notified there are no objections to such a proposal. Whether the applicant considered he owns the additional land or not is totally irrelevant so long as the correct certificates are submitted.
- The reluctance to provide suitably dimensioned plans has also manifested itself in the apparent refusal of the applicant's agent to acknowledge that the application site does not back on to Willow Close, since the design and access statement claim that it does. For at least 25 years the lawful residential garden of no. 10 has been 'L' shaped and backs on to Willow Close. In fact the owner of no. 10 also has registered Title Absolute to the above land.
- If legal action is not to be contemplated and a further complaint to the Local Ombudsman is avoided the plans and design and access statement must be amended to show the extent of the rear garden of no. 10 where it extends behind the application site.
- The result of such amendments would be that any person viewing the plans now or in the future is left in no doubt that the application site does not extend up to or back on to Willow Close as depicted on the plans, so there should therefore be no reason for anyone to believe that the rear fence of the site could lawfully be removed or repositioned to accord with the plans currently submitted, to achieve pedestrian or vehicular access on to Willow Drive, across garden land of no. 10 Eastcheap, access which the current application documents appear to show is lawful.
- Regardless of any disputes in ownership that might arise (which is outside of the ambit of the Council) it would appear that the applicant's agent has decided that the area of garden of no. 10 does not exist and consequently the agent persists in submitting plans which show the application site to actually back on to Willow Close.
- If that is so and part of the garden on no. 10 is intended to form part of the application site then the agent must submit an appropriate Certificate B and Notice no. 1 on the owner Mr and Mrs D Ludlow of 10 Eastcheap.
- However it would appear that the applicant himself does not agree with his agent because he has erected the new fence at the rear of the site in the exact position the original chain link fence occupied for over 25 years, viz some 1.8m short of the highway Willow Close.

- Furthermore regardless of what the applicants Title Deeds might or might not show the new rear fence is only 17.74m long and not 19.5m as claimed in the D&A Statement, because the site of no. 12 narrows at its northern end to 17.74m. It is insufficient to claim that the site is 19.5m wide at the rear when the applicant has erected a new fence within the available width of 17.84m.
- My certified measurement of the width of the site as 17.65m as dismissed as totally incorrect in the officer report of the previous application in favour of the Council claimed measurement of 18.55m, prompting current complaints to the Local Ombudsman. A highly respected local Chartered Surveyor and Valuer has independently measured the width of the site at the rear and has confirmed my measurement and that of my client to be correct within a few centimetres.

A letter has been received from Rona (sent in with the above representations) who have acted on the instructions of Mr Ludlow of no. 10 Eastcheap. This letter specifies the following:

- I can confirm that I attended on Thursday 1st December 2011 at the site at the rear of 12 Eastcheap in order to check the measurement of the width of the land at the rear.
- I measured along the fence and confirm this measurement is 17.75m and this runs along the edge of the strip of land owned by DC Ludlow and Mrs MM Ludlow.

### APPROVE

- 1 SC4B – Time Limits Full Standard
- 2 The development hereby permitted shall be constructed entirely of the materials submitted as part of the application; Desimple medium surrey blend brick work, Redland double pantile brown brindle roof tile and uPVC windows and doors as detailed on the application form date stamped 14th November 2011, unless alternative materials are proposed. Where alternative materials are to be used, no development shall commence before details of those alternative external facing (including windows and doors) and roofing materials to be used in the development have been submitted to and approved in writing by the Local Planning Authority. Where materials other than those materials as submitted with the application and specified on the application form date stamped 14th November 2011 and are agreed in writing by the Local Planning Authority, the materials agreed shall be those used in the development hereby permitted.
- 3 Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order, with or without modification) the window(s) marked OBS on the approved drawing(s) no. DMG/11/17 2C as date stamped 14th

November 2011 shall be glazed in obscure glass and shall be of a design not capable of being opened below a height of 1.7m above the finished floor level of the room to which the window is located. Thereafter, the said windows shall be retained and maintained in the approved form.

- 4 Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class B and/or Class C, of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order, with or without modification) no dormers shall be inserted, or otherwise erected, within the roof area (including roof void) on either side elevation of the dwellings hereby permitted.
- 5 Any new hard surfacing forward of the front elevation of the dwelling house shall be constructed either of a porous material or provision be made to direct surface run-off water from the hard surface to a permeable or porous area or surface within the site or to a drain within the site.
- 6 No unbound material shall be used in the surface of the access driveway within 6m of the highway boundary.
- 7 Prior to the beneficial use of the development commencing there shall be provided 1.5m x 1.5m pedestrian visibility splays to both sides of the vehicular access at the rear of the highway boundary
- 8 Notwithstanding drawing no. 4 b as date stamped 14th November 2011, the proposed private drive shall be constructed to a width of 5.0m for at least the first 6.0m within the site and provided with an appropriate dropped kerb crossing of the footway/verge.
- 9 Except for the garage features to each dwelling, the buildings hereby approved shall be sited with a minimum 1m separation from the external face of the flank walls of the dwellings to the plot boundaries.
- 10 Prior to the occupation of the dwellings hereby approved, two parking spaces for each dwelling, to dimensions of 2.9m x 5.5m shall be laid out and constructed in their entirety and made available for use. Thereafter the said car parking areas shall be retained and maintained in their approved form and use solely for the parking of vehicles and for no other purpose which would impede vehicle parking.
- 11 Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order, with or without modification) no front extensions shall be added to the properties hereby approved.

