

Appeal Ref APP/B1550/A/07/2054063
Application No 07/00051/FUL
Appellant Mr & Mrs Lee
Location Goodwood, Woodside Road, Hockley, Essex SS5 4RU
Decision Dismissed (31.12.07)

The Inspector dismissed the appeal development proposed for a replacement dwelling utilizing the loft space as habitable rooms. The Inspector took into consideration the Rochford District Replacement Local Plan (Policy R6) and Planning Policy Guidance No. 2 – Green Belts (Paragraph 3.6)

The appeal site is in the Metropolitan Green Belt to the south of the main residential area of Hockley and is reached by an unmade road. It consists of a small dwelling on a substantial plot that includes a number of trees protected by a Tree Preservation Order.

Planning permission for a replacement dwelling, as yet unimplemented, was granted in July 2006. The current proposal is for a larger replacement dwelling. Policy R6 makes it clear that the total size of a new replacement dwelling should be no greater than 35 square metres in floor area above the habitable floor space of the original dwelling. The permitted dwelling, referred to above, is bungalow, which is within the limits prescribed by the policy. However, the current appeal proposal is for a chalet bungalow with rooms in the roofspace. It would cover the same footprint as the permitted bungalow but would have substantially more floorspace.

The Council advises that in the context of policy R6 the existing dwelling could be replaced to provide 101.517 sq metres of habitable floor space and, as indicated, the permitted dwelling falls within this limit. However, the appeal proposal would include an additional 66 sq metres at first floor level taking the provision of habitable floorspace substantially above the limits set by the policy. To allow the proposal which includes replacement habitable floorspace substantially above the limits set by the policy could make it difficult for the Council to resist other similar proposals that could undermine the aim of the policy to protect the integrity and openness of the Green Belt.

The Inspector concluded the proposal would not accord with the development plan and there are no material considerations which would indicate otherwise. He took into account all other matters raised, including the views of neighbours and dismissed the appeal.