

Appeal Ref	APP/B1550/H/07/1201960
Application No	07/00565/ADV
Appellant	Primelight Advertising Ltd
Location	111 Ashingdon Road, Rochford
Decision	Dismissed (11.10.07)

The Inspector dismissed the appeal proposed for an internally illuminated six-sheet display unit measuring 1.3m x 2.5m. The Inspector took into consideration policies within the Rochford District Replacement Local Plan.

The appeal premises are in use as a petrol filling station and are situated on the west side of Ashingdon Road. They are located in an area of mixed uses, which includes housing to the south and along the opposite side of the road. The display unit would be sited on the southern boundary. It would have a house to the rear and in the Inspector's view it would look out of place against such a background. The unit would occupy an exposed position well away from the main commercial activity of the forecourt and close to the back edge of the pavement. This would make it readily visible on approach as well as from some of the houses opposite and the Inspector felt it would stand out as an unduly intrusive feature in the street scene, particularly at night when illuminated.

The Inspector concluded that the display unit would be detrimental to the interests of amenity and dismissed the appeal.

Appeal Ref APP/B1550/A/07/2042040
Application No 07/00121/FUL
Appellant Mr P Wislocki
Location 89 Downhall Road, Rayleigh, Essex SS6 9JX
Decision Allowed subject to conditions (12.10.07)

The Inspector allowed the appeal proposed residential development replacing the existing dwelling house to comprise 7 flats and 1 detached house. The Inspector took into consideration the Rochford District Replacement Local Plan (Policy HP3, HP6 and HP11), Planning Policy Statement 1: Delivering Sustainable Development (PPS1) and Planning Policy Statement 3: Housing (PPS3).

The site is within a predominantly residential area, where there is no objection in principle to residential development. The proposal would increase the overall development footprint on the site, but would use the land efficiently and effectively.

The flats building would provide living accommodation at ground-floor and first-floor levels as well as at a mezzanine level set within the roof. The roof of the building has 2 gables. Their height would be comparable to the height of the existing house and to the scale and pitches of the roofs and the adjoining houses in the cul-de-sac Lakeside.

The Inspector felt although the proposal would change the outlook from the existing houses in Lakeside, given the distances which would separate them from the detached house and the block of flats, the development would not give rise to any significant loss of privacy or have an overbearing effect on the living conditions of the occupiers.

The block of flats would project further behind No. 89a than the existing house. However, it would be a greater distance from the common boundary than the existing dwelling and, due to its stepped form, would not result in a material loss of light or outlook to the rear of No. 89a.

The Inspector took into consideration local objectors concerns about traffic, but felt the increased traffic likely to be generated by 8 additional dwellings would not have a significant impact on residential amenity, and there is no objection from the Highway Authority.

The Inspector concluded, the proposal would achieve high quality housing which would not have a materially harmful effect on the character and appearance of the area. As such, it would not conflict with PPS1 or PPS3 and allowed the appeal subject to the following conditions:

- 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
- 2) No development shall take place until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

- 3) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include the retention of the pond in its present form, proposed finished levels or contours; means of enclosure; vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting etc); proposed and existing functional services above and below ground (eg. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.).
- 4) All trees shown to be retained in the approved details, and all trees subject to Tree Preservation Order TPO 13/06, shall be protected by fencing at the full extent of the crown spread in accordance with BS 5837 'Trees in Relation To Construction,' dated 2005. The fencing shall be erected before any machinery, equipment or materials are brought onto the site for the purposes of the development and shall be retained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be placed within any fenced area, and the ground levels within those areas shall not be altered, nor any excavation made, without the prior written consent of the local planning authority.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
- 6) No development shall take place until details of the finished ground levels of the buildings have been submitted to and agreed in writing by the local planning authority.
- 7) No demolition, clearance, pruning or removal of vegetation or the operation of outdoor machinery shall take place between 1 March and 31 August.
- 8) No development shall take place except in accordance with a programme of work to be submitted to and approved in writing by the local planning authority. The programme shall include the sequence of groundwork operations, security of the site, the method of excavation and investigation for earthworks including the storage and/or reuse of excavated materials, piling, foundations and the siting of services.
- 9) No development shall take place until details of the location and design of a means of enclosure of the pond have been submitted to and approved in writing by the local planning authority. The agreed means of enclosure shall be retained for the duration of the construction of the development.
- 10) No dwelling shall be occupied until spaces have been laid out within the site in accordance with drawing No PO1A for cars to be parked. Such spaces shall be kept available for car parking at all times.