- 12 Prior to the excavation of the foundations for the development the applicant shall give the local planning Authority the opportunity to check the setting out of the bungalows hereby approved in relation to the plot boundaries.

**Relevant Development Plan Policies and Proposals:**

HP6, of the Rochford District Council Adopted Replacement Local Plan as saved by Direction of the Secretary of State for Communities and Local Government in exercise of the power conferred by paragraph 1(3) of schedule 8 to the Planning and Compulsory Purchase Act 2004. (5th June 2009)

H1, H5, of the Rochford District Council Core Strategy 2011

Supplementary Planning Document 2 – Housing Design

Rochford Parking Standards - Design and Good Practice Supplementary Planning Document adopted December 2010. Based on Parking Standards Design and Good Practice.

The local Ward Member(s) for the above application is/are Cllr. C.J. Lumley  
Cllr. Mrs J.R. Lumley

---

Application No :	11/00730/COU	Zoning: Metropolitan Green Belt
Parish :	Rayleigh Town Council	
Ward :	Downhall And Rawreth	
Location :	6 The Planks Lubards Lodge Farm Hullbridge Road Rayleigh	
Proposal :	Change Use from Stable And Office to Use as Performing Arts Studio	

**NOTES**

This application is for the change in use of an existing rural building to that of a performing arts studio (Use Class D1)

The site on the western side of Hullbridge Road 200m north of the junction made with Rawreth Lane. The site is in the Green Belt and comprises part of a former mushroom farm that has been the subject of extensive diversification of existing buildings into new uses including leisure, storage and office uses. The building to which the application relates is situated at the southern end of the site and is easily accessible from the southern access to the site from Hullbridge Road.

Part of the building subject to this application has had consent previously for office use and the remainder has consent for use of stables. Policy R9 relating to the reuse and adaptation of existing rural buildings of is relevance.

The proposed tenant is the Julie Noble School of Performing Arts which is currently located at the Masters Performing Arts College at Rayleigh Weir. The business has been operating for 32 years first in Eastwood and then at Rayleigh Weir.

The proposal is to convert part of an existing building to provide a large studio which could be temporarily subdivided to provide two smaller studios together with a reception area, office, changing rooms and toilet facilities. The whole development would extend to 225m<sup>2</sup>. The change in use would not require significant alterations to the building and the only external change is the provision of a fire door to the west elevation

The enterprise employs five staff members. The hours of use proposed are 4pm to 9pm Monday to Friday, 9am to 4pm on Saturdays and 10am to 3pm on Sundays. The applicant does not anticipate classes will run continuously throughout these times but it gives the school flexibility in the timing of classes. It is not considered that the hours of operation would impact upon other site users.

It is stated that there are ten parking spaces available and the rest of the site provides ample parking. As a result of the age range of the clientele it is likely that vehicle movements would be associated with drop off and pick ups by parents. The site is also on a regular bus route between Rayleigh and Hullbridge. A large swathe of the Rayleigh residential area is also within walking and cycling distance.

An objection due to competition has been received from the Mushroom Theatre Company who has been tenants at the site for 7 years. The letter cites that their work provides for children and young adults with additional needs. The work encompasses those with moderate learning difficulties to those with complex medical needs. Although competition is not a planning consideration, and therefore not relevant to the assessment of this proposal, the applicant has responded citing that they are a performing arts school, not a theatre company and that their courses tightly follow the curriculum of the Imperial Society of Teachers' of Dancing. As such it is considered that there would be no impact on this existing business at the site.

The proposal would be a suitable reuse of an existing rural building within a multiuse site and is considered to be in full accordance with Policy R9.

**Representations:**

RAYLEIGH TOWN COUNCIL - No objection

ECC HIGHWAYS - No objection

NEIGHBOUR - Objection from Mushroom Theatre Company due to competition

APPROVE

- 1 SC4B – Time Limits Full Standard
- 2 SC38 - Hours Open to Customers. The use of the site hereby permitted, shall not open to customers outside the hours of Mon to Fri 8.00 to 18.00, Sat 8.00 to 16.00, Sun 10.00 to 15.00

**Relevant Development Plan Policies and Proposals:**

R9, of the Rochford District Council Adopted Replacement Local Plan as saved by Direction of the Secretary of State for Communities and Local Government in exercise of the power conferred by paragraph 1(3) of schedule 8 to the Planning and Compulsory Purchase Act 2004. (5th June 2009)

The local Ward Member(s) for the above application is/are Cllr. C.I. Black  
Cllr.R.A. Oatham

---

Application No :	11/00770/FUL	Zoning: Primary Shopping
Parish :	Rochford Parish Council	
Ward :	Rochford	
Location :	55 West Street Rochford Essex	
Proposal :	Change Use From Shop to Use as a Residential Dwelling and Construct Single Storey Flat Roofed Rear Extension, Remove Existing Shop Front and Install Front Door and New Window onto West Street	

NOTES

This application is to the site located on the southern side of West Street 35m east of the junction with Back Lane.

The host property is an 18/19th Century Grade II listed building located to the southern side of West Street within the Rochford Town Centre. The site is also within the Rochford Conservation Area and the Primary Shopping Frontage. The building is currently vacant but was previously occupied by an estate agents and thus has an A2 use.

