

Appeal Ref	APP/B1550/A/07/2042163
Application No	06/01005/FUL
Appellant	M B and J G Cohen
Location	247 London Road, Rayleigh, Essex SS6 9DW
Decision	Dismissed (09.08.07)

The Inspector dismissed the appeal for the proposed demolition of the existing workshops, offices and car wash and the removal of fuel tanks, and the construction of a part two storey and part three storey building comprising 16 two bedroom and 2 three bedroom flats, access and parking areas and landscaping. The Inspector took into consideration the Essex and Southend-on-Sea Structure Plan (policy BE5, BE1, H4 and T12), Planning Policy Guidance Note 13 (PPG13), Rochford District Replacement Local Plan (policy HP6 and HP11), Planning Policy Statement 1 and 3 (PPS1 and PPS3).

The appeal development would provide 20 car parking spaces (including one space reserved for people with disabilities) and secure cycle parking to serve the 18 proposed flats. Parking spaces would be unallocated, and available for communal use by those living in the appeal development and their visitors.

The appeal site lies about 2km from the centre of Rayleigh, on the western fringe of the residential settlement. Land further to the west is within the Metropolitan Green Belt. It is served by a twice-hourly bus service, giving access to Rayleigh and Southend. There is no service during the evening, however, and only a limited service on Sundays. Rayleigh Railway Station is around 1.5km away towards the centre of Rayleigh.

The local highway authority gave evidence that off peak public transport to serve the appeal development would be poor, and that, on balance, an overall level of 1.5 parking spaces per dwelling ought to be provided, a level of provision which the appeal proposal does not meet.

Applying the level of parking provision suggested by the local highway authority, the appeal development would be deficient to the extent of seven parking spaces. Even if that figure is accepted, the Inspector does not consider that an additional seven vehicles seeking parking space in the area is likely to make a radical change to road conditions in the area, given the evidence that parking difficulties already exist.

The Inspector noted that the proposed development would take its access from Louis Drive West, which would have the benefit of closing two existing accesses to London Road and concluded that there is no evidence to indicate that the proposed development would have an adverse effect on highway safety and the free flow of traffic in London Road, Louis Drive West and Little Wheatley Chase.

The development would provide a total of 18 flats in a single L shaped block. Part of the block would be three storeys high, and part two storeys high. It would be the two-storey end elevation which would be closest to the rear garden boundaries of the two storey chalets at 1 and 3 Little Wheatley Chase. This would present a fairly blank face of substantial size to the rear elevations and rear gardens of 1 and 3 Little Wheatley Chase, 5.4m to the eaves and 8.4m to the roof ridge. Some 12m further away, the three-storey section would rise to a ridge height of 11.4m. By comparison, the ridge height of the chalets in Little Wheatley Chase is around 6.85m.

The Inspector concluded that at one property, 131 Louis Drive West, the proposed development would have an adverse impact on the living conditions of the occupiers by reason of overlooking.

On the basis of the evidence presented to the Inspector, he felt that the proposed parking arrangements would have an adverse impact on the living conditions of adjoining occupiers at 129 and 131 Louis Drive West and 5 and 7 Little Wheatley Chase because of the increased range of hours within which movement of vehicles would take place on the site and the increased impact which those movements would have on the properties concerned. Overall, the Inspector concluded that the appeal development would not have an adverse impact on highway safety and the free flow of traffic, but that it would have some adverse impact on the living conditions of adjoining occupiers.

The appeal development would conflict with Policy BE1 and Policies HP6 and HP11 and was dismissed.

Appeal Ref	APP/B1550/A/07/204288:
Re Application No	06/00788/FUL
Appellant	Mr F Vasile
Location	43 Shoebury Road, Great Wakering, Southend-on-Sea, Essex SS3 0BW
Decision	Allowed subject to conditions (16.08.07)

The Inspector allowed the appeal proposed demolition of dilapidated outbuildings and erection of new greenhouse and 1.95 metre mesh fencing. The Inspector took into consideration the Essex and Southend-on-Sea Replacement Structure Plan (policy C2), the Rochford District Replacement Local Plan (policy R8) and Planning Policy Guidance Note 2 and Planning Policy Statement 7.

The greenhouse is required for agricultural purposes in association with the established horticultural business operating from the appeal site.

Photographs of the barns that have been replaced show them to have been particularly dilapidated. In the Inspector's view they most likely detracted significantly from the appearance of the countryside as well as being an unattractive feature on the edge of the village. The new greenhouse is a building with clean modern lines and of a type and nature to be expected in a countryside location, and one which has the added advantage of screening the remaining barns from the highway. The Inspector felt the greenhouse relates well to other buildings on the site and continues the concentration of the built elements of the holding to this single location on the edge of the settlement.

The Inspector did not regard the greenhouse to be more visually prominent in relation to what went before that it would have a detrimental effect upon the openness of the landscape in this part of the Green Belt or materially affect the character of the countryside. The Inspector concluded this to be an acceptable scheme and one that accords with national and local planning policy and allowed the appeal in accordance with the terms of the application Ref 06/00788/FUL and the plans submitted with it, subject to the following conditions:

1. The greenhouse hereby permitted shall only be used for the cultivation of produce as stated on Page 2 of the Design and Access Statement date stamped 23 October 2006 and for no other purpose, including any use otherwise permitted within Class B1, B8 or A1 of the Schedule to the Town and Country Planning (Use Classes) (Amendment) Order 2005 (including any Order revoking or re-enacting that Order, with or without modification).
2. Prior to the erection of the 1.95 metre mesh fencing, precise details of the fencing shall be first submitted to and approved in writing by the Local Planning Authority and the fencing shall be constructed in accordance with the approved details.
3. Within two months of the date of this decision details of the access from the site to Shoebury Road shall be submitted to the Local Planning Authority for their approval. The access shall be constructed in accordance with the approved details within two months of those details being approved by the Local Planning Authority and thereafter retained as approved.