- 11) The access to Downhall Road shall be closed to vehicular traffic prior to the commencement of any works on site in accordance with details to be submitted to and approved in writing by the local planning authority. The means of vehicular access to the site shall be from Lakeside, and shall be constructed in accordance with details, including visibility splays, to be submitted to and approved in writing by the local planning authority before development begins, and retained as such thereafter.
- 12) Development shall not begin until details of surface water and foul water drainage works have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the works have been carried out in accordance with the agreed details.
- 13) A compound for contractors, including off-street parking, wheel washing and materials storage facilities shall be established within the site in accordance with details to be submitted to and approved in writing by the local planning authority. Such facilities shall be established prior to the commencement of demolition and construction and shall be kept in operation at all times during demolition and construction works.

APPEAL BULLETIN FOR OCTOBER 2007



Appeal Ref	APP/B1550/A/07/2044867
Application No	07/00143/FUL
Appellant	Mr & Mrs A Lane
Location	27 Village Green, Canewdon, Essex SS4 3QF
Decision	Dismissed (15.10.07)

The Inspector dismissed the appeal development proposed of a single-storey extension at the rear with a balcony. The Inspector took into consideration the Rochford District Replacement Local Plan (policy HP6) and Planning Policy Statement 1 – Delivering Sustainable Development (PPS1).

The appeal premises are within a row of detached houses which are set back from Village Green in a staggered layout. The Council raised no objection to the principle of the extension, but submits that the balcony would permit overlooking of the neighbouring rear garden at No 29 Village Green. The side screen, which would be some 1.8m high, would restrict direct views from the side of the balcony into the part of the garden of No 29 closes to the house, and the appellants submit that, when seated, people would not see over the garden. There is, however, no control over how the balcony would be used, and there would be uninterrupted views over much of the garden from the front of the balcony.

The Inspector concluded the proposal would have a materially harmful effect on the living conditions of the occupiers of No 29, in relation to privacy. It would, therefore, conflict with PPS1 which states that good design should contribute positively to making places better for people. Design which is inappropriate in its context should not be accepted; therefore, the appeal was dismissed.

Appeal Ref APP/B1550/A/07/2043609
Application No 06/00996/FUL
Appellant Mr & Mrs Harding
Location 42 Southend Road, Hockley, Essex SS5 4QH
Decision Dismissed (17.10.07)

The Inspector dismissed the appeal development proposed first floor (part) extension. The Inspector took into consideration the Rochford District Replacement Local Plan (policy HP6) and Supplementary Planning Document 2: Housing Design.

Southend Road comprises a variety of dwelling types and styles. No 42 is set forward of No 40, a hipped roofed bungalow, and at No's 40b and a, which are a pair of linked 2 storey dwellings. No 42 is a substantial detached dwelling which, due to its siting within the plot, is prominent in views from both the east and the west.

The existing single storey extension, due to its height, is not a dominant feature in the street scene. Approaching from the west, the depth and height of the proposal would be readily apparent over the roof and flank boundary of No 40. The Inspector felt the relationship with No 40 would not result in an overbearing effect on the occupiers of this property. The bulk and massing of the proposal, resulting in an almost full width two storey dwelling, would be prominent within the street scene. In the Inspectors view the resultant dwelling would be a dominant feature and of a scale and form which would harm the character and appearance of the area. This would be contrary to Policy HP6 which requires a high standard of layout and design.

As part of this appeal, the appellant completed a Bat Survey Declaration. The Council provided no evidence of the likelihood of a protected species being present on the appeal site. Therefore the Inspector considered the proposal would be unlikely to harm protected species or their habitat, but concluded the harm that the development would cause to the character of the area is sufficient to justify dismissal of the appeal.