Planning Permission is sought to change the use from shop to a residential dwelling and construct a single storey flat roofed rear extension. The existing

arched porch roof to the rear of the building would be removed. The plans also illustrate a roof light to be incorporated within the roof slope of an existing single storey rear projection.

The proposal would also remove the recessed shop front onto West Street and restore a front wall onto the pavement with entrance door and window in matching style to the adjoining frontages in the terrace.

An application for Listed Building consent at the site, for the same proposal is currently pending under application reference 11/00771/LBC and this is also reported on this weekly list.

## RELEVANT PLANNING HISTORY

Application No. 05/00566/COU  
Change of use from retail to business use.  
Permission granted 16th August 2005.

Application No. 11/00590/ FUL  
Change Use From Shop to Use as a Residential Dwelling and Construct Single Storey Flat Roofed Rear Extension, Remove Existing Shop Front and Install Front Door and New Window onto West Street  
Permission refused 1st December 2011

Application No. 11/00604/LBC  
Change Use From Shop to Use as a Residential Dwelling and Construct Single Storey Flat Roofed Rear Extension, Remove Existing Shop Front and Install Front Door and New Window onto West Street.  
Listed Building consent refused 1st December 2011 for the following reason;

The proposal is unacceptable by way of the size, position and proportion of the window and door proposed to the front elevation. The window and door to a larger size than that seen on the adjoining properties no. 57- 61, that would have been part of the original identical terrace, appears out of scale with the host property and out of character with and disrupting the uniform appearance and rhythm of the terrace, visually intrusive to the character and appearance of the listed building contrary to advice contained within PPS 5: Planning for the Historic Environment (2010).

## MATERIAL CONSIDERATIONS

The application proposes to change the use of the building from A2 to residential (C3). The site is located within the primary shopping frontage, where retail uses would be the favoured use for the building. The shopping frontage survey undertaken in 2010 indicates that this part of West Street, categorised as 'West Street South' for the purposes of the survey has only 38.71% of units in retail use, compared to the 61.29% in non retail use. The building currently enjoys A2 use.

As such, the conversion from one non retail use to another would not increase the level of non retail uses within the primary shopping frontage.

The southern side of West Street is entirely designated as primary shopping frontage. Although there are some vacant retail units, this side of the street maintains almost 100% in commercial use apart from no. 41 and 57 which are both residential. The northern side of West Street is partly primary frontage and partly secondary. The primary frontage extends from the market square down West Street to no. 46. The remainder of the street is within the secondary frontage. The Shopping Frontage Survey undertaken in 2010 suggests that the secondary frontage in West Street was 100% in non retail use. The buildings directly opposite the host site are predominately in residential use. Although not within the Primary Frontage the abundance of residential uses within West Street shows a precedent for this use in this particular street. A residential use in this part of the street would not therefore be unusual.

Policy SAT 4 of the Local Plan sets out criteria to be met in order to justify a non retail use within a primary shopping frontage. Although not directly applicable to this application, given that the unit already contains a non retail use, the pre amble to this policy identifies that non retail uses such as banks, restaurants and such like complement a shopping centre and create a public interaction with the area. Uses such as A2, A3, A4 and A5 still attract people to town centre areas and thus maintain active frontages. The pre amble to SAT 4 suggests however that a concentration of non retail uses which do not attract a custom, can give rise to 'dead frontages' which destroy the vitality and viability of the town centre. In terms of the longevity of the town centre and its ability to attract custom it is considered that the existing A2 use would likely be more beneficial than a residential use. However the conversion to residential could also be argued to support the town centre by way of increasing the number of people living in the town and thus requiring and depending on its facilities.

The Local Plan does identify that it may be the case that there is no demand for the unit and thus alternative use may be applicable, given that it may be better for the health of the town as a whole for the unit to be occupied rather than left empty for the indeterminate future.

Given the current economic climate it is appreciated that there is not a high demand for such units. This can also be seen by the several vacant A1 units within the Town Centre. The design and access statement specifies that the owner of the property has been unable to let the property since the departure of the estate agents sometime in 2009 and a continuing commercial, use in no longer an option. The application is however void of any specific details of the marketing for the unit since 2009, for example where was the unit listed for let? And how long has it been advertised for? Have any viewings taken place? Were any offers received?

Given the economic climate it is possible that the unit could stay vacant for the foreseeable future. Although this is not thought beneficial for the viability of the town centre or the appearance of the conservation area given that currently the appearance of the unit does detract from the visual amenities of the area, maintaining the unit in the current use or a retail use, would allow for this unit to be occupied by a more favourable town centre use in the future. In addition should the Council allow this change of use to residential, it could set a precedent, for the loss of commercial floor space in this area.

Given the current economic situation and the noticeable loss of retail and non retail uses in the town centre it is thought unlikely that the unit will be able to support a viable business at the current time. It is thought favourable, given that the property has been vacant for over two years and the loss of commercial floor space would be minimal, that the property is converted to a use which would cease its vacant appearance in the interests of the appearance of the street and the conservation area. Furthermore an increase in the number of people living in and using the town is thought to be beneficial to the town centres vitality and viability. The loss of the A2 use is not in this case thought to be objectionable or would unreasonably harm the viability of the town centre.

