

APPEAL BULLETIN FOR FEBRUARY 2007



Appeal Ref APP/B1550/A/06/2023313
Application No 06/00309/FUL
Appellant Mrs A Ketch
Location 147A Southend Road, Rochford, Essex SS4 1JB
Decision Dismissed (06.02.07)

The Inspector dismissed the appeal proposal for a dropped kerb for a driveway. The Inspector took into consideration Places, Streets & Movement A companion guide to Design Bulletin 32: Residential roads and footpath and the Essex and Southend-on-Sea Replacement Structure Plan (policy T3)

The proposal would create an access onto Southend Road. The Highway Authority is concerned to ensure that the number of access points to the highway is kept to a minimum, in the vicinity of the site, Southend Road is characterised by driveways to individual dwellings.

There would be insufficient space within the site for a vehicle to turn around, the access would give rise to reversing movements within the highway which could not be controlled by a planning condition. The danger associated with the reversing movements would be exacerbated by the limited visibility to the south which arises from the bend in Southend Road.

The Inspector concluded the proposal would have a materially harmful effect on highway safety along Southend Road and conflicts with Government advice and policy T3 and dismissed the appeal.

APPEAL BULLETIN FOR FEBRUARY 2007



Appeal Ref APP/B1550/A/06/2029069
Application No 06/00527/FUL
Appellant Mr & Mrs P Edwards
Location The Crouch, Kingsmans Farm Road, Hullbridge, Hockley, Essex
 SS5 6QB
Decision Dismissed (15.02.07)

The Inspector dismissed the appeal for the development proposed to subdivide plot and construct one detached two-storey four bedroomed house with rooms in the roof and integral garage. The Inspector took into consideration the Essex and Southend-on-Sea Replacement Structure Plan (policy C2, H5, RE3, T3), the Rochford District Replacement Local Plan (policy R1, R2), Planning Policy Guidance Note 2.

The appeal site forms the southern section of the garden area of "The Crouch", an existing detached dwelling. Within the appeal site is the access from Kingsmans Farm Road to "The Crouch". This access also serves "Browhead" and "Riverside", two further detached houses which lie on separate plots to the east of "The Crouch". The garden area of "The Crouch" is effectively cut into two parts by the access road serving "The Crouch", "Browhead" and "Riverside". The traffic movements over the shared access drive has significantly reduced the value of the appeal site as an amenity area for "The Crouch", and the Appellants have in fact had a gated boundary wall erected, separating "The Crouch" and the northern section of its garden area from the access road and the appeal site. At present, the access to the existing three houses runs across the appeal site, but the appeal development would provide an alternative access for the existing dwellings to the western side of the appeal site, with the existing access then serving the appeal development.

The appeal site is within the Green Belt and would be affected by Policies H5 and RE3. The Inspector felt that the appeal development would constitute inappropriate development in the Green Belt by reducing openness, by increasing the urbanisation of the Green Belt on a piecemeal basis, and by setting a precedent for the subdivision of the existing plots on Kingsmans Farm Road, which could put the Green Belt under added threat.

The Council are concerned that the appeal development would be located more than a kilometre from schools and community facilities. They consider that this would encourage car use. At the same time, walking or cycling from the appeal site would involve a significant distance where forward visibility was limited and there was no provision to escape oncoming vehicular traffic. In effect, that part of the road is governed only by the national 60mph speed limit. The Inspected stated, having visited the site and assessed the position, he considered that the potential conflict between vehicles and pedestrians or cyclists is so obvious that drivers use the road with due care and would not have an adverse effect on highway safety on Kingsmans Farm Road.

The Inspector concluded that the appeal development would not have an adverse effect on highway safety on Kingsmans Farm Road, in the Inspectors view this does not weigh against the harm which the inappropriate development proposed would do to the Green Belt. None of the factors put forward by the Appellants constitute very special circumstances sufficient clearly to outweigh the presumption against inappropriate development in the Green Belt and dismissed the appeal.

APPEAL BULLETIN FOR FEBRUARY 2007



Appeal Ref APP/B1550/A/06/20264174
Application No 06/00657/FUL
Appellant Mr & Mrs C Bell
Location 17 Bristol Close, Rayleigh, Essex SS6 9RZ
Decision Dismissed (20.02.07)

The Inspector dismissed the appeal for the proposed development of a first floor extension over garage. The Inspector took into consideration the Rochford District Replacement Local Plan (policy H6).

Bristol Close is a cul de sac within a large recently built residential estate. It includes a mixture of detached and semi detached properties with a variety of house types built in a coherent style. The appeal property is a semi-detached house, which is also linked by a pair of single storey garages to its other adjacent property at 18 Bristol Close.

The appeal proposal would extend the first floor of the appeal property over the attached garage to the boundary with the adjoining house at number 18 Bristol Close. It would provide a gable ended roof with a ridge height of 7.5 metres, and would close off half the gap currently existing between the two properties at first floor level.

The Inspector considered that this would reduce the sense of openness currently apparent in the street scene, contrary to the aims of Policy H6 and the supporting Supplementary Planning Guidance and dismissed the appeal.

APPEAL BULLETIN FOR FEBRUARY 2007



Appeal Ref APP/B1550/A/06/2028957
Application No 06/00086/FUL
Appellant Enterprise Inns PLC
Location Cherry Tree Public House, Stamford Road, Rochford, SS4 2AF
Decision Dismissed (20.02.07)

The Inspector dismissed the appeal for the proposed development for the conversion of an outbuilding and single storey side extension to form 5 letting bedrooms and maid's store, and associated external works to provide disabled access and parking. The Inspector took into consideration the Rochford District Replacement Local Plan (policy R1, R9 and LT18), and the Essex and Southend-on-Sea Replacement Structure Plan (policy C2 and RE2).

The appeal concerns works to the southern part of the single storey outbuilding, which stands to the rear of this site in the open countryside. The northern part of the outbuilding is in separate ownership, with access to it gained from the adjoining site of "Winters".

The Council has accepted the principle of conversion of the outbuilding to provide letting bedrooms, and it granted planning permission and listed building consent for a conversion to four such bedrooms in July 2006, taking into consideration policy L18 to encourage rural tourism.

The Inspector considered the proposed extension to be a substantial, rather than minor, extension and its design, whilst not being actively displeasing, does not positively enhance the appearance of the existing structure. The proposed extension would undoubtedly have a small but discernable effect on the indisputable openness of the Green Belt.

The Inspector concluded that the proposed development does amount to inappropriate development in the Metropolitan Green Belt, and that there are no very special circumstances sufficient to overcome the presumption against such development and dismissed the appeal.