Planning Policy Statement 5 (PPS5) specifies that Local planning authorities should seek to identify and assess the particular significance of any element of the historic environment that may be affected by the relevant proposal. The effect of an application on the significance of such a heritage asset or its setting is a material consideration in determining the application. There should be a presumption in favour of the conservation of designated heritage assets. Once lost, heritage assets cannot be replaced and their loss has a cultural, environmental, economic and social impact. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

This terrace would have originally been six dwellings, with identical fenestration. Although two units at no. 63 and 65 have been altered to provide shop fronts, the immediate adjoining other three units are currently in residential and retail use and have maintained the original window and door sizes and detailing. The window and door proposed are now to a corresponding design to those seen to the neighbouring property.

The proposal to change the use of the building to residential is acceptable in listed building terms, given that it will reinstate the original residential use.

The previous application was refused permission because of the ill –fitting size of both the door and window to the replacement shopfront detail. The current application now replicates the door size, window size and design as for the other frontages in the terrace. The current proposal also reverses the previously proposed arrangement and would now provide the window and opening to the eastern side consistent with the format to the group in the terrace. These revised arrangements overcome previous concerns.

## PARKING AND AMENITY SPACE

The site has a yard to the rear which is proposed to provide a small garden area and space for one off street parking space. Given that the site is within a town centre location, immediately opposite a public car park and that the dwelling will have one bedroom, it is thought that sufficient off street parking would be provided within the site. This parking space would be access via Back Lane.

The plans suggest that 34m<sup>2</sup> of amenity space would be provided. Although this is short of the 50m<sup>2</sup> as suggested within SPD 2, it is thought that this area would be a favoured outdoor amenity space for the future occupier of the proposed dwelling living in a town centre location and thus is considered acceptable.

The yard area is completely hard surfaced. The parking and amenity space such that it is would provide a hard standing in excess of the mini um size required and with existing visibility onto Back Lane. Given the small scale nature of the works proposed it would be unreasonable to require construction traffic to park clear of the site but space is available in any case. Consequently , on this occasion the conditions recommended by the county highway authority are not considered reasonable by district officers.

### **Representations:**

#### ROCHFORD PARISH COUNCIL:

Object on the basis that the proposal will have a detrimental impact upon the Conservation Area.

#### ESSEX COUNTY COUNCIL HIGHWAYS:

No objection subject to the following heads of conditions;

- 1) Parking space to have minimum dimensions of 2.9 x 5.5m
- 2) Provision of a 1.5m x 1.5m pedestrian visibility splay
- 3) Provision with in the site of an area clear of the highway for the reception and storage of materials and operatives parking.
- 4) No unbound material in the surface treatment of the parking area

### APPROVE

- 1 SC4B – Time Limits Full Standard
- 2 Prior to the commencement of the development the applicant shall submit to the Local Planning Authority details and samples of the external materials and finishes to be used in the development hereby

approved. The development shall be implemented in accordance with such details as may be agreed.

- 3 The development hereby approved shall be finished in the brick bonding pattern and mortar mix and size to match the existing Listed Building.
- 4 Prior to the commencement of the development the applicant shall submit to the Local Planning Authority detailed and dimensioned designs including sections and elevations at a scale of not less than 1:20 for the new windows and doors to be used in the development which shall be timber. The sash window shall resemble the style of those existing in the terrace, shall be single glazed and with traditional puttied narrow glazing bars. The development shall be implemented in accordance with such details as may be agreed.
- 5 Notwithstanding the submitted plans the development shall be implemented with traditional low profile cast iron roof lights details of which shall be submitted and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as may be agreed.

#### **Relevant Development Plan Policies and Proposals:**

BC1, of the Rochford District Council Adopted Replacement Local Plan as saved by Direction of the Secretary of State for Communities and Local Government in exercise of the power conferred by paragraph 1(3) of schedule 8 to the Planning and Compulsory Purchase Act 2004. (5th June 2009)

Rochford Parking Standards - Design and Good Practice Supplementary Planning Document adopted December 2010. Based on Parking Standards Design and Good Practice.

The local Ward Member(s) for the above application is/are Cllr Mrs G A Lucas-Gill Cllr K J Gordon Cllr J P Cottis

---

Application No : 11/00771/LBC      Zoning: Primary Shopping  
Parish : Rochford Parish Council  
Ward : Rochford  
Location : 55 West Street Rochford Essex  
Proposal : Change Use From Shop to Use as a Residential Dwelling and Construct Single Storey Flat Roofed Rear Extension, Remove Existing Shop Front and Install Front Door and New Window onto West Street

### NOTES

This application is to the site located on the southern side of West Street 35m east of the junction with Back Lane.

The host property is an 18/19th Century Grade II listed building located to the southern side of West Street within the Rochford Town Centre. The site is also within the Rochford Conservation Area and the Primary Shopping Frontage. The building is currently vacant but was previously occupied by an estate agents and thus has an A2 use.

Listed Building consent is sought to change the use from shop to a residential dwelling and construct a single storey flat roofed rear extension. The existing arched porch roof to the rear of the building would be removed. The plans also illustrate a roof light to be incorporated within the roof slope of an existing single storey rear projection.

The proposal would also remove the recessed shop front onto West Street and restore a front wall onto the pavement with entrance door and window in matching style to the adjoining frontages in the terrace.

An application for planning permission at the site, for the same proposal is currently pending under application reference 11/00770/FUL and this is also reported on this weekly list.

### RELEVANT PLANNING HISTORY

Application No. 05/00566/COU  
Change of use from retail to business use.  
Permission granted 16th August 2005.

Application No. 11/00590/ FUL  
Change Use From Shop to Use as a Residential Dwelling and Construct Single Storey Flat Roofed Rear Extension, Remove Existing Shop Front and Install Front Door and New Window onto West Street  
Permission refused 1st December 2011

Application No. 11/00604/LBC

Change Use From Shop to Use as a Residential Dwelling and Construct Single Storey Flat Roofed Rear Extension, Remove Existing Shop Front and Install Front Door and New Window onto West Street.

Listed Building consent refused 1st December 2011 for the following reason;

The proposal is unacceptable by way of the size, position and proportion of the window and door proposed to the front elevation. The window and door to a larger size than that seen on the adjoining properties no. 57- 61, that would have been part of the original identical terrace, appears out of scale with the host property and out of character with and disrupting the uniform appearance and rhythm of the terrace, visually intrusive to the character and appearance of the listed building contrary to advice contained within PPS 5: Planning for the Historic Environment (2010).

## MATERIAL CONSIDERATIONS

Planning Policy Statement 5 (PPS5) specifies that Local planning authorities should seek to identify and assess the particular significance of any element of the historic environment that may be affected by the relevant proposal. The effect of an application on the significance of such a heritage asset or its setting is a material consideration in determining the application. There should be a presumption in favour of the conservation of designated heritage assets. Once lost, heritage assets cannot be replaced and their loss has a cultural, environmental, economic and social impact. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

This terrace would have originally been six dwellings, with identical fenestration. Although two units at no. 63 and 65 have been altered to provide shop fronts, the immediate adjoining other three units are currently in residential and retail use and have maintained the original window and door sizes and detailing. The window and door proposed are now to a corresponding design to those seen to the neighbouring property.

The proposal to change the use of the building to residential is acceptable in listed building terms, given that it will reinstate the original residential use.

The previous application was refused permission because of the ill –fitting size of both the door and window to the replacement shopfront detail. The current application now replicates the door size, window size and design as for the other frontages in the terrace. The current proposal also reverses the previously proposed arrangement and would now provide the window and opening to the eastern side consistent with the format to the group in the terrace. These revised arrangements overcome previous concerns.

Internal alterations are proposed including the insertion of partition walls to separate the living, kitchen and shower room areas and to create cupboard/storage areas. The blocking up of two small side facing windows on the existing single storey projection is also proposed.

The conservation officer comments that the internal alterations are not thought to harm the listed building should the works be of a reversible nature.

The application proposes a rear extension to create an enlarged kitchen area. The flat roofed addition will extend to a depth of 1.15m by a width of 2.2m. The addition will extend along the shared boundary with no. 57. The addition would be clad in weatherboard and would have a rolled lead roof porch detail as existing on the rear of the building.

The design of the proposed extension is sympathetic to its surroundings and although flat roofed is an appropriate addition to this listed building. It is not felt that the character or appearance of the listed building would be harmed as a result of the rear addition. The rear extension is not in conflict with PPS 5.

The application includes the provision of velux conservation style roof light window. This particular option would be inappropriate. Instead the County Historic adviser recommends an alternative that with other details can be conditioned as part of the grant of consent.

### **Representations:**

#### **ROCHFORD PARISH COUNCIL:**

Object on the basis that the proposal will have a detrimental impact upon the Conservation Area.

#### **ESSEX COUNTY COUNCIL HISTORIC BUILDINGS AND CONSERVATION ADVICE:**

Advise these proposals arise from informal discussions with the applicant and that they would now benefit the character and appearance of the Rochford Conservation Area and Listed Building.

The reinstatement of the original domestic façade is welcome. The present shopfront is a later intrusion and the original appearance of the building is obvious so no architectural speculation is necessary. The rear extension would be a definite improvement on the present appearance of this part of the building.

Therefore recommend that permission is granted with conditions requiring external materials to be agreed, bricks and mortar bonding to match the existing building and that large scale 1:20, 1:1 as necessary detailed and dimensioned designs are submitted for the new windows and doors. The sash window shown on the front elevation does not resemble the existing style and has a very heavy meeting rail. The front windows shall be single glazed with traditional puttied narrow glazing bars.

The application notwithstanding, a Velux conservation window would not be acceptable. A traditional low profile cast iron roof light (Conservation Rooflight or similar product should be used instead.

NEIGHBOURS: 1 Comment received From the following address;

White House Chase, Rayleigh: 7.

And which in the main makes the following comments and objections;

- o As owner of 47 and 49 West Street object as almost all shops on the south side of West Street and every effort should be made to keep it so
- o Property forms part of the Conservation Area and the appearance and character should remain as it is

#### APPROVE

- 1 SC4A - Time Limits - Listed Buildings
- 2 Prior to the commencement of the development the applicant shall submit to the Local Planning Authority details and samples of the external materials and finishes to be used in the development hereby approved. The development shall be implemented in accordance with such details as may be agreed.
- 3 The development hereby approved shall be finished in the brick bonding pattern and mortar mix and size to match the existing Listed Building.
- 4 Prior to the commencement of the development the applicant shall submit to the Local Planning Authority detailed and dimensioned designs including sections and elevations at a scale of not less than 1:20 for the new windows and doors to be provided in the development which shall be timber. The sash window shall resemble the style of those existing in the terrace, shall be single glazed and with traditional puttied narrow glazing bars. The development shall be implemented in accordance with such details as may be agreed.
- 5 Notwithstanding the submitted plans the development shall be implemented with traditional low profile cast iron roof lights details of which shall be submitted and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as may be agreed.

## Relevant Development Plan Policies and Proposals:

BC1, of the Rochford District Council Adopted Replacement Local Plan as saved by Direction of the Secretary of State for Communities and Local Government in exercise of the power conferred by paragraph 1(3) of schedule 8 to the Planning and Compulsory Purchase Act 2004. (5th June 2009)

Rochford Parking Standards - Design and Good Practice Supplementary Planning Document adopted December 2010. Based on Parking Standards Design and Good Practice.

The local Ward Member(s) for the above application is/are Cllr Mrs G A Lucas-Gill Cllr K J Gordon Cllr J P Cottis

---

Application No :	11/00772/FUL	Zoning: Residential
Parish :	Rochford Parish Council	
Ward :	Rochford	
Location :	18 Mornington Avenue Rochford Essex	
Proposal :	Demolish Existing Detached Bungalow and Construct One Pair of Semi-Detached Houses, Demolish Existing Garage and Construct New Three Bay Cart Lodge for Shared Use.	

### NOTES

The application site is located to the western side of Mornington Avenue 115m south of the junction made with Stambridge Road. The site is allocated within the existing residential development of Rochford. Mornington Avenue presents a character with varying designs and forms of houses, chalets adjoining the site and a strong character of bungalows and bungalow conversions opposite. The host site currently contains a modest sized detached bungalow, with a large rear garden.

To the north of the application site is no. 16 which is a semi detached chalet with gabled roofed design.

To the southern side is no. 20 a detached house with hipped roofed design. To the southern side of the site is a vehicular access which provides access to the garage to the rear of the property. This driveway appears to be shared with the neighbouring property at No. 20 which also has a garage to the rear. There is pedestrian access between the northern side of the existing property and the shared boundary with no. 16.

On street parking is prevalent within the street.

## THE PROPOSAL

The application proposes to demolish the existing detached bungalow and construct a semi detached pair of four bedroomed houses. Unlike both previous applications the design features rooms in the roof space with pitched roofed front and rear dormers. The proposed layout includes a dressing room area serving the fourth bedroom in the roof space that could alternatively be used for a fifth bedroom.

The building now proposed would be to an overall ridge height of 8.45m and with a fully gabled roof end design.

The previously approved houses featured hipped roofed designs to the same overall height.

The proposed building will extend to a width of 11.5m incorporating an integral garage to the dwelling proposed alongside No.16 Mornington Avenue. The other dwelling proposed does not feature an integral garage.

The proposed building would have a depth of 13.1m at ground floor including the projection of the integral garage , front canopy and sloped roofed rear lounge element. This represents an increase of 0.5m in comparison to the application approved under 11/00164/FUL. The upper floor element is however to an overall depth of 10m.

The walling to the building would be finished in a white render with upper floor red cedar cladding feature. The roof covering would be an unspecified concrete interlocking tile. The windows and doors would be aluminium framed.

Unlike the two previous applications approved to the site the current application would provide a detached cart lodge half way down the rear garden 9m wide and 6m in depth and to a pitched roof design to an overall height of 4m. Access to this would be between the new dwelling and adjacent to No. 20 Mornington Avenue.

## PLANNING HISTORY

Application No. 08/00602/FUL

Demolish Existing Bungalow and Erect One Pair of Three Bedroomed Semi Detached Houses.

Permission granted 26th August 2008.

Application No. 08/00164/FUL

Demolish existing bungalow and erect one pair of semi – detached houses. Demolish existing semi detached garage and erect new garage for plot 1.

Permission granted 11th May 2011.

## MATERIAL CONSIDERATIONS

The site is within an area allocated for residential purposes in the council's saved local plan (2006). Two previous alternative proposals to construct a pair of semi detached houses on this site have established the principle of the further intensification.

Policy HP 6 of the Local Plan and policy CP 1 to the council's adopted core strategy require new housing to be to a high standard of design and layout that has regard to local flavour.

Supplementary Planning Document 2 (SPD2) sets out more detailed criteria on how this should be achieved.

On site measurements indicate that the frontage width is 15.1m and slightly less than the council's guidance which requires 15.25m. There does not seem to be many examples within the street (apart from the neighbouring pair at no. 16 and 14 which has a frontage of 14.5m) of frontages for semi detached properties' being less than the guidance requires, however in this case at 0.15m less than 15.25m, it is not felt that the development would have cramped appearance. The proposal would achieve the 1m sidespace required between the main bulk of the building and the site boundaries with only the integral garage to that adjoining No. 16 being located on the boundary and which is acceptable. Furthermore, the layout proposed would increase the width of the shared drive with No. 20 by 0.5m as the building proposed would be sited slightly further north than the existing bungalow. Within the site of No. 16 to the north exists a side drive to a detached garage and the shared drive with No. 20 will be increased in width to 4.8m overall. The resulting side isolation would prevent the building proposed from over shading or dominating the internal living environment to rooms in either dwelling to an excessive degree.

Since the consideration of the previous applications on this site, the council has now adopted the Core Strategy and which now carries significant weight. Whilst in common to policy HP 6 to the saved Local Plan a high standard of layout and design is required, policy CP1 to the Core Strategy requires in addition regard to the local flavour. The preamble to this policy attributes this local flavour to traditional buildings that dominate locations but which has been lost to modern standardisation that has eroded the character of the district. Whilst further design statements for distinct areas have yet to be prepared to support this approach, the character of Mornington Avenue is dominated at the location of the site by hipped roofed housing and chalet styles with a strong bungalow character opposite. The dwellings proposed would present a more dominant three storey gabled roof form

At the far southern end of the street exists a roof conversion of a modest sized house and with pitched roofed dormers. This adjoining by some larger housing conversions but otherwise the traditional forms dominate the remainder of the street.

Whilst the proposal would be to an overall height consistent with the adjoining housing , the design would have a bulk and scale with more substantial roof mass and deep upper floor bulk to the flank ends uncharacteristic with nearby dwellings and as a result would be ill – fitting to the detriment of the streetscene.

The proposed layout is not typical in that this application would provide garaging to the rear of the site for multiple dwellings more akin to a backland situation. Policy HP 14 the council's saved local plan (2006) provides criteria upon which to consider backland development proposals.

The rear garden to the site is of a generous depth with similar gardens backing onto the site to dwellings fronting Stambridge Road. There is therefore a degree of quiet and seclusion enjoyed by neighbouring occupiers. Whilst domestic garages could be built in the rear garden , these would be limited in intensity to one household movements. In contrast the current application would rely on access to the two new dwellings as well as that to No. 20 passing in close proximity between the dwelling proposed and that adjacent at No. 20 Mornington Avenue.

Whilst the width of the access narrows, this can be overcome with an increase in width taken from the adjoining plot proposed. However, the parking intensity and vehicle movements for two households deep into the secluded garden areas would break the quiet and an amenity afforded to surrounding gardens causing high levels of traffic to pass between No. 20 Mornington Avenue and the adjoining house proposed giving rise to such noise and disturbance that would detract from the expectations of amenity the adjoining occupier ought reasonably expect to enjoy and a poor relationship of vehicular activity to occupier so of that neighbouring existing building and the building proposed.

The off street parking provision for the properties should accord with the adopted supplementary planning document 'Parking Standards – Design and Good Practice'. This policy requires dwellings with two or more bedrooms to have a minimum of two off street parking spaces and these to be to bay dimensions of 2.9m x 5.5m. Any garage proposed cannot be counted as a parking space unless they satisfy the internal dimensions of 3m x 7m.

The integral garage to the dwelling proposed to the plot adjoining No. 16 would have an internal depth of only 4.5m and width of 2.4m. At this internal size the garage would not provide an adequate garage that can be counted towards parking provision. The forecourt parking space would however measure 6m in depth and 3m in width providing one car parking space.

In this application the remainder of the car parking is to be provided to the proposed cart lodge located half way down the plot. This building would have an internal depth of 5.8m and width between supporting piers of 2.75m. The piers would not obstruct the internal parking as can the case with garage internal walling.

The county highway authority raise no objection to this arrangement arguing that the arrangement shown would achieve two parking spaces for each plot as required. The cart lodge would act as covered parking and accord with the council's standard for achieving adequate parking for the dwellings proposed.

The dwellings proposed would feature a number of side windows. At first and second floor these would serve bathroom / en – suite rooms and which can be obscure glazed as a condition to the grant of permission.

At ground floor adjoining No. 16 is proposed a side facing Kitchen door which can be obscure glazed to maintain privacy given the side windows present to neighbouring No. 16 at both ground and first floor level..

A high level living room window is proposed to face onto the shared drive in width No. 20. No fence can be provided to this area but on balance it would be necessary to obscure glaze this side window given the clear glazed windows to the neighbouring dwelling side wall at ground and first floor.

Council Guidance at SPD 2 specifies that dwellings will be expected to have a minimum private garden area of 100m<sup>2</sup>. The dwelling adjacent No. 16 shows a retained garden area of 106 square metres. The dwelling proposed adjoining No. 20 would have an area of 98 square metres but the layout shows an area of some 300 square metres available beyond the cart lodge and for this plot. Reliance upon this area beyond the cart lodge is more significant when account is taken of the narrow nature of the side access equating to only 2m between the garage to No. 20 and the plot fence of the adjoining dwelling proposed. Further garden area reduction to enable a better access would be off set by the area available at the back of the application site.

### **Representations:**

#### **ROCHFORD PARISH COUNCIL:**

Object on the basis of overdevelopment especially with the proposed rooms in the roof which would have a detrimental effect on neighbouring properties.

#### **ESSEX COUNTY COYUNCIL HIGHWAYS:**

Advise that the site plan plot numbering is inconsistent with the floor plans. Assume that two parking spaces are provided for each plot.

Integral garage shown does not meet the required standard advise there is still space for two vehicles to park within the site.

Raise no objection subject to the following heads of conditions to the grant of permission;

- 1) Provision of 1.5m x 1.5m pedestrian visibility splay.

- 2) Garage to plot 18 to be sited a minimum distance of 6m from the highway
- 3) Vehicle hardstandings to be a minimum 2.9m wide and 5.5m in depth
- 4) Prior to occupation of the development the vehicle access shall be constructed to the width shown in the application on Drg. No. 11.149/06
- 5) No unbound material shall be used in the surface treatment of the access within the first 6m of the highway.
- 6) Provision within the site of an area clear of the highway for the parking of site operatives vehicles and storage of materials.
- 7) Prior to commencement submission of details showing the means to prevent the discharge of surface water onto the highway.

#### LONDON SOUTHEND AIRPORT:

No safeguarding objections.

#### ROCHFORD DISTRICT COUNCIL HEAD OF ENVIRONMENTAL SERVICES:

No adverse comments to make subject to Standard Informative SI 16 (Control of nuisances) being attached to any consent granted.

#### NEIGHBOURS

7 letters have been received from the following addresses;

Mornington Avenue:6,15,16,17,20,21,22.

And which in the main make the following comments and objections;

- o Totally out of character with other properties in the street
- o No. 20 incorrectly referred to as No. 16 in the application details
- o Would be overbearing to the neighbouring properties and overshadow bungalows opposite
- o Far too big and not in proportion to the surrounding properties and would not fit harmoniously with existing development
- o Far too bulky for the plot
- o Gable end design is not seen on any of the houses down the road except for bungalow roof conversions. On exception is a house at the far southern end of the street. The pure size and mass of the building proposed will not fit comfortably with the street.
- o Concern at the scale of the two properties and location of the cart lodge
- o Roof design will shade light to No. 16
- o Integral garage invasive to No. 16
- o Loss of sunlight and warmth to bungalows opposite
- o High rise nature not in keeping
- o Narrow plot
- o Rear parking is dependant upon a shared driveway and not an unrestricted fully owned access road. This throws doubt on the

suitability of the parking proposals and may add to the on street parking congestion on the busy street and hinder access for emergency services.

- Rear cart lodge will give rise to traffic and car park having to move past kitchen , dining room , lounge and cloakroom and back door of No. 20 causing extra noise and pollution reducing the quality of living currently enjoyed Size of drive in would allow access for all types of vehicles. Object to it becoming a feeder road for vehicles and utilities.
- Mornington Avenue is not a busy road and there is ample parking on the street for residents and visitors
- Both properties have sufficient parking arrangements to the front as in the previously approved applications
- Whilst acknowledging the council will not become involved in boundary disputes, however trust the permission will be conditional upon the applicant to satisfy the authority that no disputes are likely to arise.
- Unnecessary to create cart lodge. This will create extra traffic down the side with headlights shining into property opposite.
- Without the provision of the cart lodge the proposed properties would have equal sized gardens
- Concern at the location of the cart lodge, being in the middle of the garden and close to the houses, causing loss of light to No. 16
- Cart lodge effectively subdivides the plot giving rise to potential development at the rear of the site
- Understand that the process is to get a small plan passed and then apply for larger proposal so as to make permission for the larger scheme easier
- Proposal has only been put forward with the sole intention of opening the floodgate for backland development to the land at the rear of the site.
- Whilst sure the designer knows how to manipulate the plans to the council's requirements, surely the council has a duty of care to its residents
- All the properties have been altered and differ in design but are the same in that they have been mindful of each other and considerate to neighbours
- Applicants do not and will not live in Mornington Avenue
- Fence with No. 16 has been missing for years ( responsibility of No. 18)
- Statement in application that the building is of poor architectural quality is a matter of opinion. Built in the 1930's the buildings in the street have suffered weathering and a war and their foundations and structure remain intact.
- Predominance of hipped roofed designs and no town houses gives a sense of spaciousness to the street
- The site is not that close to the town or the town that big such as to require the construction of a pair of town houses and car park at the rear. The site is in a semi -rural location with secluded garden plots.
- Concern at removal of garage and affect upon the structural integrity of the garage to No. 20. Only being removed to gain access to the back of the site.

- New building comprises a busy mix of contemporary materials both front and back which may not fit in with traditional treatment in the street
- Overlooking and loss of privacy to No. 20

## REFUSE

- 1 The proposal by way of the three storey gabled roof form, resulting mass and the provision of uncharacteristic dormers to housing roof areas would result in a building of substantial bulk and mass at upper floor level would result in a poor relationship and scale to nearby dwellings contrary to saved Local Plan policy HP 6 parts (ix) and ( x) (2006) and a development in contrast to the traditional flavour of the street and dominant roof form in conflict with Policy CP1 the council's adopted Core Strategy (2011) that would if allowed prove detrimental to the character and appearance of the street which arises from the significant presence of hipped roofed housing designs and generous spacing between dwellings in the roofscape.
  
- 2 The proposal by way of the provision of a cart lodge parking arrangement in depth to the site would result in a parking intensity and vehicle movements for two households deep into the secluded garden areas breaking the relative quiet and amenity afforded to surrounding gardens and would necessitate traffic movements associated with two households to pass alongside side windows between No. 20 Mornington Avenue and the adjoining house proposed in an arrangement uncharacteristic to the locality giving rise to such noise and disturbance that would detract from the expectations of amenity the adjoining occupier ought reasonably expect to enjoy and a poor relationship of vehicular activity to occupier so of that neighbouring existing building and the building proposed.

### **Relevant Development Plan Policies and Proposals:**

CP1, of the Rochford District Council Core Strategy 2011

HP6, HP14, of the Rochford District Council Adopted Replacement Local Plan as saved by Direction of the Secretary of State for Communities and Local Government in exercise of the power conferred by paragraph 1(3) of schedule 8 to the Planning and Compulsory Purchase Act 2004. (5th June 2009)

Rochford Parking Standards - Design and Good Practice Supplementary Planning Document adopted December 2010. Based on Parking Standards Design and Good Practice.

The local Ward Member(s) for the above application is/are Cllr Mrs G A Lucas-Gill Cllr K J Gordon Cllr J P Cottis